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WHO: The Office of the Federal Register.

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WASHINGTON, DC

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WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: 202–523–5240.

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KANSAS CITY, MO

WHEN: June 19, at 9:00 a.m.
WHERE: Federal Building, 601 East 12th Street, Room 110, Kansas City, MO.
RESERVATIONS: 1–800–735–8004

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 993

[AMS-FV-90-115FR]

Dried Prunes Produced in California; Changes in Producer District Boundaries

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service is adopting as a final rule, without modification, the provisions of an interim final rule which revised the administrative rules and regulations established under the Federal marketing order for dried prunes produced in California. The interim final rule changed the boundaries of the districts established for independent producer representation on the Prune Marketing Committee (PMC). The marketing order requires that these districts be divided as equally as practicable in terms of the number of independent producers and their collective dried prune production. Some producer and production shifts had occurred within the California production area which required changes in the district boundaries to bring them in line with order requirements. This action was recommended by the PMC, which is responsible for local administration of the order, and other available information.

EFFECTIVE DATE: May 10, 1990.

FOR FURTHER INFORMATION CONTACT: Allen Belden, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20050-6456; telephone: (202) 475-3923.

SUPPLEMENTARY INFORMATION: This final rule is issued under marketing agreement and Order No. 993 (7CFR Part 993), both as amended, hereinafter referred to as the "order," regulating the handling of dried prunes produced in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

This rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

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

There are approximately 15 handlers of dried prunes who are subject to regulation under the dried prune marketing order and approximately 1,200 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers and producers of California dried prunes may be classified as small entities.

This final rule adopts an interim final rule which revised the boundaries of the seven districts established for independent producer representation on the PMC to ensure that, as far as practicable, each district represents an equal number of producers and an equal volume of prunes grown by such producers. It is the view of AMS that the change will not impose any additional regulatory, informational, or cost requirements on handlers or producers.

The interim final rule adopted by this action without modification revised § 993.128 of Subpart—Administrative Rules and Regulations and was based on a unanimous recommendation of the PMC and other available information.

Section 993.24 of the order provides that the PMC shall consist of 22 members, of which 14 shall represent producers, seven shall represent handlers, and one shall represent the public. The 14 producer member positions are apportioned between cooperative producers and independent producers in the same proportion, as nearly as practicable, as the percentage of the total prune tonnage handled by the respective cooperative or independent handler group during the year preceding the year in which nominations are made is to the total handled by all handlers. In recent years, the cooperative producers and the independent producers have each been eligible to nominate seven members.

Section 993.28 of the order provides that, for independent producers, the PMC shall, with the approval of the Secretary of Agriculture, divide the production area into districts, giving, insofar as practicable, equal representation throughout the production area by numbers of independent producers and production of prune tonnage by such producers. When revisions are required, the PMC must make its recommendations to the Secretary of Agriculture to change the district boundaries prior to January 31 of any year in which nominations are to be made. Nominations are made in all even-numbered years, including 1990.

The PMC made a recommendation to change the independent producer district boundaries at its November 30, 1989, meeting. The recommendation was made because, since the last redistricting in 1982, the number of producers and volume of production in most districts had changed, causing imbalances among some of the districts. Thus, redistricting was needed to bring current districts in line with order requirements.

The interim final rule removed Colusa County from District No. 7 and added it to District No. 2. Lake, Mendocino, Napa, and Sonoma counties were removed from District No. 3 and added to District No. 4. Sutter County, which had been divided between Districts No. 1 and No. 2, was divided among Districts No. 1, No. 2, and No. 3. The boundaries of Districts No. 5 and No. 6

remained the same. The counties of Humboldt, Trinity, Del Norte, and Siskiyou, which had been named in District No. 3, were not named in the redistricting because they were no longer significant prune-producing counties. Unspecified counties continued to be included in District No. 4.

In arriving at its recommendation, the PMC calculated the percentage of total independent prune growers for each proposed district and the percentage of total independent prune tonnage for each proposed district. These two percentages were averaged for each district to determine a representation factor for each district. The optimal representation factor for each of the seven districts was determined to be 14.29 percent (100 percent ÷ seven).

The representation factors for each of the seven new districts are shown below based on the 1988–89 crop year. The representation factors for the old districts based on the 1988–89 crop year are shown as a basis for comparison.

[In percent]

	Representation factor	
	Old districts	New districts
District:		
1	17.38	13.10
2	17.38	13.10
3	6.89	13.10
4	12.85	16.91
5	12.03	12.03
6	16.59	16.59
7	16.90	15.19

The recommended method for redistricting was deemed to be desirable as it allowed each district to approximate the optimal representation factor, while maintaining a continuous geographic boundary for each district. In addition, several of the districts whose representation factors are below the optimum are expected to experience production increases in the next few years which are likely to be above the industry average.

The interim final rule which changed the boundaries of the districts established for independent producer representation on the PMC was published in the **Federal Register** on February 16, 1990 [55 FR 5571]. That rule provided that interested persons could file written comments through March 19, 1990. No comments were received.

Based on the above, the Administrator of the MAS has determined that the issuance of this final rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all available information, it is found that the issuance of a final rule to change the boundaries of the districts established for independent producer representation on the PMC, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action does not impose additional regulatory requirements on handlers or producers and, therefore, neither handlers nor producers need additional time to comply; (2) the industry is aware of this action, which was recommended by the PMC at an open meeting; and (3) this final rule is an adoption, without modification, of an interim final rule which became effective February 16, 1990.

List of Subjects in 7 CFR Part 993

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 993 is amended as follows:

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

1. The authority citation for 7 CFR part 993 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–74.

Subpart—Administrative Rules and Regulations

2. Accordingly, the interim final rule amending 7 CFR part 993 which was published at 55 FR 5570–5571 on February 16, 1990, is adopted as a final rule without change.

Note: This action will be published in the annual Code of Federal Regulations.

Dated: May 7, 1990.

William J. Doyle,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–10928 Filed 5–9–90; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Adminstration

21 CFR Part 74

[Docket No. 89C–0304]

Listing of Color Additives for Coloring Sutures: [Phthalocyaninato(2-)] Copper

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to provide for the safe use of [phthalocyaninato(2-)] copper to color nonabsorbable monofilament sutures composed of polybutylene terephthalate for general and ophthalmic surgery. This action responds to a petition filed by Davis & Geck.

DATES: Effective May 11, 1990. Except as to any provisions that may be stayed by the filing of proper objections: written objections by June 11, 1990.

ADDRESSES: Written objections may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Sandra L. Varner, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION:

I. Introduction

In a notice published in the **Federal Register** of August 10, 1989 (54 FR 32850, FDA announced that a color additive petition (CAP 8C0213) had been filed by Davis & Geck, One Casper St., Danbury, CT 06810, proposing that 21 CFR 74.3045 be amended to provide for the safety use of [phthalocyaninato(2-)] copper to color nonabsorbable monofilament sutures composed of polybutylene terephthalate for general and ophthalmic surgery. The petition was filed under section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

II. Applicability of the Act

With the passage of the Medical Device Admendments of 1976 (Pub. L. 94–295), Congress mandated the listing of color additives for use in medical devices when the color additive comes into contact with the body for a

significant period of time (21 U.S.C. 376(a)). [Phthalocyaninato(2-)] copper is added to nonabsorbable monofilament sutures composed of polybutylene terephthalate in such a way that at least some of the additive will come into contact with the body when the sutures are in place. In addition, the sutures are intended to remain in the body at least until healing is complete. Thus, the color additive will be in direct contact with the body for a significant period of time. Consequently, the use of the color additive currently before the agency is subject to the statutory listing requirement.

III. Safety Evaluation

FDA concludes from the data submitted in the petition and from other relevant information that the upper limit of exposure to [phthalocyaninato(2-)] copper from its use in coloring nonabsorable monofilament sutures composed of polybutylene terephthalate is 0.33 microgram per person per day. The agency-calculated upper limit was based on the following two factors. First, the color additive will be used at levels not to exceed 0.5 percent by weight of the polybutylene terephthalate suture. Second, the agency made four worst-case assumptions that: (1) Five meters is the maximum total length of suture likely to be used in a single surgical operation, and that 10 meters of suture would be needed to accommodate multiple operations over a person's lifetime, (2) a lifespan of 50 years follows initial suture implantation, (3) a size 2/0 suture is used, and (4) 100 percent of the color additive migrates from the suture into the body (Ref. 1). Because these are highly conservative assumptions, exposure to [phthalocyaninato(2-)] copper from its use for coloring nonabsorbable monofilament sutures composed of polybutylene terephthalate is likely to be far less than 0.33 microgram per person per day.

To establish that the color additive [phthalocyaninato(2-)] copper is safe for use in coloring polybutylene terephthalate sutures, the petitioner conducted a 120-day implantation toxicity study to compare the breaking strength and tissue reaction of the firm's suture to a polybutester suture containing this same color additive that is listed under § 74.3045. In addition, the petitioner has relied upon the fact that: (1) The agency has adequate toxicity studies in its files on this color additive, and (2) the firm's suture material is chemically similar to the polybutester suture material that is currently regulated under § 74.3045 for which the agency has comparable safety data in its files.

The agency has evaluated the comparative 120-day implantation study in rats that was submitted by the petitioner and finds that there was no gross tissue reaction to the petitioner's polybutylene terephthalate suture colored with [phthalocyaninato(2-)] copper. The study also demonstrated that the petitioner's suture had slightly greater strength up to 120 days after implantation in rats when compared to the polybutester suture. In addition, the agency finds that there will be no significant increase in exposure to [phthalocyaninato(2-)] copper from its use in polybutylene terephthalate sutures, because this suture material is expected to compete with other authorized suture materials containing [phthalocyaninato(2-)] copper. The agency also finds that there is sufficient toxicological information in its files on [phthalocyaninato(2-)] copper to permit the new use of this color additive in polybutylene terephthalate sutures. The studies previously submitted to support the safety of this color additive include 6-month implantation toxicity studies in rats and dogs; studies on the effect of implantation on reproduction and teratogenesis in rats and rabbits; sensitization studies, including skin irritation studies on suture extracts in rabbits; and cytotoxicity studies, including in vitro agar overlay tests with mouse fibroblast cells. The agency also finds that the polybutylene terephthalate suture is sufficiently similar, physically and chemically, to the currently regulated polybutester suture and therefore, that the localized effects from the migration of the color additive to surrounding tissue will be similar for these two suture materials.

Therefore, based upon the petitioner's submitted implantation study demonstrating the lack of tissue reaction to the use of the color additive in polybutylene terephthalate nonabsorbable sutures, the available toxicity data of the polybutester suture containing this color additive, and the estimated exposure calculation, FDA finds that the color additive [phthalocyaninato(2-)] copper is safe for use in polybutylene terephthalate nonabsorbable monofilament sutures for general and ophthalmic surgey at a level not to exceed 0.5 percent by weight of the suture material.

IV. Specifications and Certification

[Phthalocyaninato(2-)] copper is currently regulated as a color additive, subject to certification, for use in coloring contact lenses and for use in coloring certain sutures for general and ophthalmic surgery at levels not to exceed 0.5 percent by weight of the suture. The agency concludes that the specifications currently established for [phthalocyaninato(2-)] copper for these uses under § 74.3045 are adequate to ensure the safe use of this color additive in medical devices.

V. Conclusions

Based on data contained in the petition and other relevant material, FDA concludes that there is a reasonable certainty that no harm will result from the petitioned use of [phthalocyaninato(2-)] copper for coloring polybutylene terephthalate nonabsorbable monofilament sutures for general and ophthalmic surgery when used at a maximum level of 0.5 percent by weight of the suture. The agency also concludes that the color additive will perform its intended coloring effect in the nonabsorbable monofilament suture material, polybutylene terphthalate, and thus, is suitable for this use. The agency, therefore, is amending the color additive regulations by revising the introductory text in 21 CFR 74.3045(c)(1) to provide for use of the color additive at a maximum level of 0.5 percent in polybutylene terephthalate sutures.

VI. Inspection of Documents

In accordance with 21 CFR 71.15, the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 71.15, the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

VII. Environmental Impact

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

VIII. Objections

Any person who will be adversely affected by this regulation may at any time on or before June 11, 1990, file with the Dockets Management Branch

(address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. FDA will publish a notice of the objections that the agency has received, or lack thereof in the Federal Register.

IX. Reference

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

1. Memorandum dated August 19, 1988, from the Food and Color Additives Review Section to the Indirect Additives Branch, "CAP 8CO213—Davis & Geck. Phthalocyaninato (2-) copper to color nonabsorbable sutures. Submission dated December 21, 1987."

List of Subjects in 21 CFR Part 74

Color additives, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 74 is amended as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR part 74 continues to read as follows:

Authority: Secs. 201, 401, 402, 403, 409, 501, 502, 505, 601, 602, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 376).

2. Section 74.3045 is amended by revising the introductory text of paragraph (c)(1) to read as follows:

§ 74.3045 [Phthalocyaninato(2-)] copper.

* * * * *

(c) * * * (1) The color additive [phthalocyaninato(2-)] copper may be safely used to color polypropylene sutures, polybutester (the generic designation for the suture fabricated from 1,4-benzenedicarboxylic acid, polymer with 1,4-butanediol and *alpha*-hydro-*omega*-hydroxypoly(oxy-1,4-butanediyl), CAS Reg. No. 37282-12-5) nonabsorbable sutures for use in general and ophthalmic surgery, polybutylene terephthalate nonabsorbable monofilament sutures for general and ophthalmic surgery, and polymethylmethacrylate monofilament used as supporting haptics for intraocular lenses, subject to the following restrictions:

* * * * *

Dated: May 3, 1990.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 90-10911 Filed 5-9-90; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 143

RIN: 1076-AC29

Charges for Goods and Services Provided to Non-Federal Users

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Interim rule.

SUMMARY: The Independent Office Appropriations Act (31 U.S.C. 9701) requires that Federal agencies charge for those goods/services provided to members of the public (called "non-Federal users" in these regulations) above and beyond the goods/services provided to the public at large. The statute also requires that regulations be promulgated in order for the Bureau of Indian Affairs (BIA) to charge for goods/services provided to non-Federal users. The intent of these regulations is to enable the BIA to continue to provide goods/services and to bill and collect for such goods/services.

EFFECTIVE DATE: May 10, 1990.

FOR FURTHER INFORMATION CONTACT: Joe Christie, Bureau of Indian Affairs, 18th & C Street NW., MS-4513-MIB, Washington, DC 20240, FTS 343-5831 or (202) 343-5831 or, Joseph Gourneau, Billings Area Office, Bureau of Indian Affairs, 316 North 26th Street, Billings, MT 59101, FTS 585-6315 or (406) 657-6315.

SUPPLEMENTARY INFORMATION: The authority for these regulations is 31 U.S.C. 9701 and 25 U.S.C. 2, 13, 413. This interim rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Goods/services have been provided to non-Federal users and payments for these goods/services have been collected for many years. These regulations are being promulgated to permit the BIA to continue to charge for the goods/services. Not collecting fees for the goods/services may cause the provision of the goods/services to be discontinued.

A proposal to adopt this interim rule as a final rule appears elsewhere in the Proposed Rules portion of this issue of the Federal Register. Comments may be submitted in accordance with that proposal.

Executive Order 12291 and the Regulatory Flexibility Act

This rulemaking affects only a limited amount of locations (less than 90), where the BIA is delivering goods/services to non-Federal users, and no other groups will be affected. As the BIA billed and collected for these goods/services prior to the promulgation of the rule, the rule will not cause any increased economic effect. Further, this rule will not adversely affect or impact tribal organizations or other forms of small entities as the rule will not result in increases or decreases in charges to non-Federal users.

Accordingly, the Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3401 *et seq.* See 5 CFR 1320.7(j).

Environmental Effects

The Department of the Interior has determined that this rule is categorically excluded from the National Environmental Policy Act (NEPA) process because it is of an administrative, routine financial, legal, technical and procedural nature, and therefore neither an environmental

assessment nor an environmental impact statement is required. 40 CFR 1508.4; 516 DM 2.3A.

Administrative Procedure Act Compliance

The Bureau of Indian Affairs provides goods/services to non-Federal users if the Bureau determines that the goods/services are not available from other local sources or that it is in the best interest of the Indian tribes or individual Indians. The absence of a program to provide these goods/services could result in threatening the lives and safety of the recipients of the goods/services. Title 31 U.S.C. 9701 requires that Federal agencies charge for those goods/services provided to members of the public above and beyond those goods/services provided to the public at large. This statute requires that the charges be assessed pursuant to appropriate regulations. Failure to have such regulations in place will seriously jeopardize the Department's legal authority to continue to provide these goods/services.

Accordingly the Department finds that good cause exists for publishing this interim rule without notice and public comment before it goes into effect, as to do so is impractical and contrary to the public interest. Nevertheless, as stated above, the Department is proposing to adopt this Interim Rule as a final rule and comments may be submitted on that proposal. The Department also finds that good cause exists for making the interim rule effective upon the date of publication rather than 30 days after publication because of the serious questions as to the Department's authority to provide the goods/services without the regulations being in effect.

Compliance With Executive Order 12630

The Department has determined that the promulgation of this rule to authorize the BIA to charge non-Federal users for goods/services delivered to them by the BIA will "not affect the use or value of private property" as contemplated by Executive Order 12630, 3 CFR 554 (1988 Comp.). Therefore, no Takings Implication Analysis is necessary, and none has been prepared.

Drafting Information

The primary author of this document is Joseph Gourneau, Assistant Area Director, Division of Support Services, Billings Area Office.

List of Subjects in 25 CFR Part 143

Government contracts, Indians, Tax exempt status.

For the reasons set out in the preamble, part 143 of title 25 chapter I of the Code of Federal Regulations is added to read as follows:

PART 143—CHARGES FOR GOODS AND SERVICES PROVIDED TO NON-FEDERAL USERS

Sec.
143.1 Definitions.
143.2 Purpose.
143.3 Procedures.
143.4 Charges.
143.5 Payment.

Authority: 31 U.S.C. 9701; 25 U.S.C. 2, 13, 413.

§ 143.1 Definitions.

As used in this part:

(a) *Assistant Secretary* means the Assistant Secretary—Indian Affairs, Department of the Interior, or other employee to whom authority has been delegated.

(b) *Reservation* means any bounded geographical area established or created by treaty, statute, executive order, or interpreted by court decision and over which a federally recognized Indian Tribal entity may exercise certain jurisdiction.

(c) *Flat fee* is the amount prorated to each user based on the total costs incurred by the Government for the goods/services being provided.

(d) *Non-Federal users* are persons not employed by the Federal Government who receive goods/services provided by the BIA.

(e) *Goods/Services* for the purpose of these regulations are those provided or performed at the request of an indentifiable recipient and are above and beyond those which accrue to the public at large.

§ 143.2 Purpose.

(a) The purpose of the regulations in this part is to establish procedures for the assessment, billing, and collection of charges for goods/services provided to non-Federal users.

(b) The Assistant Secretary may sell or contract to sell to non-Federal users within, or in the immediate vicinity of an Indian Reservation (or former Reservation), any of the following goods/services if it is determined that the goods/services are not available from another local source or providing that goods/services is in the best interest of the Indian tribes or individual Indians. The goods/services include, but are not limited to:

(1) Electric power;
(2) Water;
(3) Sewage operations;
(4) Landfill operations;
(5) Steam;
(6) Compressed air;
(7) Telecommunications;
(8) Natural, manufactured, or mixed gas;
(9) Fuel oil;
(10) Landscaping; and
(11) Garbage collections.

§ 143.3 Procedures.

(a) All non-Federal users who receive the above listed goods/services must sign a standard agreement adopted by the Assistant Secretary for the goods/services. This agreement shall contain the following statement:

"Application for (specify good(s)/service(s)) is hereby requested at the noted address. In exchange for receiving the requested good(s)/service(s), the applicant agrees to accept and abide by all applicable rules, regulations, and rate schedules, including any future amendments, additions, or changes thereto. If the applicant should fail to comply with any of the rules, regulations, or rate schedules, the cost incurred by the United States Government for enforcement of same shall be charged to the applicant.

(b) Lack of a signed agreement does not invalidate payment requirements. Any user will be responsible for payment of actual goods/services received or delivered.

§ 143.4 Charges.

(a) Charges shall be established by the Assistant Secretary and shall be based upon the total costs (including both direct and indirect) of goods/services to the Government at that locale. A schedule of charges will be made available to the public upon request.

(b) All documentation used in establishing charges must be maintained at the appropriate Bureau of Indian Affairs agency or Area Office and shall be made available for review by the public upon request.

(c) Established charges may be reviewed, amended, and adjusted monthly, but not less than annually.

(d) A flat fee may be charged where it is impractical to measure actual usage by recipients.

(e) Security deposits are authorized under this regulation at the discretion of the Assistant Secretary. The deposit may not exceed the amount of one billing cycle. All deposits will be applied to the final bill.

§ 143.5 Payment.

(a) The Assistant Secretary—Indian Affairs will establish a billing cycle that is appropriate to the goods/services being provided.

(b) Payment is due within 30 days after the billing date.

(c) Upon non-payment by the non-Federal user, the Assistant Secretary

may discontinue service. Service may be discontinued after proper notification by letter. Proper notification shall include:

(1) Written notice to user that payment is due. Such notice shall afford the user the opportunity to challenge payment or excuse non-payment within 14 days of the date on the notification letter.

(2) Following the expiration of the 14 day deadline for response, and after consideration of any such response, the Assistant Secretary—Indian Affairs may notify the user by letter that if payment is not received within 10 days of the date on the letter, the service will be discontinued.

(d) The Assistant Secretary has the discretion to continue services for health and safety reasons. However, the non-Federal user is still responsible for payment for goods/services provided.

(e) Once service has been discontinued based on deliquency of payment, the discontinuance may be appealed under Part 2 of this title.

Walter R. Mills,

Assistant Secretary—Indian Affairs.

[FR Doc. 90-10950 Filed 5-9-90; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 35a, 46, and 602

[T.D. 8300]

RIN 5145-AN60

Registration Requirements With Respect to Certain Debt Obligations; Application of Repeal of 30 Percent Withholding by the Tax Reform Act of 1984

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final and temporary regulations.

SUMMARY: This document contains final Income Tax Regulations relating to the definition of the term "registration required obligations" with respect to obligations issued to certain foreign persons and relating to the imposition of sanctions on issuers of registration required obligations in bearer form. This document also contains temporary regulations relating to the repeal of 30 percent withholding on certain types of interest by the Tax Reform Act of 1984. These regulations provide the public with guidance necessary to comply with the Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1984 and affect persons issuing debt obligations to foreign persons.

EFFECTIVE DATE: These regulations are effective May 10, 1990. The text of the regulations states the dates of applicability of the rules contained therein to various transactions and taxpayers.

FOR FURTHER INFORMATION CONTACT: Carl Cooper of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, Attention: CC:CORP:T:R (INTL-0536-89) (202-566-6795, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in these final regulations has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 1545-1132. The annual burden per respondent or recordkeeper is estimated to be 10 minutes.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on information available to the Internal Revenue Service. Individual respondents or recordkeepers may require greater or less time, depending on their particular circumstances.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Internal Revenue Service, Attention: IRS Reports Clearance Officer, T:FP, Washington, DC 20224, and to the Office of Management and Budget, Paperwork Reduction Project (1545-1132), Washington, DC 20503.

Background

On August 24, 1989, the **Federal Register** published proposed amendments (54 FR 35200) to the Income Tax Regulations (26 CFR parts 1 and 46) under sections 163(f), 871, 881, 1441, 1442 and 4701 of the Internal Revenue Code of 1986. Section 1.163-5(c) of the regulations incorporated by reference certain requirements based on the interpretation of the Securities Act of 1933 by the Securities and Exchange Commission (SEC). The SEC proposed to revise its interpretation of that Act. The proposed amendments were in response to that action. Written comments responding to this notice were received. No public hearing was requested and no public hearing was held. After consideration of all comments regarding the proposed amendments, those amendments are adopted by this Treasury Decision with revisions in response to those comments. The comments and revisions are discussed below.

Explanation of Provisions

The proposed regulations under § 1.163-5(c)(2)(i) provided rules relating to whether an obligation would be considered to be issued under arrangements reasonably designed to insure that the obligation will be sold (or resold in connection with its original issuance) only to a person who is not a United States person. Obligations that satisfied the "arrangements reasonably designed" test under § 1.163-5(c)(2)(i)(A) or (B) were required, after the effective date, to satisfy new § 1.163-5(c)(2)(i)(D).

Proposed § 1.163-5(c)(2)(i)(D) listed seven requirements. In brief they were:

(1) Neither the issuer nor any distributor makes a directed selling effort with respect to the obligation;

(2) Neither the issuer nor any distributor offers the obligation within the United States or its possessions or to a United States person;

(3) The issuer does not, and each distributor covenants that it will not, sell the obligation within the United States or its possessions or to a U.S. person during the restricted period;

(4) Neither the issuer nor any distributor delivers the obligation within the United States or its possessions during the restricted period;

(5) All offering materials and documents used in connection with the original issuance of the obligation include a statement that the obligation may not be offered or sold within the United States or its possessions or to a United States person;

(6) If the issuer or any distributor sells the obligation during the restricted period to a distributor, a dealer, or any other person who receives a selling concession, fee or other remuneration in respect to the security sold, the seller sends a confirmation to such person stating that such person is subject to the restrictions regarding offer, sale, and delivery of the obligation during the restricted period; and

(7) No later than the 10th day after the last day of the restricted period, a certificate is provided to the issuer or a distributor of the obligation stating that the owner of the obligation on the last day of the restricted period is not a United States person.

The term "distributor" was defined to mean any affiliate of the issuer, the lead underwriter, any person participating in

the original issuance of the obligation pursuant to a contractual arrangement, and any person acting on behalf of the issuer or any of the foregoing.

The term "restricted period" was defined as the forty day period beginning on the later of the closing of the offering or the first date on which the obligation is offered to persons other than a distributor.

Section 1.163–5(c)(2)(i)(D) was proposed to be applicable to obligations originally issued after the date 30 days after final regulations are published in the **Federal Register.**

Commentors have suggested a number of difficulties with the proposed regulations under § 1.163–5(c)(2)(i)(D). Principally, those difficulties arise from the possibility that an obligation may fail the requirements of § 1.163–5(c)(2)(i)(D) for reasons that may be beyond the control of the issuer, and from the possibility that all the obligations in an issue may fail such requirements if only a few obligations have failed an issue wide requirement. Other comments concerned the lack of an incentive for post-restricted period certifications when delivery of the obligation is not required, and the possibility that the date of applicability of the regulations may not allow sufficient time for amendment of the documentation associated with an issue.

In response to these comments, and in view of the SEC's requirements under Regulation S, these final regulations have deleted the requirements of the proposed regulations relating to directed selling efforts, offering materials and confirmations. The provisions regarding offers and sales have been amended to limit somewhat the issuer's liability for acts of distributors. The certification procedure has been amended so that delivery of an obligation in definitive form triggers certification, and a more delayed effective date of the regulations has been provided.

These final regulations are separate and independent from the rules and interpretations that the SEC chooses to adopt in its administration of the securities laws. The SEC's interpretations will be considered by the Service where appropriate; however, the Service must ultimately base its interpretations on the tax policies underlying section 163(f)(2)(B).

These final regulations contain three requirements: (1) Restrictions on offers and sales, (2) restrictions on delivery, and (3) certification.

With respect to offers and sales, the issuer and distributor must not offer or sell the obligation during the restricted period to a person within the United States or its possessions or to a United States person. (The obligation may, however, be sold to a U.S. person in certain circumstances if the person is a financial institution or acquires and holds through a financial institution.) The distributor of the obligation will be deemed to satisfy this requirement if it covenants that it will not offer or sell the obligation during the restricted period to a person who is within the United States or its possessions or to a United States person, and it has in effect, in connection with the offer and sale of the obligation during the restricted period, procedures reasonably designed to insure that its employees or other agents who are directly engaged in selling the obligation are aware that the obligation can not be offered or sold during the restricted period to a person who is within the United States or its possessions or to a United States person.

With respect to delivery of obligations sold during the restricted period, neither the issuer nor any distributor may deliver the obligation in definitive form within the United States or its possessions.

Certification is required on the earlier of the date of the first payment of interest on the obligation or the date of delivery by the issuer of the obligation in definitive form. The certification may be signed or sent either by the owner of the obligation or by a financial institution or clearing organization through which the owner holds the obligation.

The final regulations alter the exception from certification contained in the proposed regulations for "targeted offshore offerings". The changes are in response to comments concerning offers and sales, under the exception, of obligations within or without the targeted foreign country. The IRS will continue to review the use of the exception and may make further changes, if warranted; such changes would be effective on a prospective basis.

The definition of distributor has been amended in these final regulations. A distributor is a person that offers or sells the obligation during the restricted period pursuant to a written contract with the issuer, any person that offers or sells the obligation during the restricted period pursuant to a written contract with a person previously described, and certain affiliates of the issuer or another distributor that offer and sell the obligation during the restricted period.

The preamble to the proposed regulations solicited comments on several issues, including whether registered obligations convertible into bearer form should be treated as registered rather than bearer obligations at the time of issuance. Because of general tax compliance concerns, it has been decided to continue current law, which treats such convertible obligations as being in bearer form at the time of issuance.

These final regulations will apply to obligations originally issued after September 7, 1990. The issuer of an obligation may choose to apply either the rules of § 1.163–5(c)(2)(i)(A) or § 1.163–5(c)(2)(i)(B), or the rules of these final regulations, to an obligation that is originally issued after May 10, 1990 and on or before September 7, 1990.

This document also publishes temporary regulations revising paragraphs (a), (c) and (e) of § 35a.9999–5 and adding new paragraph (e) to § 1.163–5T. These temporary regulations amend A–6 of paragraph (a) to provide an exception from the certification requirement for certain short term commercial paper. Under this provision a certificate will not be required under § 1.163–5(c)(2)(i)(D)(*3*) by virtue of A–6 if the obligation is an original issue discount obligation with a maturity of 183 days or less from the date of issuance.

A–18 of paragraph (c) of § 35a.9999–5 provides that an obligation that would otherwise be in registered form but for the fact that it is convertible into bearer form is considered to be in bearer form. Under A–1 of § 35a.9999–5(a), this provision applies to obligations issued after July 18, 1984. The provision in A–18 is amended in order to better coordinate that provision with § 1.163–5(c)(2)(vi).

A–21 of paragraph (e) of § 35a.9999–5 provides that interest paid to the holder of a pass-through certificate described in § 1.163–5T(d) may qualify as portfolio interest. It provides further that, for purposes of sections 871(h) and 881 (c), interest is considered to be paid on or with respect to the pass-through certificate and not with respect to any obligations held by the fund or trust to which the pass-through certificate relates. This rule was intended to apply with respect to payment from the trustee of the pass-through trust to the certificate holder, but not with respect to payments made to the trustee of the pass-through trust. Thus, the rule applies when the trustee of the pass-through trust is a United States person who collects and pays out interest to the certificate holder, but does not apply when the payment is made to a trustee that is a foreign person. A–21 is amended to clarify this point. A–21 is also amended to clarify its application to REMICs. Section 1.163–5T is also

amended to add paragraph (e) concerning REMICs.

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. Chapter 5) and the Regulatory Flexibility Act (5 U.S.C. Chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking for the regulation was submitted to the Administrator of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Carl Cooper of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service. Other personnel from the Internal Revenue Service and Treasury Department participated in developing the regulations.

List of Subjects 26 CFR §§ 1.61–1 through 1.28–4

Income taxes, Taxable income, Deductions, Exemptions.

26 CFR Part 35a

Employment taxes, Income taxes, Backup withholding, Interest and Dividends Tax Compliance Act of 1983.

26 CFR Part 46

Banks, Banking, Excise taxes, Sugar.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1, 35a, 46 and 602 are amended as follows:

PART 1—INCOME TAX REGULATIONS

Paragraph 1. The authority for part 1 continues to read in part:

Authority: 26 U.S.C. 7805. * * *

§ 1.163–5 [Amended]

Par. 2. Section 1.163–5(c) is amended as follows:

1. Paragraph (c)(2)(i) introductory text is amended by revising the first, fourth and fifth sentences and by adding a new sentence between the fourth and fifth sentences as set forth below.

2. Paragraph (c)(2)(i)(A) is amended by adding the sentence as set forth below after the last sentence thereof.

3. Paragraph (c)(2)(i)(B) introductory text is revised as set forth below.

4. Paragraph (c)(2)(i)(D) is added as set forth below.

5. Paragraph (c)(3) is amended by redesignating the existing text as paragraph (c)(3)(i) and adding a heading at the beginning of newly designated paragraph (c)(3)(i), and by adding a new paragraph (c)(3)(ii) as set forth below.

§ 1.163–5 Denial of interest deduction on certain obligations issued after December 31, 1982, unless issued in registered form.

* * * * *

(c) *Obligations issued to foreign persons after September 21, 1984—*

* * *

(2) *Rules for the application of this paragraph—(i) Arrangements reasonably designed to ensure sale to non-United States persons.* An obligation will be considered to satisfy paragraph (c)(1)(i) of this section if the conditions of paragraph (c)(2)(i) (A), (B), (C), or (D) of this section are met in connection with the original issuance of the obligation. * * * Obligations that meet the conditions of paragraph (c)(2)(i) (A), (B), (C) or (D) of this section may be issued in a single public offering. The preceding sentence does not apply to certificates of deposit issued under the conditions of paragraph (c)(2)(i)(C) of this section by a United States person or by a controlled foreign corporation within the meaning of section 957(a) that is engaged in the active conduct of a banking business within the meaning of section 954(c)(3)(B) as in effect prior to the Tax Reform Act of 1986, and the regulations thereunder. A temporary global security need not satisfy the conditions of paragraph (c)(2)(i) (A), (B) or (C) of this section, but must satisfy the applicable requirements of paragraph (c)(2)(i)(D) of this section.

(A) * * * Except as provided in paragraph (c)(3) of this section, this paragraph (c)(2)(i)(A) applies only to obligations issued on or before September 7, 1990.

(B) The obligation is registered under the Securities Act of 1933, is exempt from registration by reason of section 3 or section 4 of such Act, or does not qualify as a security under the Securities Act of 1933; all of the conditions set forth in paragraph (c)(2)(i)(B) (*1*), (*2*), (*3*), (*4*), and (*5*) of this section are met with respect to such obligations; and, except as provided in paragraph (c)(3) of this section, the obligation is issued on or before September 7, 1990.

* * * * *

(D) The obligation is issued after September 7, 1990, and all of the conditions set forth in this paragraph (c)(2)(i)(D) are met with respect to such obligation.

(*1*) *Offers and sales—(i) Issuer.* The issuer does not offer or sell the obligation during the restricted period to a person who is within the United States or its possessions or to a United States person.

(*ii*) *Distributors.* (*A*) The distributor of the obligation does not offer or sell the obligation during the restricted period to a person who is within the United States or its possessions or to a United States person.

(*B*) The distributor of the obligation will be deemed to satisfy the requirements of paragraph (c)(2)(i)(D)(*1*)(*ii*)(*A*) of this section if the distributor of the obligation convenants that it will not offer or sell the obligation during the restricted period to a person who is within the United States or its possessions or to a United States person; and the distributor of the obligation has in effect, in connection with the offer and sale of the obligation during the restricted period, procedures reasonably designed to ensure that its employees or agents who are directly engaged in selling the obligation are aware that the obligation cannot be offered or sold during the restricted period to a person who is within the United States or its possessions or is a United States person.

(*iii*) *Certain rules.* For purposes of paragraph (c)(2)(i)(D)(*1*) (*i*) and (*ii*) of this section:

(*A*) An offer or sale will be considered to be made to a person who is within the United States or its possessions if the offeror or seller of the obligation has an address within the United States or its possessions for the offeree or buyer of the obligation with respect to the offer or sale.

(*B*) An offer or sale of an obligation will not be treated as made to a person within the United States or its possessions or to a United States person if the person to whom the offer or sale is made is: An exempt distributor, as defined in paragraph (c)(2)(i)(D)(*5*) of this section; An international organization as defined in section 7701(a)(18) and the regulations thereunder, or a foreign central bank as defined in section 895 and the regulations thereunder; or The foreign branch of a United States financial institution as described in paragraph (c)(2)(i)(D)(*6*)(*i*) of this section. Paragraph (c)(2)(i)(D)(*1*)(*iii*)(*B*) regarding an exempt distributor will only apply to an offer to the United States office of an

exempt distributor, and paragraph (c)(2)(i)(D)(*1*)(*iii*)(*B*) regarding an international organization or foreign central bank will only apply to an offer to an international organization or foreign central bank, if such offer is made directly and specifically to the United States office, organization or bank.

(*C*) A sale of an obligation will not be treated as made to a person within the United States or its possessions or to a United States person if the person to whom the sale is made is a person described in paragraph (c)(2)(i)(D)(*6*)(*ii*) of this section.

(*2*) *Delivery.* In connection with the sale of the obligation during the restricted period, neither the issuer nor any distributor delivers the obligation in definitive form within the United States or it possessions.

(*3*) *Certification*—(*i*) *In general.* On the earlier of the date of the first actual payment of interest by the issuer on the obligation or the date of delivery by the issuer of the obligation in definitive form, a certificate is provided to the issuer of the obligation stating that on such date:

(*A*) The obligation is owned by a person that is not a United States person:

(*B*) The obligation is owned by a United States person described in paragraph (c)(2)(i)(D)(*6*) of this section; or

(*C*) The obligation is owned by a financial institution for purposes of resale during the restricted period, and such financial institution certifies in addition that it has not acquired the obligation for purposes of resale directly or indirectly to a United States person or to a person within the United States or its possessions.

A certificate described in paragraph (c)(2)(i)(D)(*3*)(*i*) (*A*) or (*B*) of this section may not be given with respect to an obligation that is owned by a financial institution for purposes of resale during the restricted period. For purposes of paragraph (c)(2)(i)(D) (*2*) and (*3*) of this section, a temporary global security (as defined in § 1.163–5 (c)(1)(ii)(B)) is not considered to be an obligation in definitive form. If the issuer does not make the obligation available for delivery in definitive form within a reasonable period of time after the end of the restricted period, then the obligation shall be treated as not satisfying the requirements of this paragraph (c)(2)(i)(D)(*3*). The certificate must be signed (or sent, as provided in paragraph (c)(2)(i)(D)(*3*)(*ii*) of this section) either by the owner of the obligation or by a financial institution or clearing organization through which the owner holds the obligation, directly or indirectly. For purposes of this paragraph (c)(2)(i)(D)(*3*), the term "financial institution" means a financial institution described in § 1.165–12(c)(i)(v). When a certificate is provided by a clearing organization, the certificate must be based on statements provided to it by its member organizations. The requirement of this paragraph (c)(1)(D)(*3*) shall be deemed not to be satisfied with respect to an obligation if the issuer knows or has reason to know that the certificate with respect to such obligation is false. The certificate must be retained by the issuer (and statements by member organizations must be retained by the clearing organization, in the case of certificates based on such statements) for a period of four calendar years following the year in which the certificate is received.

(*ii*) *Electronic certification.* The certificate required by paragraph (c)(2)(i)(D)(*3*)(*i*) of this section (including a statement provided to a clearing organization by a member organization) may be provided electronically, but only if the person receiving such electronic certificate maintains adequate records, for the retention period described in paragraph (c)(2)(i)(D)(*3*)(*i*) of this section, establishing that such certificate was received in respect of the subject obligation, and only if there is a written agreement entered into prior to the time of certification (including the written membership rules of a clearing organization) to which the sender and recipient are subject, providing that the electronic certificate shall have the effect of a signed certificate described in paragraph (c)(2)(i)(D)(*3*)(*i*) of this section.

(*iii*) *Exception for certain obligations.* This paragraph (c)(2)(i)(D)(*3*) shall not apply, and no certificate shall be required, in the case of an obligation that is sold during the restricted period and that satisfies all of the following requirements:

(*A*) The interest and principal with respect to the obligation are denominated only in the currency of a single foreign country.

(*B*) The interest and principal with respect to the obligation are payable only within that foreign country (according to rules similar to those set forth in § 1.163–5(c)(2)(v)).

(*C*) The obligation is offered and sold in accordance with practices and documentation customary in that foreign country.

(*D*) The distributor covenants to use reasonable efforts to sell the obligation within that foreign country.

(*E*) The obligation is not listed, or the subject of an application for listing, on an exchange located outside that foreign country.

(*F*) The Commissioner has designated that foreign country as a foreign country in which certification under paragraph (c)(2)(i)(D)(*3*)(*i*) of this section is not permissible.

(*G*) The issuance of the obligation is subject to guidelines or restrictions imposed by governmental, banking or securities authorities in that foreign country.

(*H*) More than 80 percent by value of the obligations included in the offering of which the obligation is a part are offered and sold to non-distributors by distributors maintaining an office located in that foreign country. Foreign currency denominated obligations that are convertible into U.S. dollar denominated obligations or that by their terms are linked to the U.S. dollar in a way which effectively converts the obligations to U.S. dollar denominated obligations do not satisfy the requirements of this paragraph (c)(2)(i)(D)(*3*)(*iii*). A foreign currency denominated obligation will not be treated as linked, by its terms, to the U.S. dollar solely because the obligation is the subject of a swap transaction.

(*4*) *Distributor.* For purposes of this paragraph (c)(2)(i)(D), the term "distributor" means:

(*i*) a person that offers or sells the obligation during the restricted period pursuant to a written contract with the issuer;

(*ii*) any person that offers or sells the obligation during the restricted period pursuant to a written contract with a person described in paragraph (c)(2)(i)(D) (*4*) (*i*); and

(*iii*) any affiliate that acquires the obligation from another member of its affiliated group for the purpose of offering or selling the obligation during the restricted period, but only if the transferor member of the group is the issuer or a person described in paragraph (c)(2)(i)(D) (*4*)(*i*) or (*ii*) of this section. The terms "affiliate" and "affiliated group" have the same meanings as in section 1504(a) of the Code, but without regard to the exceptions contained in section 1504(b) and substituting "50 percent" for "80 percent" each time it appears.

For purposes of this paragraph (c)(2)(i)(D)(*4*), a written contract does not include a confirmation or other notice of the transaction.

(*5*) *Exempt distributor.* For purposes of this paragraph (c)(2)(i)(D), the term "exempt distributor" means a distributor that convenants in its contract with the

issuer or with a distributor described in paragraph (c)(2)(i)(D)(*4*)(*i*) that it is buying the obligation for the purpose of resale in connection with the original issuance of the obligation, and that if it retains the obligation for its own account, it will only do so in accordance with the requirements of paragraph (c)(2)(i)(D)(*6*) of this section. In the latter case, the convenant will constitute the certificate required under paragraph (c)(2)(i)(D)(*6*). The provisions of paragraph (c)(2)(i)(D)(*7*) governing the restricted period for unsold allotments or subscriptions shall apply to any obligation retained for investment by an exempt distributor.

(*6*) *Certain United States persons.* A person is described in this paragraph (c)(2)(i)(D)(*6*) if the requirements of this paragraph are satisfied and the person is:

(*i*) The foreign branch of a United States financial institution purchasing for its own account or for resale, or

(*ii*) A United States person who acquired the obligation through the foreign branch of a United States financial institution and who, for purposes of the certification required in paragraph (c)(2)(i)(D)(*3*) of this section, holds the obligation through such financial institution on the date of certification.

For purposes of paragraph (c)(2)(i)(D)(*6*)(*ii*) of this section, a United States person will be considered to acquire and hold an obligation through the foreign branch of a United States financial institution if the United States person has an account with the United States office of a financial institution, and the transaction is executed by a foreign office of that financial institution, or by the foreign office of another financial institution acting on behalf of that financial institution. This paragraph (c)(2)(i)(D)(*6*) will apply, however, only if the United States financial institution (or the United States office of a foreign financial institution) holding the obligation provides a certificate to the issuer or distributor selling the obligation within a reasonable time stating that it agrees to comply with the requirements of section 165(j)(3)(A), (B), or (C) and the regulations thereunder. For purposes of this paragraph (c)(2)(i)(D)(*6*), the term "financial institution" means a financial institution as defined in § 1.165–12(c)(1)(v). As an alternative to the certification required above, a financial institution may provide a blanket certificate to the issuer or distributor selling the obligation stating that the financial institution will comply with the requirements of section 165(j)(3)(A), (B) or (C) and the regulations thereunder. A blanket certificate must be received by the issuer or the distributor in the year of the issuance of the obligation or in either of the preceding two calendar years, and must be retained by the issuer or distributor for at least four years after the end of the last calendar year to which it relates.

(*7*) *Restricted period.* For purposes of this paragraph (c)(2)(i)(D), the restricted period with respect to an obligation begins on the earlier of the closing date (or the date on which the issuer receives the loan proceeds, if there is no closing with respect to the obligation), or the first date on which the obligation is offered to persons other than a distributor. The restricted period with respect to an obligation ends on the expiration of the forty day period beginning on the closing date (or the date on which the issuer receives the loan proceeds, if there is no closing with respect to the obligation). Notwithstanding the preceding sentence, any offer or sale of the obligation by the issuer or a distributor shall be deemed to be during the restricted period if the issuer or distributor holds the obligation as part of an unsold allotment or subscription.

(*8*) *Clearing organization.* For purposes of this paragraph (c)(2)(i)(D), a "clearing organization" is an entity which is in the business of holding obligations for member organizations and transferring obligations among such members by credit or debit to the account of a member without the necessity of physical delivery of the obligation.

* * * * *

(3) *Effective date*—(i) *In general.*

* * *

(ii) *Special rules.* If an obligation is originally issued after September 7, 1990 pursuant to the exercise of a warrant or the conversion of a convertible obligation, which warrant or obligation (including conversion privilege) was issued on or before May 10, 1990, then the issuer may choose to apply either the rules of § 1.163–5(c)(2)(i)(A) or § 1.163–5(c)(2)(i)(B), or the rules of § 1.163–5(c)(2)(i)(D). The issuer of an obligation may choose to apply either the rules of § 1.163–5(c)(2)(i)(A) or (B), or the rules of § 1.163–5(c)(2)(i)(D), to an obligation that is originally issued after May 10, 1990, and on or before September 7, 1990. However, any issuer choosing to apply the rules of § 1.163–5(c)(2)(i)(A) must apply the definition of United States person used for such purposes on December 31, 1989, and must obtain any certificates that would have been required under applicable law on December 31, 1989.

Par. 3. Paragraph (e) of § 1.163–5T is added immediately after paragraph (d) of § 1.163–5T. Paragraph (e) reads as follows:

§ 1.163–5T Denial of interest deduction on certain obligations issued after December 31, 1982, unless issued in registered form (temporary).

* * * * *

(e) *Regular interests in REMICS.* (1) A regular interest in a REMIC, as defined in sections 860D and 860G and the regulations thereunder, is considered to be a "registration-required obligation" under section 163(f)(2)(A) and § 1.163–5(c) if the regular interest is described in section 163(f)(2)(A) and § 1.163–5(c), without regard to whether any obligation held by the REMIC to which the regular interest relates is described in section 163(f)(2)(A) and § 1.163–5(c). A regular interest in a REMIC is considered to be described in section 163(f)(2)(B) and § 1.163–5(c), if the regular interest is described in section 163(f)(2)(B) and § 1.163(c), without regard to whether any obligation held by the REMIC to which the regular interest relates is described in section 163(f)(2)(B) and § 1.163–5(c).

(2) An obligation held by a REMIC is considered to be described in section 163(f)(2) (A) or (B) if such obligation is described in section 163(f)(2) (A) or (B), respectively, without regard to whether the regular interests in the REMIC are so considered.

(3) For purposes of section 4701, a regular interest is considered to be issued solely by the recipient of the proceeds from the issuance of the regular interest (hereinafter the "sponsor"). The sponsor is therefore liable for any excise tax under section 4701 that may be imposed with reference to the principal amount of the regular interest.

(4) In order to implement the purpose of section 163, § 1.163–5(c), and this section, the Commissioner may characterize a regular interest in a REMIC and any obligation held by such REMIC in accordance with the substance of the arrangement they represent and may impose the penalties provided under sections 163(f)(1) and 4701 in the appropriate amounts and on the appropriate persons. This provision may be applied, for example, where a corporation issues an obligation that is purportedly in registered form and that will qualify as a "qualified mortgage" within the meaning of section 860G(a)(3) in the hands of a REMIC, contributes the obligation to a REMIC as its only asset,

and arranges for the sale to investors of regular interests in the REMIC in bearer form that do not meet the requirements of section 163(f)(2)(B). If this provision is applied, the obligation held by the REMIC will not be considered to be issued in registered form or to meet the requirements of section 163(f)(2)(B). The corporation will not be allowed a deduction for the payment of interest on the obligation held by the REMIC, and the excise tax under section 4701, calculated with reference to the principal amount of the obligation held by the REMIC, will be imposed on the corporation and may be collected from the corporation and its agents.

Par. 5. The authority for part 35a continues to read in part as follows:

Authority: 26 U.S.C. 7805. * * *

Par. 6. Section 35a.9999–5 is amended by adding a parenthetical in A–5(ii) of paragraph (a) immediately before A–5(iii); by adding a parenthetical in A–5(iii) of paragraph (a) immediately before A–5(iv); by removing the first sentence of A–13 of paragraph (b), and adding a new sentence in its place; by adding new subdivision (i)(G) to A–14 of paragraph (b); by removing the sentence immediately before the last sentence of A–18 of paragraph (c), and adding two new sentences in its place; in paragraph (e), by redesignating the text of existing A–21 as subdivision (i) and adding a sentence immediately following the second sentence in newly designated subdivision (i), and adding new subdivision (ii). The added sentences read as follows:

§ 35a.9999–5 Questions and answers relating to repeal of 30 percent withholding by section 127 of the Tax Reform Act of 1984 and to the application of information reporting and backup withholding in light of such repeal.

* * * * *

(a) *Rules concerning obligations in bearer form.*

* * * * *

A–5. * * * (ii) * * * (determined by reference to the spot rate on the date of issuance, in the case of an obligation not denominated in United States dollars); (iii) * * * (However, an original issue discount obligation with a maturity of 183 days or less from the date of issuance is not required to satisfy the certification requirement of § 1.163–5(c)(2)(i)(D)(3).) * * *

* * * * *

(b) *Rules concerning obligations in registered form.*

* * * * *

A–13. An obligation is considered to be targeted to foreign markets for purposes of A–12 if it is sold (or resold in connection with its original issuance) only to foreign persons (or to foreign branches of United States financial institutions described in section 871(h)(4)(B)) in accordance with procedures similar to those prescribed in § 1.163–5(c)(2)(i) (A), (B), or (D). * * *

* * * * *

A–14. * * *

(i) * * *

(G) The certificate described in this subdivision may be provided electronically under the terms and conditions of § 1.163–5(c)(2)(i)(D)(*3*)(*ii*).

* * * * *

(c) *Convertibility of obligations.*

* * * * *

A–18. * * * An obligation issued after July 18, 1984, and on or before September 21, 1984, that would otherwise be in registered form but for the fact that it is convertible into bearer form, shall be considered to be in bearer form for purposes of A–1 if it satisfies the applicable requirements of the relevant temporary or proposed regulations under section 163(f)(2)(B), as described in § 1.163–5(c)(2)(vi). An obligation issued after September 21, 1984, that would otherwise be in registered form but for the fact that it is convertible into bearer form shall be considered to be in bearer form. * * *

* * * * *

(e) *Application of repeal of 30 percent withholding to pass-through certificates.*

* * * * *

A–21. (i) * * * The rule of this A–21 applies only to payments made to the holder of the pass-through certificate from the trustee of the pass-through trust and does not apply to payments made to the trustee of the pass-through trust. * * *

(ii) Interest paid to a holder of a regular or residual interest in a REMIC will qualify as portfolio interest under section 871(h)(2) or section 881(c)(2) for purposes of the exemption from 30 percent withholding if the interest paid to the holder satisfies the conditions described in A–1 or A–8 of this section. For purposes of A–1 or A–8 of this section and sections 871(h) and 881(c), interest paid to the holder of a regular interest in a REMIC is considered to be paid on or with respect to the regular interest in the REMIC and not on or with respect to any mortgage obligations held by the REMIC. The foregoing rule, however, applies only to payments made to the holder of the regular interest from the REMIC and does not apply to payments made to the REMIC. For purposes of A–1 or A–8 of this section and sections 871(h) and 881(c), interest paid to the holder of a residual interest in a REMIC is considered to be paid on or with respect to the obligations held by the REMIC, and not on or with respect to the residual interest. For purposes of A–1 and A–8 of this section and section 127 of the Tax Reform Act of 1984, a residual interest in a REMIC will be considered as issued after July 18, 1984, only to the extent that the obligations held by the REMIC are issued after July 18, 1984, but a regular interest in a REMIC will be considered as issued after July 18, 1984, if the regular interest was issued after July 18, 1984, without regard to the date on which the mortgage obligations held by the REMIC were issued.

PART 46—[AMENDED]

Par. 7. The authority for Part 46 continues to read in part as follows:

Authority: 26 U.S.C. 7805. * * *

Par. 8. Section 46.4701–1 is amended by revising paragraph (b)(5) to read as follows:

§ 46.4701–1 Tax on issuer of registration-required obligation not in registered form.

* * * * *

(b) *Definitions* * * *

* * * * *

(5) *Issuer.* Except as provided in § 1.163–5T(d) (relating to pass-through certificates) and § 1.163–5T(e) (relating to REMICs), the "issuer" is the person whose interest deduction would be disallowed solely by reason of section 163(f)(1).

* * * * *

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 9. The authority for part 602 continues to read in part as follows:

Authority: 26 U.S.C. 7805. * * *

§ 602.101 [Amended]

Par. 10. Section 602.101(c) is amended by revising the entry for § 1.163–5 in the table to read as follows: "§ 1.163–5 * * * 1545–1132.

Fred T. Goldberg, Jr.,

Commissioner of Internal Revenue.

Approved:

Kenneth W. Gideon,

Assistant Secretary of the Treasury.

[FR Doc. 90–10860 Filed 5–9–90; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-90-20]

Special Local Regulations for Marine Events; North/South Challenge at Virginia Beach; Atlantic Ocean, Virginia Beach, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the North/South Challenge at Virginia Beach to be held in the Atlantic Ocean off Virginia Beach on May 12, 1990. These special local regulations are necessary to control vessel traffic in the immediate vicinity of this event. The effect will be to restrict general navigation in the regulated area for the safety of spectators and participants.

EFFECTIVE DATES: The regulations are effective from 9 a.m. to 7 p.m., May 12, 1990. If inclement weather cause the postponement of the event, the regulations are effective from 9 a.m. to 7 p.m., May 13, 1990.

FOR FURTHER INFORMATION CONTACT: Stephen L. Phillips, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204.

SUPPLEMENTARY INFORMATION: The Coast Guard published a notice of proposed rulemaking concerning these regulations in the **Federal Register** on March 29, 1990 (55 FR 11619). Interested persons were requested to submit comments and none were received.

Drafting Information

The drafters of this notice are QM1 Kevin R. Connors, project officer, Boating Affairs Branch, Fifth Coast Guard District, and Lieutenant Steven M. Fitten, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulations

The Offshore Power Boat Racing Association and the East Virginia Offshore Racing Association submitted an application to hold the North/South Challenge at Virginia Beach. The race will consist of approximately 50 powerboats, from 21 to 41 feet in length racing over a course off the beachfront at Virginia Beach, Virginia. Race headquarters will be located at the Comfort Inn at 21st Street and Altantic Avenue, Virginia Beach, Virginia.

Generally, the race course is cigar shaped, running parallel to the shoreline at Virginia Beach with a dogleg to the southeast at the southern end of the course to allow Rudee Inlet to be used during the event. Vessels outbound from Rudee Inlet will have to turn in a southerly direction to avoid the race area. Vessels inbound to Rudee Inlet will have to enter from the south to avoid the race area. Rudee Inlet will be closed for a short time when the racers depart for the race area and when they return after the race.

The Cape Henry Precautionary Area and the Dam Neck Danger Area are located to the north and south of the race course, respectively. While the race course does not encroach on either of those areas, the regulated area includes the southwest corner of the Cape Henry Precautionary Area and the northeast corner of the Dam Neck Danger Area. To provide for the safety of participants, spectators, and vessels transiting the area, the Coast Guard will restrict vessel movement in the regulated area and has established a temporary spectator anchorage for what is expected to be a large spectator fleet. Coast Guard patrol vessels will be positioned at Rudee Inlet to direct vessels to the temporary spectator anchorage and to instruct transiting vessels on how to proceed safely around the race course. The sponsor will provide approximately 40 vessels, including 6 medical boats with paramedics on board to assist the Coast Guard and local government agencies in patrolling this event. All vessels will display Offical Regatta Patrol signs and identity numbers.

A short hovercraft demonstration by the U.S. Army from Fort Story will be held in the vicinity of the start/finish line off 24th Street prior to the beginning of the race.

In order to publicize these regulations, the Coast Guard will publish details in the Local Notice to Mariners and the **Federal Register**. Representatives of the sponsors and members of the Coast Guard will be present in the vicinity of the race site to inform vessel operators of these regulations and other applicable laws.

Economic Assessment and Certification

These regulations are not considered either major under Executive Order 12291 on Federal Regulation or significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Impact

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and has been placed in the rulemaking docket.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulations: In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35-0520 is added to read as follows:

§ 100.35-0520 Atlantic Ocean, Rudee Inlet, Virginia Beach, Virginia.

(a) *Definitions.*—(1) *Regulated area.* The waters of the Atlantic Ocean including Rudee Inlet commencing at a point on the shoreline at latitude 36°54'32.0" North, longitude 75°59'29.0" West; thence east northeast to latitude 36°54'47" North, longitude 75°58'10" West; thence south southeast parallel to the Virginia Beach shoreline to latitude 36°49'23" North, longitude 75°56'09" West; thence southwest to the shoreline at latitude 36°48'44" North, longitude 75°57'56" West.

(2) *Spectator Anchorage Area.* The waters off the Virginia seacoast bounded by a line connecting the following points:

Latitude	Longitude
36°51'53.0" N	75°57'42.0" W
36°51'56.0" N	75°57'25.0" W
36°50'57.0" N	75°57'08.0" W

Latitude	Longitude
36°50'54.0" N	75°57'26.0" W

(3) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer who has been designated by the Commander, Coast Guard Group Baltimore.

(b) *Special Local Regulations.* (1) Except for participants in the North/South Challenge at Virginia Beach and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area without the permission of the Patrol Commander.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign.

(3) Spectator vessels may anchor in the spectator anchorage areas specified in paragraphs (a)(4)(i) and (a)(4)(ii) of these regulations.

(4) The Coast Guard Patrol Commander may allow vessels to transit the regulated area whenever a race heat is not being run.

(5) Vessel operators are advised to remain clear of the advisory area during the effective periods of these regulations.

(c) *Effective periods:* The regulations are effective from 9 a.m. to 7 p.m., May 12, 1990. If inclement weather causes the postponement of the event, the regulations are effective from 9 a.m. to 7 p.m., May 13, 1990.

Dated: May 1, 1990.

P. A. Welling,

Rear Admiral, U.S. Coast Guard Commander. Fifth Coast Guard District.

[FR Doc. 90-10889 Filed 5-9-90; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6780

[UT-942-00-4214-10; U-010063]

Partial Revocation of Public Land Order 2354, Dated April 27, 1961; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order insofar as it affects 65 acres of public land withdrawn for the U.S. Forest Service for the Pahvant Administrative Site. The land is no longer needed for administrative site purposes. This action will open 65 acres to uses that may be made of National Forest System lands and to the United States mining laws. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: June 11, 1990.

FOR FURTHER INFORMATION CONTACT: Michael L. Barnes, Utah State Office, 324 South State Street, Suite 301, Salt Lake City, Utah 84111, 801-539-4119.

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

1. Public Land Order 2354 dated April 27, 1961, is hereby revoked insofar as it affects the following described land:

Salt Lake Meridian

Pahvant Administrative Site

T. 25 S., R. 5 W.,
Sec. 2, S½SE¼SW¼, W½SW¼SW¼SE¼;
Sec. 11, NE¼NW¼.

The area described contains 65 acres in Sevier County.

2. At 8 a.m. on June 11, 1990, the land described in paragraph 1 will be opened to such forms of disposition as may by law be made of National Forest System lands, including location and entry under the United States mining laws. Appropriation of land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: May 1, 1990.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 90-10922 Filed 5-9-90; 8:45 am]

BILLING CODE 4310-DQ-M

43 CFR Public Land Order 6781

[CA-940-00-4214-10; CACA 26107]

Partial Revocation of Public Land Order No. 725; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes Public Land Order No. 725 insofar as it affects approximately 4 acres of public lands withdrawn for the U.S. Forest Service Panther Flat Recreation Area. The lands are no longer needed for the purpose for which they were withdrawn. This action will open approximately 4 acres to surface entry and mining. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: June 11, 1990.

FOR FURTHER INFORMATION CONTACT: Joan Mangold, BLM California State Office, room E-2845, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, 916-978-4820.

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

1. Public Land Order No. 725 is hereby revoked as it affects the following described land:

Humboldt Meridian

Six Rivers National Forest

T. 17 N., R. 2 E.,
Sec. 22, that portion of S½SE¼SE¼ overlapping tract 38;
Sec. 27, that portion of NW¼NE¼ overlapping tract 38.

The areas described aggregate approximately 4 acres in Del Norte County.

2. At 10 a.m. on June 11, 1990, the land described in paragraph 1 shall be opened to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provisions of existing withdrawals, any segregations of record, and the requirements of applicable law, including location and entry under the United States mining laws. Appropriation of lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law.

The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: May 1, 1990.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 90-10921 Filed 5-9-90; 8:45 am]

BILLING CODE 4310-40-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 85-15; Notice 8]

RIN 2127-AC53

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

CFR Correction

In title 49 of the Code of Federal Regulations, parts 400 to 999, revised as of October 1, 1989, in the revision to § 571.108 (Paragraphs S1 through S8) published at 54 FR 20071, May 9, 1989, four figures, which existed in the 1988 volume, were omitted from the above text.

On page 228, figures 1a and 1b should be added after paragraph S5.1.1.11, Figure 1c should be added after paragraph S5.1.1.12, and Figure 2 should be added after paragraph S5.1.1.18. The Figures are set out below:

* * * * *

FIGURE 1a—REQUIRED PERCENTAGES OF MINIMUM CANDLEPOWER OF FIGURE 1b.

Test points (deg)		Turn signal	Stop	Parking	Tail
10U, 10D	5L, 5R	20	20	20	20
5U, 5D	20L, 20R	12.5	12.5	10	15
	10L, 10R	37.5	37.5	20	40
	V	87.5	87.5	70	90
H	10L, 10R	50	50	35	40
	5L, 5R	100	100	90	100
	V	100	100	100	100

Note.—Minimum design candlepower requirements are determined by multiplying the percentages given in this Figure by the minimum allowable candlepower values in Figure 1b. The resulting values shall be truncated after one digit to the right of the decimal point.

* * * * *

FIGURE 1b—MINIMUM AND MAXIMUM ALLOWABLE CANDLEPOWER VALUES

Lamp	Lighted sections		
	1	2	3
Stop	80/300	95/360	110/420
Tail [1]	2/18	3.5/20	5.0/25
Parking [2]	4.0/125		
Red turn signal	80/300	95/360	110/420
Yellow turn signal rear	130/750	150/900	175/1050
Yellow turn signal front	200/-	240/-	275/-
Yellow turn signal front [3]	500/-	600/-	685/-

[1] Maximum at H or above.

[2] The maximum candlepower value of 125 applies to all test points at H or above. The maximum allowable candlepower value below H is 250.

[3] Values apply when the optical axis (filament center) of the front turn signal is at a spacing less than 4 in. (10 cm.) from the lighted edge of the headlamp unit providing the lower beam, or from the lighted edge of any additional lamp installed as original equipment and which supplements the lower beam.

* * * * *

FIGURE 1c—Sum of the Percentages of Grouped Minimum Candlepower

Group and test points	Turn signal	Stop	Parking	Tail
1 10U-5L, 5U-20L, 5D-20L, 10D-5L	65	65	60	70
2 5U-10L, H-10L, 5D-10L	125	125	75	120
3 H-5L, 5U-V, H-V, 5D-V, H-5R	475	475	420	480
4 5U-10R, H-10R, 5D-10R	125	125	75	120
5 10U-5R, 5U-20R, 5D-20R, 10D-5R	65	65	60	70

* * * * *

FIGURE 2—MINIMUM LUMINOUS INTENSITY REQUIREMENTS FOR BACKUP LAMPS

Group	Test point, degrees	Total for group, candela (see note 1)
1 [1]	45L-5U, 45L-H, 45L-5D	45
2 [1]	30L-H, 30L-5D	50
3	10L-10U, 10L-5U, V-10U, V-5U, 10R-10U, 10R-5U	100
4	10L-H, 10L-5D, V-H, V-5D, 10R-H, 10R-5D	360
5 [1]	30R-H, 30R-5D	50
6 [1]	45R-5U, 45R-H, 45R-5D	45

[1] When 2 lamps of the same or symmetrically opposite design are used, the reading along the vertical axis and the averages of the readings for the same angles left and right of vertical for 1 lamp shall be used to determine compliance with the requirements. If 2 lamps of differing designs are used, they shall be tested individually and the values added to determine that the combined units meet twice the candela requirements.

When only 1 backup lamp is used on the vehicle, it shall be tested to twice the candela requirements.

* * * * *

BILLING CODE 1505-01-D

Proposed Rules

Federal Register
Vol. 55, No. 91
Thursday, May 10, 1990

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 948

[Docket No. FV-90-159]

Irish Potatoes Grown in Colorado; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish an assessment rate under Marketing Order No. 948 for the 1990–91 fiscal period. Authorization of this budget would permit the Colorado Potato Administrative Committee, Northern Colorado Office (Area 3) (committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Comments must be received by May 21, 1990.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC, 20090–6456, telephone 202–447–2020.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

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

There are approximately 30 handlers and approximately 80 producers of potatoes in Colorado Area 3. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of potato producers and handlers may be classified as small entities.

The committee unanimously voted at its April 12, 1990, meeting to recommend its 1990–91 budget and assessment rate to the Secretary of Agriculture for consideration.

The committee, the agency responsible for local administration of the order, consists of producers and handlers of Colorado Area 3 potatoes. These producers and handlers are familiar with the committee's needs and with the costs of goods and services in their local area and are in a position to formulate an appropriate budget. The budget was formulated and discussed at a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The recommended assessment rate was derived by dividing anticipated expenses by expected shipments of fresh Colorado Area 3 potatoes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the committee's expenses. A recommended budget and rate of assessment is usually acted upon before the season starts, and expenses are incurred on a continuous basis.

The recommended budget for the 1990–91 fiscal year of $4,312 is $694 more than the previous year due to several increases, including the manager's salary and travel expenses for compliance audits. In Colorado, both a State and Federal marketing order operate simultaneously. The State order authorizes promotion, including paid advertisting, which the Federal order does not. Administrative expenses that are shared are divided so that 85 percent is paid under the State and 15 percent under the Federal order. All promotion and advertising expenses are financed under the State order.

The 1990–91 recommended assessment rate of $0.005 per hundredweight of potatoes is the same as last year. This rate, when applied to anticipated fresh market shipments of 711,000 hundredweight, would yield $3,555 in assessment revenue. Additional money to be received from the Federal-State Inspection Service for rent ($360) and interest ($450) would result in total revenues of $4,365 which would be adequate to cover budgeted expenses. The projected reserve for the end of the 1990–91 fiscal period is $5,000 which would be carried over into the next fiscal year. This amount is within the maximum permitted by the order of two fiscal years' expenses.

While this action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the order. Therefore, the Administrator of the AMS has determined that this proposed action would not have a significant economic impact on a substantial number of small entities.

This action should be expedited because the committee needs to have sufficient funds to pay its expenses. The 1990–91 fiscal period for the program begins on July 1, 1990, and the marketing order requires that the rate of

assessment for the fiscal period apply to all assessable Colorado Area 3 potatoes handled during the fiscal period. In addition, handlers are aware of this action which was recommended by the committee at a public meeting. Therefore, it is found and determined that a comment period of 10 days is appropriate because the budget and assessment rate approval for this program needs to be expedited. The committee needs to have sufficient funds to pay its expenses, which are incurred on a continuous basis.

Interested persons may file comments with respect to this proposal until May 21, 1990. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 948 be amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR part 948 continues to read as follows:

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

2. A new § 948.204 is added to read as follows:

§ 948.204 Expenses and assessment rate.

Expenses of $4,312 by the Colorado Administrative Potato Committee, Northern Colorado Office (Area 3) are authorized, and an assessment rate of $0.005 per hundredweight of assessable potatoes is established for the fiscal period ending June 30, 1991. Unexpended funds may be carried over as a reserve.

Dated: May 7, 1990.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–10929 Filed 5–9–90; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 982

[FV–90–158]

Filberts/Hazelnuts Grown in Oregon and Washington

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish an assessment rate under Marketing Order No. 982 for the 1990–91 marketing year established under the filbert/hazelnut marketing order. Funds to administer this program are derived from assessments on handlers.

DATES: Comments must be received by May 21, 1990.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, F&V, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Beatriz Rodriguez, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, room 2524–S, Washington, DC 20090–6456; telephone: (202) 475–3861.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 982 (7 CFR part 982), both as amended, regulating the handling of filberts/hazelnuts grown in Oregon and Washington. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

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

There are 27 handlers of filberts/hazelnuts grown in Oregon and Washington subject to regulation under the filbert/hazelnut marketing order, and 1,063 producers of filberts/hazelnuts in the production area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts for the last three years of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of filbert/hazelnut producers and handlers may be classified as small entities.

The filbert/hazelnut marketing order requires that the assessment rate for a particular fiscal year shall apply to all assessable filberts/hazelnuts handled from the beginning of such year. An annual budget of expenses is prepared by the Filbert/Hazelnut Marketing Board (Board) and submitted to the U.S. Department of Agriculture for approval. The members of the Board are handlers and producers of filberts/hazelnuts. They are familiar with the Board's needs and with the costs for goods, services, and personnel in their local areas and are thus in a position to formulate an appropriate budget.

The assessment rate recommended by the Board is derived by dividing anticipated expenses by expected shipments of the commodity. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the Board's expected expenses. The recommended budget and assessment rate are usually acted upon by the Board shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, the budget and assessment rate approvals must be expedited so that the Board will have funds to pay its expenses.

The Board conducted a telephone vote on April 6, 1990, and unanimously recommended 1990–91 marketing order expenditures of $380,791 and an assessment rate of $14.00 per ton of filberts/hazelnuts. In comparison, 1989–90 marketing year budgeted expenditures were $426,060 and the assessment rate was $14.00 per ton. Major expenditure categories in the 1990–91 budget are $70,791 for administration, $200,000 for promotion, and $100,000 for the emergency reserve fund. Assessment income for 1990–91 is expected to total $280,000 based on a crop estimate of 20,000 tons of filberts/hazelnuts. Interest and incidental income is estimated at $15,000. Reserve funds are adequate to meet the anticipated $85,791 deficit in assessment and other income.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be significantly offset by

the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Based on the foregoing, it is found and determined that a comment period of less than 30 days is appropriate because the budget and assessment rate approval for the program needs to be expedited. The Board needs to have sufficient funds to pay its expenses, which are incurred on a continuous basis.

List of Subjects in 7 CFR Part 982

Filberts, Hazelnuts, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that a new § 982.335 be added as follows:

PART 982—FILBERTS/HAZELNUTS GROWN IN OREGON AND WASHINGTON

1. The authority citation for 7 CFR part 982 continues to read as follows:

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

2. New § 982.335 is added to read as follows:

§ 982.335 Expenses and assessment rate.

Expenses of $380,791 by the Filbert/Hazelnut Marketing Board are authorized and an assessment rate payable by each handler in accordance with § 982.61 is fixed at $14.00 per ton of assessable filberts/hazelnuts for the 1990–91 marketing year ending June 30, 1991. Unexpended funds may be carried over as a reserve.

Dated: May 7, 1990.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–10930 Filed 5–9–90; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Issuance of Quarterly Report on the Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Regulatory Agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued the NRC Regulatory Agenda for the first quarter, January through March, of 1990. The agenda is issued to provide the public with information about NRC's rulemaking activities. Each issue of the agenda includes information for one quarter of the calendar year. The agenda briefly describes and gives the status for each rule that the NRC is considering, has proposed, or has published with an effective date. It also describes and gives the status of each petition for rulemaking that the NRC is considering.

ADDRESSES: A copy of this report, designated NRC Regulatory Agenda (NUREG–0936) Vol. 9, No. 1, is available for inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

In addition, the U.S. Government Printing Office (GPO) sells the NRC Regulatory Agenda. To purchase it, a customer may call (202) 275–2060 or (202) 275–2171 or write to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492–7758, toll-free number (800) 368–5642.

Dated at Bethesda, Maryland, this 25th day of April 1990.

For the Nuclear Regulatory Commission.

John D. Philips,

Deputy Director, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 90–10942 Filed 5–9–90; 8:45 am]

BILLING CODE 7590–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 125

Breakout Procurement Center Representative Program

AGENCY: Small Business Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Small Business Administration (SBA) proposes to issue regulations governing the Breakout Procurement Center Representative Program at Federal Government procurement centers. These regulations would implement the passage of the Small Business and Federal Procurement Competition Enhancement Act of 1984, which authorized the placement of SBA Breakout Procurement Center Representatives at major procurement centers and the Small Business Administration Reauthorization and Amendment Act of 1988, which further expanded the authority of such personnel. The purpose of these proposed regulations is to advise Government personnel of the division of responsibilities that must be performed to implement the law.

DATES: Submit written comments by June 11, 1990.

ADDRESSES: Comments may be addressed to Roy Rodgers, Director, Office of Prime Contracts, Small Business Administration, 1441 L Street, NW., Room 630, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Roy Rodgers, Director, Office of Prime Contracts, (202) 653–6938.

SUPPLEMENTARY INFORMATION: The Small Business Act, as amended by section 403 of Public Law 98–577, authorized the Breakout Procurement Center Representative Program. The program was established in response to growing concerns regarding the expense to the Government of sole source contracts, particularly Defense contracts. Section 110 of Public Law 100–590 further amended the Small Business Act and provided for greater participation in the Federal procurement process by breakout procurement center representatives (Breakout PCRs).

The Small Business Administration (SBA) was previously authorized to assign Breakout PCRs to a procurement center of the Department of Defense (DOD) that awarded contracts for noncommercial items totaling at least $150 million in the preceding fiscal year. Although Public Law 98–577 included "* * * other procurement centers as designated by the Administrator," only DOD installations were designated. Public Law 100–590 now amends the definition of "major procurement center" and allows the assignment of Breakout PCRs at any procurement center that, in the opinion of the SBA Administrator, purchases substantial dollar amounts of other than commercial items and which has the potential to incur significant savings as the result of the placement of a Breakout PCR. The SBA is required to assign a Breakout PCR together with two technical advisors to each such major procurement center. These SBA employees are fully qualified, technically trained and familiar with the supplies and services procured by the center to which they are assigned. Each Breakout PCR and at least one technical advisor at each center are accredited engineers.

The primary role of Breakout PCRs is to act as advocates for the breakout of items for procurement through full and open competition, while maintaining the integrity of the system in which such items are used. They also advocate the use of full and open competition for the procurement of supplies and services at the centers at which they are located. Breakout PCRs fulfill their objective of increasing the number of items purchased through full and open competition by actively participating in provisioning conferences and similar evaluation sessions at their locations during which the center determines how certain requirements will be purchased. Breakout PCRs analyze Acquisition Method Codes (AMC) that determine restrictions on competition in the procurement of specific items. The best example of this is an item that is coded "sole source" and would be automatically reordered from the original vendor. Breakout PCRs review the restrictions to determine their validity. Restrictions on competition often arise when there are not sufficient technical data for other potential sources to prepare a competitive offer. Breakout PCRs review restrictions on the rights of the United States to technical data necessary to produce items sold to the Government, and collect technical data for items previously purchased noncompetitively due to the unavailability of data. Breakout PCRs are authorized access to procurement records and other data of the procurement center commensurate with the level of the Breakout PCR's approved security clearance classification. Public Law 100–590 eliminated the previous limitation allowing a Breakout PCR accessibility to only unrestricted technical data and unclassified procurement records.

Companies or individuals with unsolicited engineering proposals that they believe will result in lower costs to the Government may forward these proposals to a Breakout PCR who will either conduct a value analysis and forward it to the appropriate personnel of the procurement center with his/her recommendations or forward it without analysis to personnel of he activity responsible for reviewing such proposals and who shall furnish him/her with information regarding the disposition of the proposal. Breakout PCRs protect the interests of small businesses that wish to bid on Government contracts by facilitating their access to technical data and recommending changes to prequalification requirements imposed by the procurement center that are excessive or beyond the capability of potential bidders. Breakout PCRs identify qualified small business sources for the procurement center and assist potential bidders with technical problems relating to the development of competitive bids.

Breakout PCRs are authorized to appeal unfavorable decisions made by the procurement center regarding any of their recommendations made in accordance with section 15(l)(2) of the Small Business Act. Public Law 98–577 provided that the appeal would be decided by a person within the employ of the appropriate activity who is at least one supervisory level above the person who initially failed to act favorably on the recommendation. Public Law 100–590 amended this provision to authorize such appeals to be filed and processed in the same manner and subject to the same conditions and limitations as an appeal filed by the Administrator of SBA under the Small Business Set-Aside Program. The process and timeframes are contained in the Federal Acquisition Regulations (FAR) subpart 19.505 of Title 48, Code of Federal Regulations (CFR), Rejecting Set-Aside Recommendations. Additional revisions to the FAR regarding breakout appeals are contained in FAR 19.403, of Title 48, CFR, Small Business Administration Breakout Procurement Center Representatives.

A great deal of analysis was performed in deciding whether the appeal process pertaining to the Breakout PCRs could, in fact, be processed in the same manner as small business set-asides. The Breakout PCR Program is an off-shoot of the SBA's procurement center representative (PCR) program. One of the purposes of those PCRs, known as Traditional Procurement Center Representatives (Traditional PCRs), is to identify procurement actions that would be suitable for set-aside to small businesses or small businesses owned and controlled by socially and economically disadvantage individuals. Traditional PCRs are advocates for increasing small business participation in the Federal procurement process through the use of the traditional set-aside programs authorized by the Small Business Act. Small business set-aside appeals normally start with the contracting officer at the procurement phase. In conjunction with the Traditional PCR, the Breakout PCRs are also seen as advocates for competition in the acquisition process. As discussed previously, their primary function is to identify items being procured on a sole source basis, to overcome the obstacles which are preventing the competitive procurement of the item, and to "break out" the item for competition, where possible. As a result, recommendations may be made anytime during the acquisition process at which the Breakout PCR becomes aware that a part or system would be amenable to full and open competition. Initiation of the breakout process by the SBA Breakout PCRs early in the acquisition planning process and monitoring the extent of full and open competition during the life of a system, component, or part also comports with the responsibilities of the Department of Defense's breakout program managers.

The breakout appeal process mirrors the small business set-aside appeal in that it does not provide for appeals until the acquisition reaches the contracting officer. It is SBA's opinion that in most cases this is too late in the process. DOD expressed their concern to SBA that, at some major buying activities, the Breakout PCRs were not becoming involved until the presolicitation phase. DOD took the position that breakout decisions and/or appeals were expected to be taken early in the acquisition process. Their principle concern was that SBA's review of presolicitation information is very late in the procurement cycle and would interfere with the already lengthy procurement administrative lead time. Therefore, there proposed regulations address the procedure when a rejection of a breakout recommendation by the program/engineering manager occurs. In essence, there would be two appeal phases, one during the acquisition planning phase and the second during the procurement phase.

The Breakout Acquisition Planning Appeal process begins with a formal recommendation by the Breakout PCR to the program or engineering office responsible for determining the feasibility of acquiring the item(s), part(s), component(s), or system(s) through competitive procedures or direct purchase from actual manufacturers. If the Program or Engineering Manager rejects the recommendation, written notice shall be furnished to the appropriate SBA representative. Rejection of a breakout recommendation by the program/engineering manager can be appealed to the Director or Head of the Program or Engineering Directorate. This level of authority may or may not be resident at the installation or agency where the breakout recommendation was made. A request for suspension at this stage of the

"acquisition planning process" may be made at this time.

The appeal process during the procurement phase commences when a contracting officer rejects a recommendation of a Breakout PCR made during such phase. A written notice is furnished to the Breakout PCR after rejection of this recommendation by the center. The Breakout PCR may appeal the rejection to the Head of the Contracting Activity (HCA) after receiving such notice. The HCA is required to render a written decision regarding the rejection to the Breakout PCR. During this period, action on the acquisition is suspended. If the rejection is sustained by the HCA, further appeal may be made to the agency head.

In fiscal year 1988, Breakout PCRs at 31 DOD locations achieved savings of $257.7 million through breakout actions. SBA has achieved additional savings of approximately $140.0 million through the third quarter of fiscal year 1989. As these Breakout PCRs achieve their full potential, breakout savings will multiply accordingly. In addition to the monetary savings to the Government, other benefits derived from the Breakout Program include expansion of the Defense Industrial Base, shorter production leadtimes, disbursement of Federal procurement dollars over a broader geographical base, and access to the technological innovations of a wider industrial base.

Compliance With Executive Order 12291, the Regulatory Flexibility Act (55 USC 601, et seq) and 12612 the Paperwork Reduction Act (45 U.S.C. 601 Ch 35)

SBA certifies that this proposed rule, if promulgated in final form, will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, (5 U.S.C. 601, et seq.). The proposed regulations would directly affect only procurement personnel and no outside entities, large or small.

If adopted in final form, the regulation would have a major economic impact on the national economy. Currently the Breakout PCRs covering the Department of Defense (DOD) are achieving substantial savings. Through the first three quarters of fiscal year 1989 Breakout PCRs at DOD locations achieved savings of $140.0 million. It is anticipated that these same results will be achieved as Breakout PCRs reach full operational status at other major procurement centers. In addition to the financial savings, the Federal Government would benefit from the broader scope of competition for Government contracts, greater access to technology and shorter production times.

There would be additional costs incurred by the Federal Government in establishing new Breakout Procurement Centers and in deciding appeals brought pursuant to the procedures established in this proposed regulation. The SBA is expected to experience the majority of additional costs related to implementing the provisions of these proposed rules. It is anticipated that these increased costs will not exceed $4.8 million. The costs are likely to be largely in the area of program administration and personnel. These costs should be substantially less than the potential savings and other benefits which can be realized by the Federal Government through the Breakout program.

Pursuant to the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35, SBA certifies this proposed regulation, if promulgated in final form, would not impose additional recordkeeping or reporting requirements.

SBA certifies this proposed rule, if promulgated in final form, would not have federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

List of Subjects in 13 CFR Part 125

Procurement assistance, Certificate of competency, Prime contracts assistance, Defense production pools, Property sales assistance, Subcontracting assistance, Procurement automated source system and technology assistance.

For the reasons set forth above, part 125 of title 13, Code of Federal Regulations is proposed to be amended as follows:

PART 125—PROCUREMENT ASSISTANCE

1. The authority citation for part 125 is revised to read as follows:

Authority: Sec. 5(b)(6), 8 and 15 of the Small Business Act, 72 Stat. 384, as amended by Public Law 98–577 (98 Stat. 3066), and Public Law 100–590 (Nov. 3, 1988), (15 U.S.C. 631, *et seq.*), (31 U.S.C. 9701, 9702, 96 Stat. 1051)

2. Section 125.4 *Statutory provisions summarized* is proposed to be amended by removing the words: "Select Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives" at the end of paragraph (g)(2) and adding in lieu thereof "President,"

§ 125.4 [Amended]

3. Section 125.4 *Statutory provisions summarized*, new paragraph (j) is added to read as follows:

* * * * *

(j) *Section 403 of Public Law 98–577 and Section 110 Public Law 100–590 provides.* (1) That SBA assign to each major procurement center, a Breakout Procurement Center Representative (BPCR) and assign and co-locate at least two small business technical advisers to each major procurement center, in addition to such other advisers as may be authorized from time to time. The sole duties of such advisers shall be to assist the BPCR for the center to which such advisers are assigned in carrying out their functions. Such personnel shall be full-time employees of SBA, fully qualified, technically trained, and familiar with the supplies and services procured by the major procurement center to which they are assigned. In addition, each BPCR, and at least one technical adviser assigned to such representative, shall be an accredited engineer.

(2) That SBA, in conjunction with the Comptroller General of the United States, jointly establish standards for measuring cost savings and the extent to which competition has been increased through the efforts of the BPCR. These measures are the number of items broken out, dollar value of savings resulting from breakout, and dollar value of contracts awarded after breakout. Efforts that result from BPCR actions resulting from other than the introduction of competition, direct purchase from the original equipment manufacturer (OEM), the relaxing of restrictive specifications or clauses, or from the furnishing of sources added are considered to be other documented savings. Examples include recommending the cancellation of requirements, thereby avoiding the expenditure of funds; recommending the combining of requirements which result in less administrative costs as well as gaining a cost reduction due to the economy of scale or quantity discounts; interjecting the possibility of or threat of competition or reverse engineering which causes the contractor to lower his price; recommending an engineering change which, when implemented by the center, results in a lower price; and recommendations and/or actions by the BPCR that are used by the contracting officer during negotiations and results in lower prices to the Government.

(3) For purposes of this section, the term "major procurement center" means a procurement center that in the opinion

of the Administrator of SBA, purchases substantial dollar amounts of other than commercial items and which has the potential to incur significant savings as the result of the placement of a BPCR.

§ 125.6 [Amended]

3. Section 125.6 *Government prime contracts assistance* is proposed to be amended by:

(a) Adding the paragraph designation "a" followed by the words "Traditional Procurement Center Representative Program." at the beginning of the fourth sentence of the Introductory text commencing with "The SBA has * * *" and inserting the words "and agencies" after the words "Federal installations" in the first paragraph.

(b) Redesignating paragraphs (a) through (p) as paragraph (a)(1) through (16);

(c) Inserting the word "traditional" before the words "procurement center representatives" and the letter "T" before the acronym "PCRs" each place such terms appear.

4. Adding new paragraphs (b) and (c) to read as follows:

§ 125.6 Government prime contracts assistance.

* * * * *

(b) Breakout Procurement Center Representative Program. The Breakout Procurement Center Representative Program is authorized under Section 15 of the Small Business Act as amended (15 U.S.C. 644). A Breakout Procurement Center Representative (BPCR) is an advocate for the breakout of items for procurement through full and open competition, whenever appropriate, while maintaining the integrity of the system in which such items are used. A BPCR also advocates the use of full and open competition whenever appropriate, for the procurement of supplies and services at the center at which he/she is located. SBA BPCRs accomplish their mission in coordination with the Competition Advocates, Small Business Specialists, Technical Directors and Heads of contracting or procuring activities assigned to major procurement centers.

(1) In addition to carrying out the responsibilities assigned by SBA, a BPCR is authorized to:

(i) Attend any provisioning conference or similar evaluation session, during which determinations are made as to whether requirements are to be procured through other than full and open competition, and make recommendations with respect to such requirements to the members of such conference or session;

(ii) Review, at any time, restrictions on competition previously imposed on items through Acquisition Method Coding (AMC) or similar procedures, and recommend to personnel of the procurement center the prompt reevaluation of such limitations;

(iii) Review restrictions on competition arising out of restrictions on the rights of the United States to technical data, and, when appropriate, recommend review of the validity of such an asserted restriction;

(iv) Obtain from any Government source, and make available to personnel of the procurement center, technical data necessary for the preparation of the competitive solicitation package for any item of supply or service previously procured noncompetitively due to the unavailability of such technical data;

(v) Have access to procurement records and other data of the procurement center commensurate with level of such representative's approved security clearance classification;

(vi) Receive unsolicited engineering proposals and, when appropriate, conduct a value analysis of such proposals to determine whether such proposals, if adopted, will result in lower costs to the United States without substantially impeding legitimate acquisition objectives and forward to personnel of the appropriate activity recommendations with respect to such proposal, or forward such proposals without analysis to personnel of the activity responsible for reviewing such proposals and who shall furnish the BPCR with information regarding the disposition of any such proposal;

(vii) Review the systems that account for the acquisition and management of technical data within the procurement center to assure that such systems provide the maximum availability and access to data needed for the preparation of offers to sell to the United States those supplies to which such data pertain and which potential offerors are entitled to receive; and

(viii) Appeal the failure to act favorably on any recommendation made in accordance with the responsibilities described herein to the Secretary of the Department or head of the agency, as appropriate, through the Associate Administator for Procurement Assistance (AA/PA), who is the authorized designee of the Administrator of SBA.

(2) SBA BPCRs are required to:

(i) Conduct familiarization sessions, as appropriate, for contracting officers and other appropriate personnel of the procurement center to which assigned. Such sessions shall acquaint the participants with the duties and objectives of the BPCRs and shall instruct them in methods designed to further the breakout of items for procurement through full and open competition; and

(ii) Prepare and personally deliver an annual briefing and report to the head of the procurement center to which the BPCR is assigned. Such briefing and report shall detail the past and planned activities of the BPCR and shall contain recommendations for improvement in the operation of the center as may be appropriate. The head of such center shall personally receive the briefing and report and shall, within 60 calendar days after receipt, respond, in writing, to each recommendation made by the Breakout PCR.

(c) Rejection of SBA Recommendations. BPCRs may initiate the breakout process during the early phases of the acquisition process and continue the process during the life of an item, part, component, or system. Recommendations may be made anytime during the acquisition process at which the BPCR becomes aware that a part or system may be amenable to full and open competition. The breakout acquisition planning appeal process begins with the recommendation by the BPCR to the program or engineering office responsible for determining the feasibility of acquiring the item(s), part(s), component(s), or system(s) through competitive procedures or direct purchase from actual manufacturers.

(1) If the program or engineering manager rejects an SBA breakout recommendation, written notice shall be furnished to the appropriate SBA representative within five (5) business days of the program/engineering manager's receipt of the recommendation. The SBA representative may appeal the program/engineering manager's rejection to the Director or Head of the Program or Engineering Directorate within five (5) business days after receiving the notice. This level of authority may or may not be resident at the installation or agency where the breakout recommendation was made. The Directorate or Head of the Program or Engineering Directorate shall render a decision in writing to the SBA Representative within ten (10) business days. Pending issuing the decision to the SBA representative the program or engineering manager shall suspend the action of the acquisition planning process. If the rejection is sustained, the BPCR will not take further appeal action.

(2) The BPCR shall, however, formally advise the appropriate official that the BPCR reserves the right to further

appeal at the contracting officer's level at a later date. The process and timeframes for use when a contracting officer rejects a recommendation by either a TPCR or BPCR are contained in FAR subpart 19.505 of Title 48, CFR Rejecting Set-Aside Recommendations.

Dated: March 12, 1990.

Susan S. Engeleiter,

Administrator.

[FR Doc. 90-10848 Filed 5-9-90; 8:45 am]

BILLING CODE 6025-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 143

RIN 1076-AC29

Charges for Goods and Services Provided to Non-Federal Users

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed rulemaking by cross-reference to interim rule.

SUMMARY: In the Rules and Regulations portion of this issue of the **Federal Register**, the Department of the Interior is issuing an interim rule providing that charges will be made for certain goods/services provided by the Bureau of Indian Affairs to "non-federal users" of these goods/services. The text of that interim rule also serves as the comment document for this notice of proposed rulemaking. The Independent Office Appropriations Act (31 U.S.C. 9701) requires that Federal agencies charge for those goods/services provided to members of the public, called "non-Federal users" in these regulations, above and beyond the services provided to the public at large. The statute also requires that regulations be promulgated in order for the Bureau of Indian Affairs (BIA) to charge for goods/services provided to non-Federal users. The intent of these proposed regulations is to enable the BIA to continue to provide goods/services and to bill and collect for such goods/services.

DATES: Comments must be received on or before June 11, 1990.

ADDRESSES: Mail or hand-deliver comments to: Joe Christie, Bureau of Indian Affairs, 18th & C Sts., NW., MS-4513-MIB, Washington, DC 20240 or, Joseph Gourneau, Billings Area Office, Bureau of Indian Affairs, 316 North 26th Street, Billings, MT 59101.

FOR FURTHER INFORMATION CONTACT: Joe Christie, Bureau of Indian Affairs, 18th & C Sts., NW., MS-4513-MIB, Washington, DC 20240, FTS 343-5831 or (202) 343-5831 or, Joseph Gourneau, Billings Area Office, Bureau of Indian Affairs, 316 North 26th Street, Billings, MT 59101, FTS 585-6315 or (406) 657-6315.

SUPPLEMENTARY INFORMATION: The authority for this proposed regulation is 31 U.S.C. 9701 and 25 U.S.C. 2, 13, 413. This proposed rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Bureau of Indian Affairs provides goods/services to non-Federal users if the Bureau determines that the goods/services are not available from other local sources or that it is in the best interest of the Indian tribes or individual Indians. The absence of a program to provide these goods/services could result in threatening the lives and safety of the recipients of the goods/services. Not collecting fees for the goods/services may cause the provision of the goods/services to be discontinued.

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding the proposed rule to the locations identified in the addresses section of this preamble.

Executive Order 12291 and the Regulatory Flexibility Act

This proposed rulemaking affects only a limited amount of locations (less than 90), where the BIA is delivering goods/services to non-Federal users, and no other groups will be affected. As the BIA billed and collected for these goods/services prior to the promulgation of the rule, the rule will not cause any increased economic effect. Further, this rule will not adversely affect or impact tribal organizations or other forms of small entities as the rule will not result in increases or decreases in charges to non-Federal users.

Accordingly, the Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Paperwork Reduction Act

This proposed rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3401 *et seq.* See 5 CFR 1230.7(j).

Environmental Effects

The Department of the Interior has determined that this proposed rule is categorically excluded from the National Environmental Policy Act (NEPA) process because it is of an administrative, routine financial, legal, technical and procedural nature, and therefore neither an environmental assessment nor an environmental impact statement is required. 40 CFR 1508.4; 516 DM 2.3A.

Compliance with Executive Order 12630

The Department has determined that the promulgation of this rule to authorize the BIA to charge non-Federal users for goods/services delivered to them by the BIA will "not affect the use or value of private property" as contemplated by Executive Order 12630, 3 CFR 554 (1988 Comp.). Therefore, no Takings Implication Analysis is necessary, and none has been prepared.

Drafting Information

The primary author of this document is Joseph Gourneau, Assistant Area Director, Division of Support Services, Billings Area Office.

List of Subjects in 25 CFR part 143

Government contracts, Indians, Tax exempt status.

Walter R. Mills,

Assistant Secretary—Indian Affairs.

[FR Doc. 90-10951 Filed 5-9-90; 8:45 am]

BILLING CODE 4310-02-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 780, 785, and 816

Surface Coal Mining and Reclamation Operations, Surface Mining Permit Applications, Special Categories of Mining, Permanent Program Performance Standards, Backfilling and Grading, and Multiple Seam and Mountaintop Removal Mining

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

ACTION: Notice of Public Hearing.

SUMMARY: The hearing will address topics identified in the **Federal Register** notice of April 17, 1990. (55 FR 14319) These topics concern adding regulations to ensure contemporaneous reclamation of multiple seam and mountaintop removal mining operations, and adding technical standards to the backfilling and grading regulations to prevent settlement of backfill material.

DATES: A public hearing will be held starting at 9:30 am on May 17, 1990, and will continue until all participants are provided an opportunity to be heard.

ADDRESSES: The hearing will be held in the Sequoia III room of the Knoxville Hilton Hotel, 501 West Church Street, Knoxville, Tennessee, 37902.

FOR FURTHER INFORMATION CONTACT: For information regarding the public hearing contact Raymond E. Aufmuth, PG, at (202) 343–7952, or Robert Wiles, PE, at (202) 343–1502.

W. Hord Tipton,

Acting Director.

[FR Doc. 90–10940 Filed 5–7–90; 1:15 pm]

BILLING CODE 4310–05–M

Notices

Federal Register
Vol. 55, No. 91
Thursday, May 10, 1990

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

May 4, 1990.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) title of the information collection; (3) form number(s), if applicable; (4) how often the information is requested; (5) who will be required or asked to report; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to provide the information; (8) an indication of whether section 3504(h) of Public Law 96-511 applies; (9) name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404-W Admin. Bldg., Washington, DC 20250, (202) 447-2118.

Revision

• Agricultural Stabilization and Conservation Service.

7 CFR part 1475, Emergency Feed Program.

CCC-642, 652, 640, 651, 658, 651B, 657, 659, ASCS-648, CCC-653A, 651 appendix.

On occasion.

Farms; 374,000 responses; 82,082 hours; not applicable under 3504(h).

Clarence Domire (202) 447-7673.

Extension

• Food and Nutrition Service.

Energy Assistance.

Non-Recurring.

State or local governments; 11 responses; 44 hours; not applicable under 3504(h).

Paul Jones (703) 756-3496.

• Agricultural Stabilization and Conservation Service.

7 CFR 1423.1, Processed Agricultural Commodities-Warehouseman's Report of Space Availability.

KC-140.

Semi-monthly.

Businesses or other for-profit; Federal agencies or employees; Small businesses or organizations; 300 responses; 75 hours not applicable under 3504(h).

Donnie L. McClure (816) 926-6024.

New Collection

• Food and Nutrition Service.

Study of WIC Participant and Program Characteristics, 1990.

One Time Only.

State or local governments; 86 responses; 129 hours; not applicable under 3504(h).

Julie Kresge (703) 756-3133.

• Food Safety and Inspection Service.

Requirements for Foreign Country Import Certification and Live Animals Importation.

On occasion.

Businesses or other for-profit; 71 responses; 71 hours; not applicable under 3504(h).

Roy Purdie, Jr. (202) 447-5372.

Donald E. Hulcher,

Acting Departmental Clearance Officer.

[FR Doc. 90-10893 Filed 5-9-90; 8:45 am]

BILLING CODE 3410-01-M

Forest Service

Nez Perce National Historic Trail Advisory Council; Public Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: The Nez Perce National Historic Trail Advisory Council will host a 2-day public meeting. The purpose of the meeting is to discuss matters relating to the Nez Perce National Historic Trail. Agency items for discussion are: final review of draft Comprehensive Plan; planning and preparing for dedication of the Trail on October 5, 1990; and review of route in the Yellowstone area. The council was established in accordance with the provisions of the National Trails Systems Act. The public is invited to attend.

DATES: The meeting will be held on June 15-16, 1990, from 8 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at Mammoth Hot Springs Inn, Yellowstone National Park.

FOR FURTHER INFORMATION CONTACT: Jim Dolan, Project Coordinator, by telephone (406) 329-3582 or by mail USDA, Forest Service, Northern Region, P.O. Box 7669, Missoula, MT 59807.

Dated: April 30, 1990.

John M. Hughes,

Deputy Regional Forester.

[FR Doc. 90-10916 Filed 5-9-90; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reducation Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census

Title: Broadwoven Fabrics (Gray)

Form Number(s): MQ22t

Agency Approval Number: 0607-0625

Type of Request: Revision of a currently approved collection

Burden: 1,450 hours

Number of Respondents: 400

AVG Hours Per Response: 1 hour

Needs and Uses: This survey is part of the Current Industrial Reports Program wich measures production of various manufactured products. The Bureau of the Census uses this survey to gather information on quarterly production of selected broadwoven, fabrics. The interagency Committee for the Implementation of Textile Agreemeents (CITA) uses the data from this collection to monitor potential market disruptions resulting from trade in the gray broadwoven fabric areas. Other government agencies, trade associations, and business firms use these data for making production, investment, and trade policy decisions.

Affected Public: Businesses or other for-profit organizations
Frequency: Quarterly, Annually (Counterpart)
Respondent's Obligation: Mandatory
OMB Desk Officer: Don Arbuckle 395-7340

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Clearance Officer, (202) 377-3271, Department of Commerce, room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Don Arbuckle, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: May 3, 1990.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 90-10883 Filed 5-9-90; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket A-12-90]

Foreign-Trade Zone 157—Casper, WY; Request for Manufacturing Approval; Inter-Mountain Pipe Storage/ Threading Plant

A request has been submitted to the Foreign-Trade Zones Board (the Board) by the Natrona County International Airport Board of Trustees, grantee of FTZ 157, on behalf of Inter-Mountain Threading, Inc. (IMT), requesting approval to conduct activity within FTZ 157, Casper, Wyoming, involving the processing of steel tubular products. It was filed on March 26, 1990.

IMT is a contract pipe processor. The company cuts plain end pipe to length, threads it and pressure tests it. The pipe is used for exploration and extraction of oil and water, and for mining applications.

Zone procedures would be used to exempt IMT from Customs duty payments on the foreign pipe that is reexported. On domestic shipments zone benefits would be limited to Customs duty deferral. IMT would be subject to a requirement that it elect foreign privileged status prior to processing any foreign steel (19 CFR 146.41 and .65; duties payable on basis of foreign product in its original condition). Customs duty rates on steel pipe range from 0.5 to 8.0 percent (HTS Nos. 7304.10.10-7304.39.00). The applicant has indicated that zone savings would help IMT further develop pipe processing activity in competition with foreign processing centers.

Comments on the request are invited in writing from interested parties. They should be addressed to the FTZ Board's Executive Secretary at the address below and postmarked on or before June 7, 1990: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 2835, 14th and Pennsylvania Avenue NW., Washington, DC 20230.

Dated: May 3, 1990.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 90-10880 Filed 5-9-90; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-602-039]

Canned Bartlett Pears From Australia; Determination Not to Revoke Antidumping Finding

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

ACTION: Notice of determination not to revoke antidumping finding.

SUMMARY: The Department of Commerce has determined not to revoke the antidumping finding on canned Bartlett pears from Australia because it continues to be of interest to interested parties.

EFFECTIVE DATE: May 10, 1990.

FOR FURTHER INFORMATION CONTACT: David S. Levy or John R. Kugelman, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

As of March 31, 1989, the Department of Commerce (the Department) had not received a request for an administrative review of the antidumping finding on canned Bartlett pears from Australia (38 FR 7566, March 23, 1973) for four consecutive annual anniversary months. As specified by § 353.25(d)(4) of the Commerce Regulations, the Department published a notice of intent to revoke this finding in the **Federal Register** at the beginning of the fifth annual anniversary month, and served written notice of its intent on each interested party on its service list (55 FR 7355, March 1, 1990). This notice afforded interested parties the opportunity to submit written objections to the proposed revocation, and stated that the Department would proceed with revocation if no interested party filed written objections or a request for review by March 31, 1990.

Scope of Finding

The United States, under the auspices of the Customs Cooperation Council, has developed a system of tariff classification based on the international harmonized system of customs nomenclature. The United States fully converted to the Harmonized Tariff Schedule (HTS) on January 1, 1989, as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is classified solely according to the appropriate HTS item number(s).

Imports covered by this finding are shipments of canned Bartlett pears from Australia. Such merchandise was classifiable under item number 148.8600 of the Tariff Schedules of the United States Annotated through 1988. This merchandise in currently classifiable under item number 2008.40.00 of the HTS. The HTS item number is provided only for convenience and Customs purposes. The written description of the scope remains dispositive.

Determination Not to Revoke

The Department may revoke a finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. According to § 353.25(d)(4)(iii) of the Commerce Regulations, the Secretary is authorized to reach this conclusion if, after publication of a notice of intent to revoke a finding or order in the **Federal Register**, the Department receives no written objections to the proposed revocation or requests for review of the finding in question within the time limits specified in the notice.

We received written objections from three interested parties in response to our notice of intent to revoke the antidumping finding on canned Bartlett pears from Australia. Based on these objections, the Department has concluded that the finding continues to be of interest to interested parties. Therefore, we have determined not to revoke the antidumping finding on canned Bartlett pears from Australia.

Dated: May 3, 1990.

Lisa B. Barry,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-10882 Filed 5-9-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-048]

Expanded Metal of Base Metal From Japan; Revocation of Antidumping Finding

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

ACTION: Notice of revocation of antidumping finding.

SUMMARY: The Department of Commerce has determined to revoke the antidumping finding on expanded metal of base metal from Japan because it is no longer of interest to interested parties.

EFFECTIVE DATE: January 1, 1990.

FOR FURTHER INFORMATION CONTACT: Dennis Askey or John Kugelman, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 1990, the Department of Commerce (the Department) published in the **Federal Register** (55 FR 3436) its intent to revoke the antidumping finding on expanded metal of base metal from Japan (39 FR 1979, January 16, 1974).

Additionally, as required by § 353.25(d)(4)(ii) of the Commerce Regulations, the Department served written notice of its intent to revoke this finding on each interested party listed on the service list. Interested parties who which might object to the revocation were provided the opportunity to submit their comments not later than thirty days from the date of publication.

Scope of the Finding

The United States, under the auspices of the Customs Cooperation Council, has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedule (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by this finding are shipments of expanded metal of base metal, which is manufactured in three types (standard, flattened, and grating) and various thicknesses. Through 1988 such merchandise was classifiable under item number 652.8000 of the Tariff Schedules of the United States Annotated. This merchandise is currently classifiable under HTS item numbers 7314.50.00 and 7414.90.00. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Determination to Revoke

The Department may revoke a finding if the Secretary of Commerce concludes that a finding is no longer of interest to interested parties. We received no objections to our intent to revoke the antidumping finding on expanded metal of base metal from Japan. Further, we received no requests to conduct an administrative review pursuant to our notices of Opportunity to Request Administrative Review (51 FR 233, January 3, 1986; 52 FR 697, January 8, 1987; 53 FR 46, January 4, 1988; 54 FR 992, January 1, 1989; 55 FR 2398, January 24, 1990).

Since we received no objections to the revocation of this finding by an interested party, and no review requests for four consecutive anniversary months (*see* § 353.25(d)(4) (i) and (ii) of the Commerce Regulations), the Department has concluded that the finding is no longer of interest to interested parties. Therefore, any entries for the period January 1, 1989 through December 31, 1989 will be subject to automatic liquidation pursuant to § 353.22(e) of the regulations. In addition, we are revoking the antidumping finding on expanded metal of base metal from Japan in accordance with § 353.25(d)(4)(iii) of the Commerce Regulations.

The revocation applies to all unliquidated entries of this merchandise of Japanese origin entered, or withdrawn from warehouse, for consumption on or after January 1, 1990. The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1990, without regard to antidumping duties, and to refund any estimated antidumping duties collected with respect to those entries.

This notice is in accordance with § 353.25(d)(4)(iii).

Dated: May 3, 1990.

Lisa B. Barry,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-10881 Filed 5-9-90; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Business Development Center Applications; New Brunswick, N.J.

AGENCY: Minority Business Development Agency; Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3 year period, subject to the availability of funds. The cost of performance for the first 12 months is estimated at $165,000 in Federal funds and a minimum of $29,118 in non-Federal contributions for the budget period October 1, 1990 to September 30, 1991. Cost-sharing contributions may be in the form of cash contributions, client fees for services, in-kind contributions, or combinations thereof. The MBDC will operate in the New Brunswick SMSA geographic service area.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can coordinate and broker public and private resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodology) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be

considered programmatically acceptable and responsive.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. Client fees for billable management and technical assistance (M&TA) rendered must be charged by MBDCs. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less and 35% of the total cost for firms with gross sales of over $500,000.

The MBDC may continue to operate, after the initial competitive year, for up to 2 additional budget periods. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds and Agency priorities.

CLOSING DATES: The closing date for applications is June 12, 1990. Applications must be postmarked on or before June 12, 1990.

ADDRESSES: New York Regional Office, Minority Business Development Agency, Jacob K. Javits Federal Building, 3720, New York, New York 10278. Area Code/ Telephone Number (212) 264–3262.

FOR FURTHER INFORMATION CONTACT: William R. Fuller, Regional (Acting) Director, New York Regional Office.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372 "Intergovernmental Review of Federal Programs" is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: May 3, 1990.

William R. Fuller,

Regional Director (Acting), New York Regional Office.

[FR Doc. 90–10909 Filed 5–9–90; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will hold a public meeting of its Shrimp and Reef Fish Advisory Panels on May 9–10, 1990, at the Landmark Hotel, 2601 Severn Avenue, Metairie, Louisiana. On May 9 the Panels will begin meeting at 8 a.m., and recess at 5 p.m. On May 10 the meeting will reconvene at 8 a.m., and adjourn at 5 p.m. The Panels will discuss methods to reduce red snapper bycatch in shrimp trawls, and other actions to manage the directed fishery, in order to accomplish the 20 percent spawning stock goal by the year 2000.

For more information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL; telephone: (813) 228–2815.

Dated: May 4, 1990.

David S. Crestin,

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

[FR Doc. 90–10868 Filed 5–9–90; 8:45 am]

BILLING CODE 3510-22-M

Development of a Proposal To Govern the Taking of Marine Mammals Incidental to Commercial Fishing Operations

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

ACTION: Notice of intent to prepare an EIS and hold a scoping meeting.

SUMMARY: NMFS intends to prepare an Environmental Statement (EIS) in conjunction with development of a proposal to govern the incidental take of marine mammals incidental to commercial fishing operations. NMFS is convening a scoping meeting to ensure that all interested parties have an opportunity to advise NMFS on the issues, alternatives and impacts which need to be considered in developing the EIS.

DATES: The scoping meeting will be held in Silver Spring, Maryland on May 31, 1990, 9 a.m.–12 noon.

ADDRESSES: The scoping meeting will be held at Silver Spring Metro Center II, Second Floor Conference Room, 1325 East-West Highway, Silver Spring, Maryland. Written comments should be sent to and background material will be available from Dr. Nancy Foster, Director, Office of Protected Resources, 1335 East-West Highway, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Pat Montanio (301–427–2322) or Herb Kaufman (301–427–2319).

SUPPLEMENTARY INFORMATION: The Interim Exemption for Commercial Fisheries implemented by the 1988 amendments to the Marine Mammal Protection Act governs the taking of marine mammals during commercial fishing operations until October 1, 1993. The 1988 amendments require the Secretary of Commerce to publish in the **Federal Register** by February 1, 1991, for public comment, the suggested regime that the Secretary believes should govern the incidental takings of marine mammals after October 1, 1993. In developing this regime, the Secretary is required to consult with the Marine Mammal Commission, Regional Fishery Management Councils, and other interested governmental and non-governmental organizations. The amendments also require the Secretary to make recommendations to Congress pertaining to the incidental taking of marine mammals by January 1, 1992. These recommendations will include: (a) The suggested regime as modified after comments and consultations; (b) a proposed schedule for implementing the regime; and (c) such recommendations for additional legislation considered necessary or desirable to implement the suggested regime.

In conjunction with the development of a proposed regime, NMFS is preparing a Draft Environmental Impact Statement (DEIS). This DEIS will present alternative regimes and discuss the environmental impacts of each alternative.

The public scoping meeting will be held to ensure full opportunity for interested members of the public and government agencies to advise NMFS on the issues, alternatives and impacts which should be addressed in the DEIS. All comments and suggestions presented at the scoping meeting should be provided in writing no later than 15 days after the meeting. Similar meetings may be held in other cities.

Background information will be available one week prior to the meeting at the address noted above.

Dated: May 4, 1990.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 90–10867 Filed 5–9–90; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of information collection.

SUMMARY: The Commodity Futures Trading Commission has submitted information collection 3038–0033, Regulation Governing Notification of Legal Proceedings, to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. The information collected pursuant to this rule is designed to assist the Commission in monitoring legal proceedings involving the responsibilities imposed on contract markets and their officials and futures commission merchants and their principals by the Commodity Exchange Act, the Commission's enabling legislation, or otherwise.

ADDRESSES: Persons wishing to comment on this information collection should contact Gary Waxman, Office of Management and Budget, Room 3228, NOEB, Washington, DC 20503, (202) 395–7340. Copies of this submission are available from Joe F. Mink, Agency Clearance Officer, (202) 254–9735.

Title: Regulation governing notification of legal proceedings.
Control number: 3038–0033.
Action: Extension.
Respondents: Contract markets and their officials and futures commission merchants and their principals.
Estimated annual burden: 10 hours.
Estimated number of respondents: 100 (1 per year by 100 respondents).

Issued in Washington, DC on May 4, 1990.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90–10966 Filed 5–9–90; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Military Traffic Management; Standardization of International and Domestic Carrier Evaluation Reporting System

AGENCY: Department of the Army (DOD).

ACTION: Notice of request for public comment.

SUMMARY: The Department of Defense is standardizing the policies and procedures in the International Carrier Evaluation and Reporting System (ICERS) and the domestic Carrier Evaluation and Reporting System (CERS). Changes to the Personal Property Traffic Management Regulation, DOD 4500.34R, and ICERS pamphlet dated 1 June 1987, are pending. The objectives are to streamline the process of evaluating carriers, and standardize procedures for domestic and international personal property shipping offices reducing the administrative workload for both the transportation offices and the carriers who are currently operating under two different evaluation programs. Since these programs form an integral part of the relationship between Military Traffic Management Command (MTMC) and its carriers, MTMC requests public comment on the proposed standards prior to its publication in final form. Carriers that have submitted comments based on previous *Federal Register Notice (Vol. 54, No. 36, Friday, February 24, 1989)* do not need to repeat their comments.

DATES: Comments must be submitted on or before July 9, 1990.

ADDRESSES: Comments should be addressed to Headquarters, Military Traffic Management Command, ATTN: MTPP–QQ, 5611 Columbia Pike, Falls Church, VA 22041–5050.

FOR FURTHER INFORMATION CONTACT: Captain Culbertson or Ms. Wells at (703) 756–1691, HAMTMC, ATTN: MTMPP–QQ, 5611 Columbia Pike, Falls Church, VA 22041–5050.

SUPPLEMENTARY INFORMATION: The proposed revision would supersede procedures published in DOD 4500.34R, Personal Property Traffic Management Regulation, the Carrier Evaluation and Reporting System (CERS) pamphlet, dated March 1984, and the International Carrier Evaluation and Reporting System (ICERS) pamphlet dated 1 June 1987. A copy of the draft regulation will be placed in the public file at HQMTMC for carrier review. The significant changes contained in the proposed revision are as follows:

A. Performance Factors

1. On-Time Pickup—A carrier will be awarded 20 points for meeting the established pickup date. A carrier which fails to effect pickup, as ordered, will receive no points.

2. On-Time Delivery—A carrier will be awarded 40 points for meeting the established required delivery date (RDD). Four points will be deducted for each day the shipment is late, up to a maximum of 40 points. If a shipment is not offered for delivery on or prior to the RDD, the shipment will be considered as having not met the RDD. Storage-in-transit (SIT) will not affect the score.

3. Loss and/or Damage—When scoring loss and/or damage, a carrier will not receive any points for no loss/damage if the carrier does not provide the personal property shipping office (PPSO) a completed DD Form 1840. Four points will be deducted from a carrier's shipment score for each $100 increment of loss/damage up to 40 points.

B. Scoring "Turned Back" Shipments

A shipment that has been turned back by the carrier 7 or less days prior to the pick-up date will be given a score of 80 points. A shipment that has been truned back on or after the pack or pick-up date will be given a score of 50 points.

C. Individual Shipment Scores

All shipments will be scored 1 year after pickup date or 120 days after delivery. Shipments over 18 months past the pickup date will not be scored. A carrier may request a shipment score 120 days after delivery when proof of delivery is provided. A completed DD Form 1840/1840R will be the only acceptable proof of delivery. The destination transportation office (TO) has 45 days to return scoring paperwork to origin after delivery. The origin TO than has 45 days to score the shipment after receiving the destination paperwork. Individual shipment scores must first be appealed to the TO and, if not resolved, to the area command/field office, which will be the final authority on appeals.

D. Semiannual Scores

Each carrier will receive only one domestic household goods score (HHG), (Codes 1 and 2), one international HHG score (Codes 4, 5, 6, and T), and one unaccompanied baggage (UB) score (Codes 7, 8 and J), as applicable, out of an installation or activity regardless of areas of operation or traffic channels. Carriers will be advised of their semiannual shipment score not later than 30 calendar days prior to the effective date of the following 6-month rate cycle. Semiannual scores under 90 percentile will be mailed to the carrier by certified mail. All individual shipment scores will be included in the semiannual score with the semiannual score adjusted to reflect any changes due to appeals. The area command/field office will be the final appellate authority on semiannual score appeals. If a carrier does not receive a shipment evaluation during the evaluation period the carrier's last semiannual score will be carried forward.

E. Traffic Denial

Semiannual scores below 90 percentile will result in periods of traffic denial. Semiannual average scores of 80 to 89.99 will result in 60 days of traffic denial, scores of 70 to 70.99 will result in 120 days, and scores below 70 will result in 180 days of traffic denial. Carriers

placed in a traffic denial status will be automatically returned to the traffic distribution record (TDR) at the end of the traffic denial period, with an administrative score of 90, with no further review of their performance file.

F. Letters of Warning

Letters of Warning shall be issued using DD Form 1814. Letters of Warning will not be issued for each Tender of Service violation. The purpose of the Letter of Warning will be to note an unacceptable trend or performance problem. The Letter of Warning will serve as a formal warning and will normally precede a Letter of Suspension. At the TO's request, the Letter of Warning may require a written response from the carrier. However, a TO may issue a Letter of Suspension without prior letter of warning when, in the judgment of the TO, immediate suspension is necessary to protect the interests of the DOD.

G. Suspensions

1. The TO shall issue a Letter of Suspension (DD Form 1814) to the carrier before taking suspension action. The TO should consider the overall performance of the carrier and the effectiveness of any corrective action before issuing a suspension. Suspensions will apply to through Government bills of landing traffic as follows; HHG (Codes 1 and 2); international through Government bills of lading HHG (Codes 4, 5, 6, and T); or UB (Codes 7, 8, and J). The TO will allow the carrier a 20-calendar day response period from the date of the Letter of Suspension before effecting the suspension. TOs may book shipments with the carrier until the effective date of the suspension if the pickup date does not fall within the projected suspension period. No shipments will be booked with the carrier during the suspension period.

2. All suspensions will be for a minimum of 30 days. Lifting of the suspension, and return to the TDR, will require evidence adequate to convince the TO that the cause of the suspension has been corrected. If the TO determines that the carrier's response is not adequate, the TO shall notify the carrier in writing within 21 days the corrective action was not acceptable and the carrier will remain in suspension status.

3. Should a carrier fail to provide adequate evidence of effective corrected action within 90 days of the effective date of the suspension, the TO will provide the carrier a "Notice of Intent to Return the LOI." The carrier will be advised that failure to respond within 30 days from the date of the notice will result in automatic return of the LOI and notification made to HQMTMC.

4. Grounds for a regular suspension include, but are not limited to, the following:

(a) Failing to meet the agreed upon pickup date as specified on the Government Bill of Lading (GBL).

(b) Failing to meet the required delivery date (RDD), or a pattern of shipments that miss the RDD.

(c) Failure to correct a deficiency noted in a Letter of Warning.

(d) Service failure as determined by selective or excessive unjustified shipment refusals, or turnback of shipments.

5. A carrier has the right to appeal a suspension imposed by the TO. The appeal shall be postmarked not later than 45 days from the date of the notification of suspension. The TO's response to the carrier's initial appeal shall be forwarded not later than 45-calendar days from the postmarked date of the carrier's letter of appeal.

Kenneth L. Denton,

Alternate Army Liaison Officer With the Federal Register.

[FR Doc. 90-10866 Filed 5-9-90; 8:45am]

BILLING CODE 3710-08-M

Corps of Engineers

Department of the Army

Intent to Prepare Environmental Impact Statement

To prepare a Draft Environmental Impact Statement (DEIS) on a permit application for the discharge of dredged or fill material in waters of the United States near Lakeside, Oregon.

LEAD AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: The U.S. Army Corps of Engineers, Portland District, has accepted an application for a permit under section 404 of the Clean Water Act from the Coos County Urban Renewal Agency. Their proposed work includes placement of a water level control facility and pump station in Tenmile Creek near the mouth of Tenmile Lake, and construction of a pipeline to convey water withdrawn from the creek to the vicinity of Coos Bay, Oregon. The purpose of the work is to supply water for future industrial development in the Coos Bay area, including potential development on land on the North Spit of Coos Bay currently administered by the Bureau of Land Management. Several preliminary pipeline alignments have been developed by the applicant. The applicant's preferred alignment runs through the Oregon Dunes National Recreation Area, administered by the U.S. Forest Service. Alternative pipeline alignments will be studied in detail in the DEIS, as will alternative water control facility designs and pipeline intake locations, the effects of increased water level elevations on wetlands bordering Tenmile Lake, and the effects of potential North Spit industrial development on wetlands located there.

EIS scoping will formally commence in April, 1990, with the issuance of a public notice containing a draft outline of alternatives and potential effects which will be discussed in the DEIS. Federal, State and local agencies, Indian tribes, and intereted organizations and individuals will be asked to comment on the draft outline and to identify significant issues related to the effects of the alternatives. Appropriate cooperating agencies will also identified during the and agency review in December 1990. The final EIS is scheduled for publication in June 1990.

ADDRESSES: Questions about the proposed action and DEIS can be answered by Judy Linton, (503) 326-6096 or (FTS 423-6096), U.S. Army Corps of Engineers, Regulatory and Resource Branch, P.O. Box 2946, Portland, Oregon 97208-2946.

Dated: April 16, 1990.

Charles E. Cowan,

Colonel, Corps of Engineers Commanding.

[FR Doc. 90-10865 Filed 5-9-90; 8:45 am]

BILLING CODE 3710-AR-M

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

[Recommendation 90-4]

Operational Readiness Review at the Department of Energy's Rocky Flats Plant, CO

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice; proposed recommendation.

SUMMARY: The Defense Nuclear Facilities Safety Board has made recommendations to the Secretary of Energy pursuant to 42 U.S.C. 2286a, concerning operational readiness review at DOE's Rocky Flats Plant, CO. The Board requests public comments on these recommendations.

DATES: Comments, data, views, or arguments concerning the recommendations are due on or before June 11, 1990.

ADDRESSES: Send comments, data, views, or arguments concerning the recommendations to: Defense Nuclear Facilities Safety Board, 600 E Street, NW., Suite 675, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Pusateri, at the address above or telephone 202/376-5083, (FTS) 376-5083.

Dated: May 4, 1990.

Kenneth M. Pusateri,

General Manager.

Operational Readiness Review at the Department of Energy's Rocky Flats Plant, CO

Dated: May 4, 1990.

In several visits to Rocky Flats, the Board and its experts have reviewed aspects of operations and activities. These reviews have been directed toward ensuring adequate protection of public health and safety and concern matters that have an important bearing on resumption of plutonium processing operations. The Board's reviews have included such operations-related activities as reconstruction of drawings of systems important to safety ("red-lining"), development and validation of plant operating procedures, and training and requalification of plant operators in plutonium processing operations.

Several of these contractor activities, which would ordinarily be conducted in sequential manner, are being carried forward concurrently. Because of the interdependence of these activities, the Board has not yet been able to predict their adequacy at the time of proposed resumption of plutonium processing operations. For example, at the time of our most recent visit, no training lesson plans had been approved and less than one-third had been submitted for review. Training materials that were reviewed contained extensive on-the-job examination and performance requirements leading to requalification. This process will be time-consuming.

Usual practice in restarting a nuclear facility after an extended outage is the conduct of a comprehensive operational readiness review. Aware of the benefits of this practice in ensuring that public health and safety are adequately protected, and in view of the situation, the Board recommends that such a readiness review be carried out at Rocky Flats prior to resumption of operations.

We recommend that the group constituted to carry out the readiness review be composed of experienced individuals and that their backgrounds collectively include all important facets of the unique operations involved. We recommend the review include, but not be limited to, the following items:

- Independent assessment of the adequacy and correctness of process and utility systems operating procedures. Consistent with the contractor's operating philosophy, these procedures should be in sufficient detail to permit the use of the "procedural compliance" concept.
- Assessment of the level of knowledge achieved during operator requalification as evidenced by review of examination questions and examination results, and by selective oral examinations of operators by members of the review group.
- Examination of records of tests and calibration of safety systems and other instruments monitoring Limiting Conditions of Operation or that satisfy Operating Safety Requirements.

Verification that all plant changes including modifications of vital safety systems and plutonium processing workstations have been reviewed for potential impact on procedures, training and requalification, and that training and requalification have been done using the revised procedures.

- Examination of each building's Final Safety Analysis Report to ensure that the description of the plant and procedures and the accident analysis are consistent with the plant as affected by safety related modifications made during the outages period.

John T. Conway,

Chairman.

Appendix—Transmittal Letter to the Secretary of Energy

Defense Nuclear Facilities Safety Baord.

May 4, 1990.

Honorable James D. Watkins,
Secretary of Energy,
Washington, DC 20585.

Dear Mr. Secretary: On May 3, 1990, the Defense Nuclear Facilities Safety Board, in accordance with Section 312(5) of Public Law 100-456, approved a recommendation which is enclosed for your consideration.

Section 315(A) of Public Law 100-456 requires the Board, after receipt by you, to promptly make this recommendation available to the public in the Department of Energy's regional public reading rooms. Please arrange to have this recommendation placed on file in your regional public reading rooms as soon as possible.

The Board will publish this recommendation in the **Federal Register.**

You will note that the Board has recommended that a readiness review be carried out at Rocky Flats prior to resumption of operations. When the composition of the group to conduct this review has been established and a written plan and scope for carrying out the review has been developed, the Board wishes to be informed. We also request that the Board be provided with the results of the review before resumption of operations is authorized.

Sincerely,

John T. Conway,

Chairman.

[FR Doc. 90-10903 Filed 5-9-90; 8:45 am]

BILLING CODE 6820-KD-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before June 11, 1990.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Jim Houser, 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 George P. Sotos, Department of Education, 400 Maryland Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: George P. Sotos (202) 732-2174.

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 George Sotos at the address specified above.

Dated: May 4, 1990.

George P. Sotos,

Acting Director, for Office of Information Resources Management.

Office Of Elementary and Secondary Education

Type of Review: Extension.
Title: Christa McAuliffe Fellowship Recommendation Report.
Frequency: Annually.
Affected Public: Individuals or households; State or local governments.

Reporting Burden

Responses: 143.
Burden Hours: 286.

Recordkeeping Burden

Recordkeepers: 0.
Burden Hours: 0.
Abstract: This form will be used by statewide fellowship selection panels in order to participate in the Christa McAuliffe Fellowship program. The Department will use the information collected to make fellowship awards.

[FR Doc. 90-10890 Filed 5-9-90; 8:45 am]

BILLING CODE 4000-01-M

[CFDA NO: 84.229]

Language Resource Centers Program

ACTION: Notice Inviting Applications for New Awards under the Language Resource Centers Program for Fiscal Year 1990.

PURPOSE: The Language Resource Centers Program provides assistance to centers that serve as resources for improving the nation's capacity for teaching and learning foreign languages.

DEADLINE FOR THE TRANSMITTAL OF APPLICATIONS: July 6, 1990.

APPLICATIONS AVAILABLE: May 4, 1990.

AVAILABLE FUNDS: $800,000.

ESTIMATED AVERAGE SIZE OF AWARDS: $400,000.

ESTIMATED NUMBER OF AWARDS: 2.

PROJECT PERIOD: 12 to 36 months.

APPLICABLE REGULATIONS: (a) International Education Programs—General Provisions, 34 CFR part 655, (b) Language Resource Centers Program published in 55 FR 2772 on January 26, 1990, 34 CFR part 669, (c) The Education Department General Administrative Regulations (EDGAR), 34 CFR parts 74, 75, 77, 82, and 85.

PRIORITIES: The regulations governing the Language Resource Centers Program (34 CFR 669.22) provide for the establishment of funding priorities by the Secretary. For FY 1990, the Secretary has not established any priorities.

FOR APPLICATIONS OR INFORMATION CONTACT: Mr. Jose L. Martinez, U.S. Department of Education, 400 Maryland Avenue SW., ROB-3, Room 3053, Washington, DC 20202-5331. Telephone number: (202) 732-3297.

Authority: 20 U.S.C. 1123.

Dated: May 2, 1990.

Leonard L. Haynes III,

Assistant Secretary for Postsecondary Education.

[FR Doc. 90-10891 Filed 5-9-90; 8:45 am]

BILLING CODE 4000-01-M

Secondary Schools Basic Skills Demonstration Assistance Program

AGENCY: Department of Education.

ACTION: Notice of final funding priorities for fiscal year (FY) 1990.

SUMMARY: The U.S. Secretary of Education establishes absolute priorities for the FY 1990 grant competition under the Secondary Schools Basic Skills Demonstration Assistance Program. Under the priorities, funds would be reserved for mentoring and peer tutoring projects that would be coordinated with an in-depth Federal evaluation of this program.

EFFECTIVE DATE: This notice takes effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. A document announcing the effective date will be published in the **Federal Register**. If you want to know the effective date of this notice, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Brian Stacey, Office of Elementary and Secondary Education, U.S. Department of Education, room 2043, 400 Maryland Avenue, SW., Washington, DC 20202-6132; (202) 732-4733.

SUPPLEMENTARY INFORMATION: Authority for the Secondary Schools Basic Skills Demonstration Assistance Program is contained in part B of title VI of the Elementary and Secondary Education Act of 1965. Under this program, awards for carefully designed and monitored demonstration projects are made to local educational agencies with high concentrations of children from low-income families. These projects will test the effects of specific treatments intended to improve the achievement of educationally disadvantaged children enrolled in secondary schools.

Among methods that may be used to accomplish this goal are mentoring and peer tutoring programs. A mentor relationship calls for a personal commitment by an adult to a young person who needs guidance—in this case, assistance to improve performance in basic and advanced skills. A peer tutoring program is one in which students serve as tutors to low-achieving students of approximately the same age. Some studies have shown that these two approaches show substantial promise as ways to raise the achievement levels of low-achieving students and are cost-effective.

The Secretary believes that focusing projects in these two areas will provide additional information on their effectiveness and provide opportunity to compare various approaches within the broad categories to determine which approaches work best.

On February 8, 1990, the Secretary published a Notice of Proposed Funding Priorities for this competition in the **Federal Register** (55 FR 4465).

This notice announces final funding priorities for fiscal year 1990.

A notice requesting transmittal of applications under these priorities is published in this issue of the **Federal Register**.

There are no substantive differences between the notice of proposed priorities and this final notice.

Analysis of Comments and Changes

In response to the Secretary's notice of proposed funding priorities for fiscal year 1990, nine parties submitted comments. All but one comment were favorable.

Comments: Among those comments favoring the priorities were many suggestions for specific program design elements, such as the development of an individualized curriculum as a guide for non-professionals and a recommendation for an in-depth evaluation component. Others recommended that all students in a project be afforded the opportunity to serve as tutors, that projects be conducted as controls in more affluent attendance areas, and that migrant children and military dependents not be overlooked as participants.

Discussion: The Secretary appreciates the favorable responses to the priorities. Specific components recommended by the commenters can be incorporated into applications as part of a proposed project's design.

Changes: None.

Comment: The one commenter who did not favor the establishment of these priorities recommended that the priorities be redrafted to require that projects include a strong, professionally directed instructional program in reading, in which peer tutoring or

mentoring could be allowable components.

Discussion: The Secretary agrees that a successful basic skills project funded under this program would be likely to include a strong instructional program in reading. It is, therefore, not necessary to include such a requirement in establishing funding priorities. It will be up to applicants to decide on the curriculum content that will best meet the needs of their students. The purpose of establishing these priorities is to determine the effectiveness of two techniques—mentoring and peer tutoring—in raising the basic skills levels of secondary school students.

Changes: None.

Absolute Priorities

The Secretary gives an absolute preference to applications that focus entirely on one or both of the following programs:

(1) Mentoring programs in which adults from the community serve as mentors to educationally deprived secondary school students to assist those students in attaining grade-level proficiency in basic skills and, as appropriate, learn more advanced skills. Projects must focus specifically on skill attainment by students. The mentoring programs must provide training and supervision for the mentors.

(2) Peer tutoring programs in which secondary school students assist educationally disadvantaged peers in attaining grade-level proficiency in basic skills and, as appropriate, in learning more advanced skills by assisting with homework assignments, by providing instructional activities, and by fostering good study habits. The peer tutoring programs must provide training and supervision for the tutors.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Authority: 20 U.S.C. 3261.

(Catalog of Federal Domestic Assistance Number 84.227; Secondary Schools Basic Skills Demonstration Assistance Program)

Dated: April 19, 1990.

Lauro F. Cavazos,

Secretary of Education.

[FR Doc. 90–10892 Filed 5–9–90; 8:45 am]

BILLING CODE 4000–01–M

Meetings: Student Financial Assistance Advisory Committee

AGENCY: Advisory Committee on Student Financial Assistance.

ACTION: Notice of advisory committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming Symposium on Information Resources, Services and Programs and a formal Advisory Committee meeting. This notice also describes the functions of the Committee. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of the opportunity to attend.

DATES: May 24, 1990 beginning at 9 a.m. and ending at 5 p.m.; and May 25, 1990 beginning at 8:30 a.m. and ending at 12 Noon.

ADDRESSES: Sid Richardson Hall, LBJ School of Public Affairs, University of Texas, 2313 Red River Street, Austin, Texas 78705.

FOR FURTHER INFORMATION CONTACT: Brian K. Fitzgerald, Staff Director, Advisory Committee on Student Financial Assistance, room 4600, ROB-3, 7th & D Streets, SW., Washington, DC 20202–7582, (202)732–3439.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Student Financial Assistance is established under section 491 of the Higher Education Act of 1965 as amended by Public Law 100–50 (20 U.S.C. 1098). The Advisory Committee is established to provide advice and counsel to the Congress and the Secretary of Education on student financial aid matters, including providing technical expertise with regard to systems of need analysis and application forms and making recommendations that will result in the maintenance of access to postsecondary education for low- and middle-income students, and conducting a thorough study of institutional lending policy in the Stafford Student Loan Program. The Congress also requested the Advisory Committee's assistance in preparing for reauthorization of the Higher Education Act. The Symposium on Information Resources, Services and Programs, the second in a series of activities related to reauthorization, will focus on improving access for low-income and disadvantaged students through information and intervention.

The Advisory Committee will meet in Austin, Texas on May 24 from 9 a.m. to 5 p.m., and on May 25, from 8:30 a.m. to 12 Noon.

The proposed agenda for the symposium on May 24 includes discussion sessions on the following issues:

(a) The Need for Information Programs and Interventions;

(b) The Role of Information Programs and Interventions in Improving and Maintaining Access;

(c) Model Information Programs and Interventions: Institutional, State and Federal; and

(d) The Federal Role and Strategy in Information Programs and Intervention.

The proposed agenda for the Committee meeting on May 25 includes a discussion of the general findings and issues for further analysis; and issues to be addressed at the summer symposium on studies, surveys and analyses.

Records are kept of all Committee proceedings, and are available for public inspection at the Office of the Advisory Committee on Student Financial Assistance, room 4600, 7th and D Streets, SW., Washington, DC from the hours of 9 a.m. to 5:30 p.m., weekdays, except Federal holidays.

Dated: May 4, 1990.

Brian K. Fitzgerald,

Staff Director, Advisory Committee on Student Financial Assistance.

[FR Doc. 90–10879 Filed 5–9–90; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Annual Report of Closed Advisory Committee Meetings; Availability

Pursuant to section 10(d) of the Federal Advisory Committee Act (FACA), Public Law 92–463, and § 101–6.1023 of the General Services Administration's (GSA) Revised Final Rule on Federal Advisory Committee Management, of October 5, 1989, the Department of Energy's 1989 Annual Report of Closed Advisory Committee meetings has been issued. The report covers one closed and one partially closed meeting of the Advisory Committee on Nuclear Facility Safety held January 25, 1989, in Washington, DC (partially closed), and November 14, 1989, in Amarillo, Texas (closed).

The report is available for public review and copying at the Department of Energy's Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue

SW., Washington, DC 20585, between 9 a.m. and 4 p.m., Monday through Friday, except Federal Holidays. For further information contact Ms. Elinor C. Donnelly, Office of Organization and Management Systems, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

Issued in Washington, DC, on May 7, 1990.

J. Robert Franklin,

Deputy Advisory Committee, Management Officer.

[FR Doc. 90-10956 Filed 5-9-90; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Proposed Consent Order With Kern Oil & Refining Co. and Larry D. Delpit

AGENCY: Economic Regulatory Administration.

ACTION: Notice of proposed consent order and opportunity for public comment.

SUMMARY: The Economic Regulatory Administration (ERA) announces a proposed Consent Order between the Department of Energy (DOE), and Kern Oil & Refining Co. (Kern) and Larry D. Delpit (Delpit). The agreement proposes to resolve matters relating to Kern's and Delpit's compliance with the federal petroleum price and allocation regulations for the period October 1, 1979, through January 27, 1981. If this Consent Order is approved, Kern shall pay to the DOE $750,000 and Delpit shall pay $2,600,000, for a total of $3,350,000, within thirty (30) days of the effective date of the Consent Order. The DOE's Office of Hearings and Appeals will be petitioned to implement Special Refund Procedures pursuant to 10 CFR part 205, subpart V, in which proceedings any persons who claim to have suffered injury from the alleged overcharges would have the opportunity to submit claims for payment.

Pursuant to 10 CFR 205.199J, ERA will receive written comments on the proposed Consent Order for thirty (30) days following publication of this Notice. ERA will consider all comments received from the public in determining whether to accept the settlement and issue a final Order, renegotiate the agreement and issue a modified agreement as a final Order, or reject the settlement. DOE's final decision will be published in the Federal Register, along with an analysis of and response to the significant written comments, as well as any other considerations that were relevant to the final decision.

FOR FURTHER INFORMATION CONTACT: Dorothy Hamid, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-4167.

SUPPLEMENTARY INFORMATION:

Resolution of Regulatory Issues

Kern is a petroleum refiner subject to the audit jurisdiction of ERA to determine compliance with the federal petroleum price and allocation regulations. During the period covered by this proposed Consent Order, October 1, 1979 through January 27, 1981, Kern engaged in, among other things, the purchase, sale and refining of crude oil. Delpit was Kern's chief operating officer and 25% shareholder in the company. ERA examined Kern's compliance with DOE regulations for the period October 1, 1979, to the date when federal price and allocation controls were ended by the President (January 28, 1981, Executive Order 12287). During this examination, ERA identified certain related purchases and sales of crude oil in which ERA believed. that Kern had failed to comply with the requirements of the federal price and allocation regulations.

A. Administrative Enforcement Proceeding

On March 31, 1987, ERA issued a PRO which, as amended October 18, 1988, alleged that Kern and Delpit committed violations of 10 CFR 205.202 and 210.62(c), as a result of Kern's significant understatement on its entitlements reports on Form ERA-49 of its receipts of controlled tier crude oil at its refinery located in Kern County, California, during the period October 1979 through December 1980. Specifically, the PRO alleged that during this period, Kern sold crude oil certified as lower or upper tier in transactions that were tied to its purchases of identical volumes of crude oil certified as stripper well crude oil at below-market prices and which bore no entitlements purchase obligations. ERA determined in the PRO that Kern's tie-in transactions circumvented and contravened, or resulted in the circumvention and contravention of, the requirements of the Entitlements Program; and that Delpit, as a central figure in the alleged violations, should be held liable to make restitution therefor with Kern, based on his tortious conduct. To remedy these alleged violations, the PRO sought to recover approximately $24.5 million. Of this amount, the PRO sought to recover from Delpit approximately $6.1 million, or 25% of the alleged violation amount, corresponding to Delpit's 25% shareholder interest in Kern. With interest, Kern's maximum potential liability would be approximately $73 million and Delpit's maximum potential personal liability would be approximately $18 million.

As an alternative theory of violation, the PRO, as amended on June 30, 1989, alleged that the subject tie-in transactions violated the price regulations applicable to a refiner's resales of crude oil, 10 CFR 212.183(b), and constituted a means of obtaining an unlawful price for such crude oil in violation of 10 CFR 210.62(c). Specifically, the PRO alleged that in these tied transactions, Kern's receipt of substantial below-market discounts in its purchases of exempt-certified crude oil constituted excess consideration, in addition to the invoiced prices, for its sales of price-controlled crude oil. To remedy these alternative violations, the PRO sought restitution of approximately $16 million, the amount of the discounts. Of this amount, the PRO sought to recover from Delpit for his alleged tortious conduct approximately $4 million, or 25% of the alleged overcharges, corresponding to Delpit's 25% stock ownership in Kern. With interest, Kern's maximum potential liability under this alternative theory would be approximately $48 million and Delpit's maximum potential personal liability would be approximately $12 million.

B. District Court Proceedings

On April 11, 1989, Delpit filed suit in the U.S. District Court for the District of Columbia requesting declaratory and injunctive relief from the OHA proceedings against him, claiming that OHA lacked statutory authority to adjudicate his alleged liability on tortious conduct grounds, that only a court established under Article III of the United States Constitution was empowered to consider such a charge, and that the Seventh Amendment to the Constitution entitled him to a jury trial. On October 3, 1989, the district court denied Delpit's request for a stay of the OHA proceeding, but retained jurisdiction of the matter. Delpit on October 6, 1989, filed an appeal and motion for stay of the administrative enforcement proceeding pending the outcome of his appeal in the United States Court of Appeals for the District of Columbia. This motion for stay was denied on October 16, 1989. On October 13, 1989, DOE filed a motion to transfer the appeal to the Temporary Emergency Court of Appeals. This motion was

granted on December 8, 1989. On December 21, 1989, Delpit withdrew his appeal. Following ERA's agreement in principle to accept $2.6 million from Delpit in settlement of his potential personal liability for the matters at issue in the PRO, Delpit on February 23, 1990, filed a motion to dismiss without prejudice his complaint in the district court case. This motion was granted on February 26, 1990. If the proposed settlement is made final, Delpit will move to dismiss his district court complaint against DOE with prejudice, within ten (10) days of the effective date of the Consent Order.

II. Determination of Reasonable Settlement Amount

The proposed settlement calls for Kern to pay $750,000, and for Delpit to pay $2.6 million, for a total of $3.35 million, to discharge in full their respective potential liability for the violations alleged in the amended PRO. Under the terms of the proposed Consent Order, the ERA would petition the OHA to implement Special Refund Procedures for disposition of these funds pursuant to 10 CFR part 205, subpart V.

ERA has preliminarily agreed to the proposed settlement with Delpit after considering the evidence submitted in the PRO proceeding relating to Delpit's personal participation in the subject tie-in transactions, assessing the litigation risks associated with establishing the alleged overcharges, and both Kern's corporate and Delpit's individual liability for them, and considering the benefit to the public from a settlement of issues which could take years of continued litigation to resolve. In determining a reasonable settlement amount for the claims ERA has asserted against Delpit, ERA considered the necessity for the government to prevail on all issues in order to maximize any recovery, specifically, the necessity of establishing the underlying regulatory violations and of separately establishing Delpit's individual liability for them. These factors, as well as the prospect of parallel administrative and judicial proceedings, underlie ERA's preliminary determination that Delpit's agreement to pay $2.6 million in settlement of his potential individual liability for the alleged regulatory violations is in the public interest.

In contrast to the foregoing, the proposed settlement amount to be paid by Kern is based on ability to pay considerations, rather than assessment of the litigation risk values of the matters at issue in the PRO. In determining a reasonable settlement amount for the allegations of Kern's regulatory violations discussed above, ERA considered Kern's current and projected financial condition, based on extensive information Kern provided to ERA, including tax returns, reports reflecting Kern's net asset values and the underlying documents and information on which the reports, returns and statements were made. As a result of its review, ERA determined that Kern would not be capable of satisfying a judgment in an amount approaching the potential maximum liability alleged in the PRO. The ERA also considered that a judgment in DOE's favor, even if obtained, would be a multiple of Kern's consolidated net worth, yet that liability might well be subordinate to secured lenders in the event of a bankruptcy which such a judgment could precipitate. Consideration of all the foregoing factors led ERA to the conclusion that this settlement is an appropriate method for DOE to obtain restitution from Kern.

Based on all the considerations discussed above—the financial condition of Kern, the number and nature of the legal and factual issues, the time and expense required for the government to fully litigate every issue in order to obtain any recovery, and the low potential for any significant additional recovery from Kern in the event of a final judgment in DOE's favor—ERA has tentatively concluded that the resolution of these matters for a total of $3.35 million is an appropriate settlement and in the public interest.

III. Terms and Conditions of the Consent Order

If the settlement is made final, Kern will pay DOE $750,000 and Delpit will pay DOE $2.6 million, for a total of $3.35 million, within thirty (30) days of the effective date of the Consent Order. In addition, Kern and Delpit will waive their respective rights to make claims for refunds in any proceedings conducted pursuant to 10 CFR part 205, subpart V.

To distribute the monies received by DOE under the settlement with Kern and Delpit, ERA will petition OHA to implement Special Refund Procedures under the provisions of subpart V. To ensure that OHA has sufficient information to evaluate refund claims, the proposed Consent Order requires that Kern and Delpit provide customer identification and purchase volume information to OHA upon request.

Kern and Delpit and DOE mutually release each other from the claims arising under the subject matters covered by the proposed Consent Order. The proposed Order does not affect the right of any other party to take action against Kern or Delpit, or of Kern, Delpit or the DOE to take action against any other party.

If the settlement is not made final by the one hundred fiftieth (150th) day following execution, Kern and Delpit may each withdraw from the proposed agreement.

SUBMISSION OF WRITTEN COMMENTS: The proposed Consent Order cannot be made effective until the conclusion of the public review process, of which this Notice is a part.

Interested parties are invited to submit written comments concerning this proposed Consent Order to: Kern Consent Order Comments, RG–30, Economic Regulatory Administration, 1000 Independence Avenue SW., Washington, DC 20585. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the provisions of 10 CFR 205.9(f).

All comments received by the thirtieth day following publication of this Notice in the **Federal Register** will be considered before determining whether to adopt the proposed Consent Order as a final Order. Any modifications of the proposed Consent Order which significantly alter its terms or impact will be published for additional comments. If, after considering the comments it has received, ERA determines to issue the proposed Consent Order as a final Order, the proposed Order will be made final and effective by publication of a Notice in the **Federal Register**.

Issued in Washington, DC, on May 2, 1990.

Milton C. Lorenz,

Chief Counsel for Enforcement Litigation, Economic Regulatory Administration.

Consent Order

I. Introduction

101. This Consent Order is entered into between Kern Oil & Refining Co. ("Kern"), Larry D. Delpit ("Delpit"), acting on his own behalf, and the United States Department of Energy ("DOE"). Except as otherwise provided herein, this Consent Order settles and finally resolves all civil and administrative claims and disputes between the DOE, as hereinafter defined, and Kern, and between the DOE and Delpit, relating to Kern's and Delpit's compliance with the federal petroleum price and allocation regulations, as hereinafter defined, during the period October 1, 1979 through January 27, 1981 (all the matters settled and resolved by this Consent Order are referred to hereinafter as "the matters covered by this Consent Order").

II. Jurisdiction, Regulatory Authority and Definitions

201. This Consent Order is entered into by the DOE pursuant to the authority conferred upon it by sections 301 and 503 of the Department of Energy Organization Act ("DOE Act"), 42 U.S.C. 7151 and 7193, Executive Order No. 12009, 42 FR 46267 (1977); Executive Order No. 12038, 43 FR 4957 (1978); and 10 CFR 205.199J.

202. For purposes of this Consent Order, the phrase *federal petroleum price and allocation regulations* means all statutory requirements and administrative regulations and orders regarding the pricing and allocation of crude oil, including the entitlements program, administered by the DOE. The federal petroleum price and allocation regulations include (without limitation) the pricing, allocation, reporting, certification, and recordkeeping requirements imposed by or under the Economic Stabilization Act of 1970, the Emergency Petroleum Allocation Act of 1973, the Federal Energy Administration Act of 1974, the DOE Act, any and all amendments to said Acts, Presidential Proclamation 3279, all applicable DOE regulations codified in 6 CFR parts 130 and 150 and 10 CFR parts 205, 210, 211, 212, and 213, and all rules, rulings, guidelines, interpretations, clarifications, manuals, decisions, orders, notices, forms, and subpoenas relating to the pricing and allocation of petroleum and refined petroleum products. The provisions of 10 CFR 205.199J and the definitions under the federal petroleum price and allocation regulations shall apply to this Consent Order except to the extent inconsistent herewith. Reference herein to "DOE" includes, besides the Department of Energy, the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, the Office of Special Counsel, the Economic Regulatory Administration and all agencies succeeding to the DOE's authority to enforce the federal petroleum price and allocation regulations. Reference herein to "Kern" includes (1) Kern Oil & Refining Co. and all of its subsidiaries, affiliates, and predecessors, and (2) except for purposes of Article IV hereof, Kern's present and former directors, officers, shareholders, and employees, exclusive of Delpit (as to whom the matters covered by this Consent Order are separately set forth herein).

III. Facts

The stipulated facts upon which this Consent Order is based are as follows:

301. During the period covered by this Consent Order, Kern was a "refiner" and "reseller" as those terms are defined in the federal petroleum price and allocation regulations and was subject to the jurisdiction of the DOE. During the same time period, Delpit was chief operating officer and a twenty-five percent (25%) shareholder of Kern.

302. DOE examined Kern's compliance with the federal petroleum price and allocation regulations for the period October 1979 through December 1980. As a result, the DOE raised certain issues with respect to related purchases and sales of crude oil in which Kern sold volumes of entitlements purchase-bearing crude oil and purchased in return equivalent volumes of crude oil bearing entitlements purchase-exempt certifications. On March 31, 1987, the DOE initiated an administrative enforcement action against Kern, Delpit and others through the issuance of a Proposed Remedial Order ("PRO") which, as amended, charged that in these transactions Kern and Delpit violated 10 CFR 205.202, 210.62(c) and 212.183(b). PRO Case No. KRO–0520. To remedy the effects of the alleged violations, the amended PRO sought to hold Kern liable for restitution of the alleged violation amount, plus interest. The amended PRO limited Delpit's liability to restitution of twenty-five percent (25%) of the alleged violation amount, plus interest, based on his alleged tortious conduct in the subject transactions.

303. DOE and Kern agreed to enter into settlement discussions on an ability-to-pay basis in order to resolve DOE's claim against Kern as set forth in PRO Case No. KRO–0520. Kern submitted to DOE certain financial information and documentation requested by DOE to permit it to evaluate Kern's ability to pay the aforementioned claim.

304. In reliance on the financial information and documentation that Kern has submitted to DOE, including sworn statements that the information submitted is true and complete and includes all of Kern's assets, and believing that it serves the public interest for DOE to compromise its claim against Kern on an ability-to-pay basis where, as here, Kern's financial status can be satisfactorily determined, DOE has agreed to enter into this Consent Order with Kern.

305. In reliance on DOE's undertaking to consider settlement with Kern on an ability-to-pay basis, and in order to resolve DOE's claim against Kern noted in paragraph 302 hereof without the expense and inconvenience of further administrative or judicial proceedings relating thereto, Kern has agreed to enter into this Consent Order.

306. Delpit maintains that his conduct with respect to the subject transactions was in all respects lawful and in accordance with the federal petroleum price and allocation regulations. The DOE and Delpit have each asserted the belief that their respective legal and factual positions on the matters resolved by this Consent Order are meritorious. These positions were emphasized during the litigation of those issues and in the settlement negotiation process. However, in order to avoid the expense of protracted and complex litigation and the disruption of his orderly business activities, Delpit has agreed to enter into this Consent Order.

307. The DOE believes this Consent Order constitutes a satisfactory resolution of the matters covered herein and is in the public interest.

IV. Remedial Provisions

401. In full and final settlement of all matters covered by this Consent Order and in lieu of all other remedies which have been or might be sought by the DOE against Kern for such matters under 10 CFR 205.199I or otherwise, Kern shall pay a total of seven hundred fifty thousand dollars ($750,000) to the DOE in the manner specified in paragraph 403.

402. In full and final settlement of all matters covered by this Consent Order and in lieu of all other remedies which have been or might be sought by the DOE against Delpit for such matters under 10 CFR 205.199I or otherwise, Delpit shall pay a total of two million six hundred thousand dollars ($2,600,000) to the DOE in the manner specified in paragraph 403.

403. The payments pursuant to paragraphs 401 and 402 shall be made within thirty (30) days of the Effective Date of the Consent Order. Interest shall be assessed on any monies remaining unpaid from and after thirty (30) days after the Effective Date of the Consent Order, which interest shall be computed at the rate of 10.20 percent per annum, compounded quarterly; except that no interest shall accrue if the amounts specified in Paragraph 402 hereof are paid in full within thirty (30) days of the Effective Date of this Consent Order. The said payments shall be deemed in default if not made in full within sixty (60) days of the Effective Date of the Consent Order.

404. Payments made pursuant to this Consent Order shall be by certified or cashier's check made payable to the United States Department of Energy and

shall be delivered to the Office of the Controller, Office of Washington Financial Services, Cash Management Division, Post Office Box 500, Germantown, MD 20874–0500. Payment is made when received by that office. The monies paid by Kern and Delpit pursuant to this Consent Order shall be distributed by the DOE pursuant to the Special Refund Procedures prescribed by 10 CFR part 205, subpart V.

V. Issues Resolved

501. All pending and potential civil and administrative claims, demands, liabilities, causes of action or other proceedings by the DOE against Kern and against Delpit regarding Kern's and Delpit's compliance with and obligations under the federal petroleum price and allocation regulations during the period covered by this Consent Order, whether or not heretofore raised by an issue letter, Notice of Probable Violation, Notice of Proposed Disallowance, Proposed Remedial Order, Remedial Order, actions in court or otherwise, are resolved and extinguished as to Kern and as to Delpit by this Consent Order.

502. (a) Except as otherwise provided herein, compliance by Kern and by Delpit with this Consent Order shall be deemed by the DOE to constitute full compliance for civil purposes by Kern and by Delpit with regard to the matters covered by this Consent Order. In consideration for performance as required under this Consent Order by Kern and by Delpit, the DOE hereby releases Kern and Delpit completely and for all purposes from all administrative and civil judicial claims, demands, liabilities or causes of action, including, without limitation, claims for civil penalties, that the DOE has asserted or might otherwise be able to assert against Kern and/or against Delpit for alleged violations of the federal petroleum price and allocation regulations with respect to matters covered by this Consent Order. The DOE will not initiate or prosecute any such administrative or civil judicial matter against Kern or against Delpit or cause or refer any such matter to be initiated or prosecuted, nor will the DOE or its successors directly or indirectly aid in the initiation of any such administrative or civil judicial matter against Kern or against Delpit or participate voluntarily in the prosecution of such actions. The DOE will not assert voluntarily in any administrative or civil judicial proceeding that Kern or Delpit has violated the federal petroleum price and allocation regulations with respect to the matters covered by this Consent Order or otherwise take any action with respect to Kern or to Delpit in derogation of this Consent Order. However, nothing contained herein shall preclude the DOE from defending the validity of the federal petroleum price and allocation regulations.

(b) The DOE will not seek or recommend any criminal fines or penalties based on information or evidence presently in its possession for the matters covered by this Consent Order; provided, however, that nothing in this Consent Order precludes the DOE from (1) seeking or recommending such criminal fines or penalties if information subsequently coming to its attention indicates, either by itself or in combination with information or evidence presently known to DOE, that a criminal violation may have occurred or (2) otherwise complying with its obligations under law with regard to forwarding information of possible criminal violations of law to appropriate authorities. Nothing contained herein may be construed as a bar, estoppel or defense against any criminal action or against any civil action brought by an agency of the United States other than the DOE under (i) section 210 of the Economic Stabilization Act of 1970 or (ii) any statute or regulation other than the federal petroleum price and allocation regulations. Finally, this Consent Order does not prejudice the rights of any third party or Kern or Delpit in any private action, including an action for contribution by or against Kern or Delpit.

(c) Kern and Delpit each releases the DOE completely and for all purposes from all administrative and civil judicial claims, liabilities, or causes of action that Kern or Delpit has asserted or may otherwise be able to assert against the DOE relating to the DOE's administration of the federal petroleum price and allocation regulations with respect to the matters covered by this Consent Order. This release, however, does not preclude Kern or Delpit from asserting any factual or legal position or argument as a defense to any action, claim, or proceeding brought by the DOE, the United States, or any agency of the United States. Nor does it preclude Kern or Delpit from asserting a defense, counterclaim or offset to any action, claim or proceeding brought by any other person.

(d) Kern and Delpit each hereby waives any and all claims that either has asserted or may assert in proceedings before the Office of Hearings and Appeals pursuant to 10 CFR part 205, subpart V.

503. (a) Within ten (10) days after the execution of the Consent Order by all parties, DOE agrees to join with Kern and Delpit in written notification to DOE's Office of Hearings and Appeals of the fact of such execution, which notice shall request that said tribunal stay all further action in Case No. KRO–0520 until such time as DOE provides notice to said tribunal that the Consent Order has become effective or has been withdrawn pursuant to Article IX of this Consent Order.

(b) Within ten (10) days after the Effective Date of this Consent Order, Kern and Delpit and the DOE will file or cause to be filed appropriate pleadings and will take all other steps necessary to withdraw all claims and dismiss with prejudice all proceedings relating to the matters covered by this Consent Order then pending before the DOE's Office of Hearings and Appeals; and Delpit shall file a motion to dismiss with prejudice his complaint in that certain litigation styled *Larry D. Delpit v. Department of Energy, et al.*, Civ. No. 89–0982 (SS).

504. Execution of this Consent Order constitutes neither an admission by Kern or by Delpit nor a finding by the DOE of any violation by Kern or by Delpit of any statute or regulation. The DOE has determined that it is not appropriate to seek to impose civil penalties for the matters covered by this Consent Order, and the DOE will not seek any such civil penalties. None of the payments made by Kern or by Delpit pursuant to this Consent Order are to be considered for any purpose as penalties, fines, or forfeitures or as settlement of any potential liability for penalties, fines or forfeitures.

505. Notwithstanding any other provision herein, with respect to the matters covered by this Consent Order, the DOE reserves the right to initiate an enforcement proceeding or to seek appropriate penalties for any newly discovered regulatory violations committed by Kern or by Delpit, but only if Kern or Delpit concealed facts relating to such violations. The DOE also reserves the right to seek appropriate judicial remedies other than full rescission of this Consent Order, or to rescind this Consent Order, for any misrepresentation of fact material to this Consent Order made during the course of the litigation relating to Kern's and to Delpit's alleged liability for the violations asserted in OHA Case No. KRO–0520 or the negotiations that preceded this Consent Order or upon discovery of information that is materially inconsistent with the information which has been furnished by Kern upon which this agreement is based.

VI. Recordkeeping, Reporting and Confidentiality

601. Kern and Delpit each shall maintain such records as are necessary to demonstrate compliance with the terms of this Consent Order and records related to Kern's purchases, sales, exchanges or other transfers of crude oil during the period January 1, 1978 through January 27, 1981. To assist DOE in the distribution of the monies paid pursuant to this Consent Order, Kern and Delpit each shall also retain all sales volume data and customers' names and addresses which each possesses regarding Kern's sales of crude oil in the transactions at issue in OHA Case No. KRO–0520 until thirty (30) days after final distribution by DOE of such monies. If requested, Kern and Delpit each shall make such information available to DOE. Except as otherwise provided in this paragraph, upon timely payment to DOE of the amount required to be paid under section IV of this Consent Order, Kern and Delpit are each relieved of their respective obligations to comply with the recordkeeping requirements of the federal petroleum price and allocation regulations relating to the matters settled by this Consent Order.

602. Except for formal requests for information regarding compliance by others with the federal petroleum price and allocation regulations, neither Kern nor Delpit will be subject to any audit requests, report orders, subpoenas or other administrative discovery by DOE relating to Kern's and Delpit's activities subject to such regulations relating to the matters settled by this Consent Order.

603. This Consent Order is subject to disclosure by the DOE pursuant to the requirements of the Freedom of Information Act, as amended, 5 U.S.C. 552 ("FOIA"). Kern and Delpit each waives all claims either may have that some or all of the information contained in this Consent Order is exempt from the mandatory public disclosure requirements of the FOIA, as amended, is information referred to in 18 U.S.C. 1905, or is otherwise exempt by law from public disclosure.

VII. Contractual Undertaking

701. It is the understanding and express intention of Kern and Delpit and the DOE that this Consent Order constitutes a legally enforceable contractual undertaking that is binding on the parties and their successors and assigns. Notwithstanding any other provision herein, Kern and Delpit and the DOE each reserves the right to institute a civil action in an appropriate United States district court, if necessary, to secure enforcement of the terms of this Consent Order, and the DOE also reserves the right to seek appropriate penalties and interest for any failure to comply with the terms of this Consent Order. The DOE will undertake the defense of the Consent Order, as made effective, in response to any litigation challenging the Consent Order's validity in which the DOE is named a party. Kern and Delpit each agrees to cooperate with the DOE in the defense of any such challenge.

VIII. Final Order

801. Upon becoming effective, this Consent Order shall be a final order of DOE having the same force and effect as a remedial order issued pursuant to section 503 of the DOE Act, 42 U.S.C. 7193, and 10 CFR 205.199B. Kern and Delpit each hereby waives the right to administrative or judicial review of this Order, but Delpit and Kern each reserves the right to participate in any such review initiated by a third party.

IX. Effective Date

901. This Consent Order shall become effective as a final order of the DOE upon notice to that effect being published in the **Federal Register**. Prior to that date, the DOE will publish notice in the **Federal Register** that it proposes to make this Consent Order final and, in that notice, will provide not less than thirty (30) days for members of the public to submit written comments. The DOE will consider all written comments to determine whether to adopt the Consent Order as a final order, to withdraw agreement to the Consent Order, or to attempt to renegotiate the terms of the Consent Order.

902. Until the Effective Date, the DOE reserves the right to withdraw consent to this Consent Order by written notice each to Kern and to Delpit, in which event this Consent Order shall be null and void. If this Consent Order is not made effective on or before the one hundred fiftieth (150th) day following execution by DOE, Kern and Delpit may, at any time thereafter until the Effective Date, each withdraw agreement to this Consent Order by written notice to DOE, in which event this Consent Order shall be null and void.

I, the undersigned, a duly authorized representative of Kern Oil & Refining Co., hereby agree to and accept on behalf of Kern Oil & Refining Co. the foregoing Consent Order.

Thomas L. Eveland,

Kern Oil & Refining Co., Vice President, Government Affairs.

Dated: April 18, 1990.

I, the undersigned, a duly authorized representative of DOE, hereby agree to and accept on behalf of the DOE the foregoing Consent Order.

Milton C. Lorenz,

Chief Counsel for Enforcement Litigation, Economic Regulatory Administration.

Dated: April 19, 1990.

I, the undersigned, Larry D. Delpit, hereby agree to and accept the foregoing Consent Order.

Larry D. Delpit.

Dated: April 16, 1990.

[FR Doc. 90–10960 Filed 5–09–90; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. PP–58–C]

Application To Amend Electricity Export Authorization and Issuance of an Emergency Authorization

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application by Detroit Edison to amend electricity export authorization; Notice of issuance of emergency export authorization.

SUMMARY: The Detroit Edison Company has filed on behalf of itself and Consumers Power Company (the Michigan Companies) an application with the Office of Fuels Programs to amend its existing authorization to export electricity to Ontario Hydro. The Michigan Companies seek to eliminate the 4,000,000,000 kilowatt-hour (KWH) annual energy limit contained in the existing authorization issued by the Federal Power Commission on October 10, 1972, in Docket No. E–7206. The applicants also requested the immediate issuance of a waiver removing the existing annual energy limit. The Deputy Assistant Secretary for Fuels Programs issued a temporary order on April 4, 1990, authorizing the waiver of the existing annual energy limit until December 31, 1990, or until this proceeding is completed.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Office of Coal & Electricity (FE–52), Office of Fuels Programs, Office of Fossil Energy, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9624.

Lise Courtney M. Howe, Office of General Counsel (GC–41), Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–2900.

SUPPLEMENTARY INFORMATION: On March 30, 1990, the Michigan Companies applied for an amendment to their existing electricity export authorization.

The existing authorization, issued by the Federal Power Commission on October 10, 1972, allows the Michigan Companies to export to Ontario Hydro up to 4,000,000,000 KWH of electric energy annually at a maximum rate of 2,200,000,000 volt-amperes (2,200 MVA). The new application requests that DOE amend the existing authorization by removing the annual energy limit while leaving the 2,200 MVA capacity limitation unchanged. The application also requested that an emergency waiver of the annual energy limit be granted effective immediately.

In the application for amendment, filed pursuant to section 202(e) of the Federal Power Act, 16 U.S.C. 824(e), and 18 CFR 205.300, *et. seq.*, the Michigan Companies assert that the purpose of the application is to permit them to assist Ontario Hydro in meeting its immediate and longer-term electric resource needs.

The electrical systems of the Michigan Companies and Ontario Hydro presently are interconnected at four points on the United States-Canada border. Each facility holds a Presidential permit provided by Executive Order 10485. Exports on these systems increased dramatically in the last few months of 1989 due to dramatic increases in energy needs of Ontario Hydro resulting from heavier than normal maintenance schedules, a delay in bringing into commercial operation Ontario Hydro's Darlington Nuclear Generation Complex, restricted operation of several fossil-fueled generation units, and Ontario Hydro's increased loads.

The Michigan Companies allege in the application that the failure to assist Ontario Hydro in meeting its immediate and longer-term energy needs will create problems with energy sufficiency, system security, and reliability on both Ontario Hydro's system and on the electrical systems in the United States. Ontario Hydro's system is tightly interconnected with the systems of the Michigan Companies, as well as with utilities in New York and the Northeastern United States. As is the nature of interconnected electric systems, any problems with the energy sufficiency of one system, such as Ontario Hydro, may be reflected on all of the interconnected systems, including the Michigan Companies, New York State, and utilities in the northeastern United States.

The Michigan Companies also assert that removal of the annual energy limitation is warranted because the limitation is not necessary to maintain reliability. Instead, the Michigan Companies argue, the reliability of their transmission system depends on keeping maximum flows on the transmission facilities within their capabilities for the system conditions encountered on a continuous basis.

On April 4, 1990, an Order was issued by the Deputy Assistant Secretary for Fuels Programs temporarily waiving the 4,000,000,000 KWH annual energy limit contained in export authorization E-7206. This emergency authorization will remain in effect until December 31, 1990, or until this public proceeding can be completed, whichever occurs first.

Any person desiring to be heard or to protest this application for an amended export authorization should file a petition to intervene or protest with the Office of Fuels Programs, Office of Fossil Energy, room 3H-087, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585 in accordance with §§ 385.211 or 385.214 of the Rules of Practice and Procedures (18 CFR 385.211, 385.214).

Any such petitions and protests should be filed with the DOE on or before June 11, 1990. An additional copy of such petitions to intervene or protests also should be filed directly with: Raymond N. Shibley/Bruce W. Neely, LeBoeuf, Lamb, Leiby & MacRae, suite 1100, 1333 New Hampshire Avenue NW., Washington, DC 20036, on behalf of the Michigan Companies.

Pursuant to 18 CFR 385.211, protests and comments will be considered by the DOE 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 under 18 CFR 385.214. Section 385.214 requires that a petition to intervene must state, to the extent known, the position taken by the petitioner and the petitioner's interest in sufficient factual detail to demonstrate either that the petitioner has a right to participate because it is a State Commission; that it has or represents an interest which may be directly affected by the outcome of the proceeding, including any interest as a consumer, customer, competitor, or security holder of a party to the proceeding; or that the petitioner's participation is in the public interest.

A final determination will be made on this application after considering all available information. Such determination will be based upon whether the proposed action will impair the sufficiency of electric supply within the United States or impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the DOE.

Copies of this application will be made available, upon request, for public inspection and copying at the Department of Energy's Freedom of Information Room, room IE-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, from 9 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on May 2, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Fossil Energy.

[FR Doc. 90-10959 Filed 5-9-90; 8:45 am]

BILLING CODE 6450-01-M

Morgantown Energy Technology Center; Grant Renewal: Financial Assistance Award to the University of Arkansas

AGENCY: Morgantown Energy Technology Center, Department of Energy (DOE).

ACTION: Notice of acceptance of an unsolicited financial assistance application for grant renewal.

SUMMARY: Based upon a determination made pursuant to 10 CFR 600.7(B)(2)(i) the DOE, Morgantown Energy Technology Center gives notice of its plans to award a fourteen (14) month renewal to a grant to the University of Arkansas with an associated budget increase of approximately $118,345.

FOR FURTHER INFORMATION CONTACT: Laura E. Brandt, I-07, U.S. Department of Energy, Morgantown Energy Technology Center, P.O. Box 880, Morgantown, West Virginia 26507-0880, Telephone: (304) 291-4079, Procurement Request No. 21-90MC26267.501.

SUPPLEMENTARY INFORMATION: The pending award is based on an application for renewal of a project to finalize work on the project entitled "Solvent Extraction of Southern U.S. Tar Sands." The basic research conducted by the university in the last year provided much fundamental information about the nature of the extraction scheme. The University of Arkansas will do the final analysis and documentation of all the data from the previous work on the project and utilize a computerized simulation model to define the economically optimum commercial process.

Dated: May 2, 1990.

Louie L. Calaway,

Director, Acquisition and Assistance Division, Morgantown Energy Technology Center.

[FR Doc. 90-10957 Filed 5-9-90; 8:45 am]

BILLING CODE 6450-01-M

Morgantown Energy Technology Center; Cooperative Agreement; Financial Assistance Award to University of Utah

AGENCY: Morgantown Energy Technology Center, Department of Energy (DOE).

ACTION: Notice of acceptance of a non-competitive financial assistance renewal application for a cooperative agreement award.

SUMMARY: Based upon a determination made pursuant to 10 CFR 600.7(b)(2) the DOE, Morgantown Energy Technology Center gives notice of its plans to award a Cooperative Agreement to University of Utah, Office of Sponsored Projects, 309 Park Building, Salt Lake City, Utah 84112. The Cooperative Agreement will cover a twelve (12) month research project in the amount of approximately $823,000, including the Participant's cost share of approximately 7.4 percent and the State of Utah's cost share of 3.7 percent.

FOR FURTHER INFORMATION CONTACT: Beverly J. Harness. I-07, U.S. Department of Energy, Morgantown Energy Technology Center, P.O. Box 880, Morgantown, West Virginia 26507-0880, Telephone: (304) 291-4089, Procurement Request No. 21-90MC26268.501.

SUPPLEMENTARY INFORMATION: The pending award is based on an unsolicited renewal application for continuing work necessary to the satisfactory completion of an activity presently being funded by DOE and for which competition for support would have a significant adverse effect on continuity or completion of the activity. The primary objective of this project is to advance the technologies of the water-assisted and modified water-assisted, fluidized-bed, fluidized-bed heat pipe-coupled and rotary kiln bitumen extraction processes to the levels where realistic evaluations can be made of the commercial possibilities for the tar sands. In view of the previous research completed in this area, technical expertise of personnel, and ownership of patents on numerous recovery processes at the University of Utah, it has been determined that it is appropriate to award this Cooperative Agreement to the University of Utah on a noncompetitive basis.

Dated: May 2, 1990.

Louie L. Calaway,

Director, Acquisition and Assistance Division, Morgantown Energy Technology Center.

[FR Doc. 90-10958 Filed 5-9-90; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER90-338-000, et al.]

Kentucky Utilities Company, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

May 3, 1990.

Take notice that the following filings have been made with the Commission:

1. Kentucky Utilities Company

[Docket Nos. ER90-338-000]

Take notice that on April 26, 1990, Kentucky Utilities Company (KU) tendered a unilateral filing of Amendment I to each Interconnection Agreement between KU and Central Illinois Public Service Company (CIPS), Electric Energy Incorporated (EEI), Illinois Power Company (IP), Louisville Gas and Electric (LGE), Ohio Power Company (OP) and Union Electric Company (UE). The Amendment provides for, as appropriate to the individual Agreement and Service Schedule, the following changes when KU is the supply party: (1) For Emergency Energy (type transactions) out-of-pocket cost plus up to 10 percent, 10 cents per KWH, or out-of-pocket cost plus 10 percent when more than 10 cents; (2) for Non-Displacement Energy payment will be out-of-pocket cost plus up to 10 percent such cost; (3) for Short-Term Power (type transactions) payment will be up to 29 cents per day or up to $1.44 per week per kilowatt reserved; (4) for Short-Term Firm Power (type transactions) payment will be up to 33 cents per day or up to $1.66 per week per kilowatt reserved; and (5) changes to comply with Order 84, payment will be what KU paid third party for power and energy plus up to but not exceeding 2.6 mills per kilowatt-hour plus 1.0 mill per kilowatt-hour for difficult to quantify expense.

KU states that copies of the filing have been sent to the Public Service Commissions of Kentucky and Missouri, Ohio Public Utilities Commission, Illinois Commerce Commission, CIPS, EEI, IP, LGE, OP and UE.

Comment date: May 17, 1990, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power & Light Company

[Docket No. ER90-341-000]

Take notice that Florida Power & Light Company (FPL) on April 25, 1990, tendered for filing revised Cost Support Schedules C, F, and G (together with Cost Support Schedule F Supplements) that: (1) Support the revised daily capacity charge for sales under Service Schedule B (Short-Term Firm Interchange Service) of FPL's Contracts for Interchange Service with Florida Municipal Power Agency, Florida Power Corporation, Fort Pierce Utilities Authority, City of Gainesville, City of Homestead, Jacksonville Electric Authority, City of Key West, Kissimmee Utility Authority, City of Lakeland, Utilities Commission, City of New Smyrna Beach, Orlando Utilities Commission, City of St. Cloud, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., City of Starke, Tampa Electric Company, and City of Vero Beach and (2) support the revised Capacity Reservation Charges for sales under FPL's Agreements to provide Short Term Power and Energy with Utilities Commission, City of New Smyrna Beach, City of Lake Worth and City of Key West and revised Cost Support Schedules C-S, F-S, and G-S (together with Cost Support Schedule F-S Supplements) that support the revised daily capacity charge for sales under Service Schedule B-S (Short-Term Firm Interchange Service) of FPL's Supplementary Agreement Number One to the Contract for Interchange Service with Seminole Electric Cooperative, Inc. and Florida Municipal Power Agency. FPL states that the revised capacity charges have been calculated in accordance with the provisions of Service Schedule B and Service Schedule B-S and FPL's Agreements to provide Short-Term Power and Energy and represent an updating of the currently effective capacity charges to reflect more current costs.

FPL requests an effective date of May 1, 1990, and therefore requests waiver of the Commission's notice requirements.

According to FPL, a copy of this filing was served upon all of the above named parties and the Florida Public Service Commission.

Comment date: May 17, 1990, in accordance with Standard Paragraph E at the end of this notice.

3. Wisconsin Public Service Corporation

[Docket No. ER90-340-000]

Take notice that on April 27, 1990, Wisconsin Public Service Corporation (WPSC) tendered for filing a proposed amendment to its W-3 Partial Requirements Tariff for Load Pattern Service to Interconnected Utility Customers. The amendment would allow WPSC, with the consent of the affected W-3 customer, to extend the Period A or "design peak" period hours for up to 3 hours. In exchange, for each hour of extension, a mutually agreed-upon day would be designated during

which no Period A hours would apply for billing purposes.

Wisconsin Public Service Corporation states that the W-3 tariff amendment was designed to deal with abnormal load patterns that have recently occurred during exceptionally hot summer weather. In order to address that concern this summer, WPSC requests waiver of notice and an effective date of June 1, 1990. The company states that the affected customer supports the filing and the proposed waiver of notice. Copies of the filing have been served upon all of the company's partial requirements customers and upon the Public Service Commission of Wisconsin.

Comment date: May 17, 1990, in accordance with Standard Paragraph E end of this notice.

4. Canal Electric Company

[Docket No. ER90-339-000]

Take notice that on April 27, 1990, Canal Electric Company (Canal) tendered for filing a Power Contract (the Power Contract) between itself, Cambridge Electric Light Company and Commonwealth Electric Company and a Capacity Acquisition Commitment (the Commitment). The Power Contract implements the terms of the Capacity Acquisition Agreement (FERC Rate Schedule No. 21) and the Commitment. Such Power Contract recognizes the purchase of demand and energy by Canal from Central Maine Power Company and from United Illuminating Company over the time period May 1, 1990 to October 31, 1990 and the sale of such power to Cambridge Electric Light Company and Commonwealth Electric Company. Canal has requested that the Commission's notice requirements with respect to the Power Contract and the Commitment be waived pursuant to § 35.11 of the Commission's regulations in order to allow the tendered Power Contract to become as of May 1, 1990.

Comment date: May 17, 1990, 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. 90-10876 Filed 5-9-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP90-1272-000, et al.]

Mississippi River Transmission Corp., et al; Natural Gas Certificate Filings

May 3, 1990.

Take notice that the following filings have been made with the Commission:

1. Mississippi River Transmission Corp.

[Docket No. CP90-1273-000, Docket No. CP90-1273-000, Docket No. CP90-1274-000, Docket No. CP90-1275-000, Docket No. CP90-1276-000]

Take notice that the above referenced company (Applicant) filed in the respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificate issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket number of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicant and is summarized in the attached appendix.

Applicant states that each of the proposed services would be provided under an executed transportation agreement, and that Applicant would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: June 18, 1990, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket No. (date filed)	Applicant	Shipper	Peak day,[2] average, annual	Points of receipt	Points of delivery	Start up date (rate schedule)	Related [3] dockets
CP90-1272-000 (4-30-90)	Mississippi River Transmission Corporation, 9900 Clayton Road, St. Louis, MO 63124.	Container Products, Inc.	1,281 197 71,750	LA, AK, TX, IL	MO	3-01-90 (ITS)	CP89-1121-000, ST90-2426-000.
CP90-1273-000 (4-30-90)	Mississippi River Transmission Corporation, 9900 Clayton Road, St. Louis, MO 63124.	Texas-Ohio Gas, Inc.	5,000 5,000 1,825,000	LA, AK, TX, IL	MO	3-01-90 (ITS)	CP89-1121-000, ST90-2425-000.
CP90-1274-000 (4-30-90)	Mississippi River Transmission Corporation, 9900 Clayton Road, St. Louis, MO. 63124.	Colony Natural Gas Corporation.	100,000 100,000 36,500,000	LA, OK, TX	MO, LA, AK, TX, IL	3-01-90 (ITS)	CP89-1121-000, ST90-2424-000.

Docket No. (date filed)	Applicant	Shipper	Peak day,[2] average, annual	Points of receipt	Points of delivery	Start up date (rate schedule)	Related [3] dockets
CP90-1275-000 (4-30-90)	Mississippi River Transmission Corporation, 9900 Clayton Road, St. Louis, MO 63124.	Alton Community Unit School District No. 11.	2,000 1,151 420,000	LA, AK, TX, IL	IL	3-01-90 (ITS)	CP89-1121-000, ST90-2423-000.
CP90-1276-000 (4-30-90)	Mississippi River Transmission Corporation, 9900 Clayton Road, St. Louis, MO 63124.	Kimball Resources, Inc.	25,000 25,000 9,125,000	LA, TX, AK	LA, AK, MO, IL	3-01-90 (ITS)	CP89-1121-000, ST90-2428-000.

[2] Quantities are shown in MMBtu unless otherwise indicated.
[3] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

2. Northern Natural Gas Co., Division of Enron Corp., Northern Natural Gas Co., Division of Enron Corp., Green Canyon Pipe Line Co., El Paso Natural Gas Co., United Gas Pipe Line Co., United Gas Pipe Line Co.

[Docket No. CP90-1265-000, Docket No. CP90-1266-000, Docket No. CP90-1267-000, Docket No. CP90-1268-000, Docket No. CP90-1270-000, Docket No. CP90-1271-000]

Take notice that the above referenced compaines (Applicants) filed in respective dockets prior notice requests pursuant to §§157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[2]

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicants and is included in the attached appendix.

The Applicants also states that each would provide the service for each shipper under an executed transportation agreement, and that the Applicants would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: June 18, 1990, in accordance with Standard Paragraph G at the end of this notice.

3. Panhandle Eastern Pipe Line Co.

[Docket No. CP90-1282-000, Docket No. CP90-1283-000, Docket No. CP90-1284-000, Docket No. CP90-1285-000, Docket No. CP90-1286-000, Docket No. CP90-1287-000, Docket No. CP90-1288-000, Docket No. CP90-1289-000, Docket No. CP90-1290-000]

Take notice that Panhandle Eastern Pipe Line Company, P.O. Box 1642, Houston, Texas 77251-1642 (Applicant), filed in the above-referenced dockets prior notice requests pursuant to §§157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP86-585-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[3]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Applicant states that each of the proposed services would be provided under an executed transportation agreement, and that Applicant would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: June 18, 1990, in accordance with Standard Paragraph G at the end of this notice.

[2] These prior notice requests are not consolidated.

[3] These prior notice requests are not consolidated.

Docket no. (date filed)	Shipper name (type)	Peak day average, day annual Dth	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP90-1282-000 (5-1-90)	Amgas, Inc. (marketer)	2,800 822 300,000	CO, IL, KS, MI, OH, OK, TX, WY.	IN	11-3-89, PT, Interruptible.	ST90-2461-000, 3-1-90.
CP90-1283-000 (5-1-90)	Anodarko Trading Company (marketer).	1,610 1,610 587,650	KS	IL	3-1-90, PT, Firm	ST90-2458-000, 3-1-90.
CP90-1284-000 (5-1-90)	American Central Gas Marketing Company (marketer).	40,000 10,000 14,600,000	CO, IL, KS, MI, OH, OK, TX, WY.	IL	11-7-89, PT, Interruptible.	ST90-2460-000, 3-1-90.
CP90-1285-000 (5-1-90)	BP Oil Company (end user).	20,000 4,000 1,460,000	CO, IL, KS, MI, OH, TX, OK.	OH	2-1-90, PT, Interruptible.	ST90-2462-000, 3-1-90.
CP90-1286-000 (5-1-90)	Entrade Corporation (marketer).	100,000 100,000 36,500,000	CO, IL, KS, MI, OH, OK, TX, WY.	IN	1-22-90, PT, Interruptible.	ST90-2467-000, 3-1-90.

Docket no. (date filed)	Shipper name (type)	Peak day average, day annual Dth	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP90-1287-000 (5-1-90)	Enron Gas Marketing, Inc. (marketer).	5,000 2,000 730,000	CO, IL, KS, MI, OH, TX, OK.	TX	2-5-90, PT, Interruptible.	ST90-2459-000, 3-1-90.
CP90-1288-000 (5-1-90)	Amgas, Inc. (marketer)	210 27 9,855	CO, IL, KS, MI, OH, OK, TX, WY.	IL	1-22-90, PT, Interruptible.	ST90-2468-000, 3-1-90.
CP90-1289-000 (5-1-90)	LL&E Gas Marketing, Inc. (marketer).	50,000 35,000 12,775,000	CO, KS, OK, TX	KS	9-7-89, PT, Interruptible.	ST90-2465-000, 3-1-90.
CP90-1290-000 (5-1-90)	Quincy Soybean Company (end user).	5,600 3,250 600,000	CO, IL, KS, MI, OH, OK, TX, WY.	IL	4-27-89, PT, Interruptible.	ST90-2463-000, 3-1-90.

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. 89-10877 Filed 5-9-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI88-307-001, et al.]

Mobil Natural Gas Inc., et al., Natural Gas Certificate Filings

May 2, 1990.

Take notice that the following filings have been made with the Commission:

1. Mobil Natural Gas Inc.

[Docket No. CP88-307-001]

Take notice that on April 20, 1990, Mobil Natural Gas Inc. (MNGI) of 12450 Greenspoint Drive, Houston, Texas 77060-1991, filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder to amend its unlimited-term blanket certificate with pregranted abandonment previously issued by the Commission in Docket No. CI88-307-000 to authorize sales for resale in interstate commerce of imported natural gas, natural gas purchased under pipeline discount sales programs and gas in liquified form, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: May 11, 1990, in accordance with Standard Paragraph J at the end of this notice.

2. United Gas Pipe Line Co.

[Docket No. CP90-1252-000, Docket No. CP90-1253-000]

Take notice that on April 26, 1990, United Gas Pipe Line Company (Applicant), Post Office Box 1478, Houston, Texas 77251-1478, filed in the respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of Texaco Gas Marketing Inc. under its blanket certificate issued in Docket No. CP88-6-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by the Applicant and is summarized in the attached appendix.

Applicant states that each of the proposed services would be provided under an executed transportation agreement, and that Applicants would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: June 18, 1990, 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	Peak day,[1] average annual	Points of		Start up date, rate schedule	Related [2] dockets
			Receipt	Delivery		
CP90-1252-000 (4-26-90)	Texaco Gas Marketing Inc.	103,000 103,000 37,545,000	MS, AL, On. LA, Off. LA, Off. TX, On. TX.	TX, AL, FL, MS	2-21-90, ITS	ST-2306-000.
CP90-1253-000 (4-26-90)	Texaco Gas Marketing Inc.	103,000 103,000 37,545,000	TX, LA, MS	TX, LA, MS	2-21-90, ITS	ST-2343-000.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's banket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

3. Transcontinental Gas Pipe Line Corp., Natural Gas Pipeline Co. of America

[Docket No. CP90-1263-000 and Docket No. CP90-1264-000]

Take notice that Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77251, and Natural Gas Pipeline Company of America, 701 East 22nd Street, Lombard, Illinois 60148, (Applicants), filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued in Docket No. CP88-328-000 and Docket No. CP86-582-000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in public inspection. These prior notice requests are not consolidated.

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Applicants state that each of the proposed services would be provided under an executed transportaton agreement, and that Applicants would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: June 18, 1990, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual Dth	Receipt [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP90-1263-000 (4-27-90)	Arco Oil and Gas Company (producer).	25,000 25,000 9,125,000	OTX, OLA	LA	6-1-88, IT, Interruptible.	ST90-2593-000, 3-1-90.
CP90-1264-000 (4-30-90)	Texaco Gas Marketing Inc. (marketer).	100,000 [2] 25,000 9,125,000	OTX, OLA, TX, LA, AR	OTX, OLA, TX, IL	2-26-90, ITS, Interruptible.	ST90-2389-000, 3-4-90.

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.
[2] Natural's quantities are shown in MMBtu.

4. Northern Natural Gas Co., Division of Enron Corp., Equitrans, Inc., Equitrans, Inc.

[Docket No. CP90-1258-000, Docket No. CP90-1260-000, Docket No. CP90-1261-000]

Take notice that the above referenced companies (Applicants) filed in respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[2]

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicants and is included in the attached appendix.

The Applicants also states that each would provide the service for each shipper under an executed transportation agreement, and that the Applicants would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: June 18, 1990, in accordance with Standard Paragraph G at the end of this notice.

[2] These prior notice requests are not consolidated.

Docket No. (date filed)	Applicant	Shipper name	Peak day, [1] average annual	Points of		Start up date, rate schedule	Related dockets [2]
				Receipt	Delivery		
CP90-1258-000 (4-27-90)	Northern Natural Gas Company, Division of Enron Corp., 1400 Smith St., P.O. Box 1188, Houston, Texas 77251-1188.	American Central Gas Companies, Inc.	200,000, 150,000, 73,000,000	OK, TX, KS, NM, IA, SD, NE.	NE, MN, TX, IA, WI	3-21-90, IT-1	CP86-435-000, ST90-2540-000.
CP90-1260-000 (4-27-90)	Equitrans, Inc., 4955 Steubenville Pike, Pittsburgh, Pennsylvania 15205.	Endevco Marketing Company.	9,800 4,191 402,000	PA, WV	PA, WV	1-6-90, ITS	CP86-533-000, ST90-2567-000.
CP90-1261-000 (4-27-90)	Equitrans, Inc., 4955 Steubenville Pike, Pittsburgh, Pennsylvania 15205.	Phoenix Diversified Ventures, Inc.	490 490 178,850	PA	PA	4-1-90, ITS	CP86-533-000, ST90-2566-000.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

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 if filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Standard Paragraph

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 90-10878 Filed 5-9-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-177-079]

Proposed Changes in FERC Gas Tariff, Texas Eastern Transmission Corp.

May 3, 1990.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on April 27, 1990 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the following tariff sheets:

Fifth Revised Sheet No. 800
Eighth Revised Sheet No. 801
Seventh Revised Sheet No. 802
Fifth Revised Sheet No. 804
Fourth Revised Sheet No. 807
Fifth Revised Sheet No. 809
Sixth Revised Sheet No. 811

Texas Eastern states that the purpose of this filing is to update the Index of Purchasers for Texas Eastern's FERC Gas Tariff, Fifth Revised Volume No. 1 to reflect the Service Agreements as reflected in a companion filing dated April 27, 1990 in Docket No. RP85-177-074.

The proposed effective date of the tariff sheets listed above is April 27, 1990.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before May 10, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons who are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-10873 Filed 5-9-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP90-4-003, RP89-48-008]

Compliance Filing, Transwestern Pipeline Co.

May 3, 1990.

Take notice that Transwestern Pipeline Company (Transwestern) on April 5, 1990 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet:

Effective May 1, 1990

75th Revised Sheet No. 5

Statement of Purpose, Reason and Nature of Filing

On October 4, 1989, Transwestern filed revised tariff sheets to, among other things, eliminate the minimum rates for its IS-1 Rate Schedule. In its November 3, 1989 Order the Commission rejected Transwestern's proposal to eliminate the minimum gas cost component of its IS-1 rate.[1] Transwestern requested rehearing of the November 3, 1989 Order, and by order dated March 16, 1990, the Commission granted rehearing to permit Transwestern to eliminate the minimum rate that Transwestern may charge under its IS-1 Rate Schedule.

Ordering Paragraph (B) of the March 16, 1990 Order permits Transwestern to refile tariff sheets eliminating the minimum rate of its Rate Schedule IS-1. In addition, Ordering Paragraph (C) of the March 16, 1990 Order requires Transwestern to revise the rates applicable to Rate Schedules SG-1 and RW-1 to offer SG and RW sales customers the lowest current price offered under Transwestern's IS-1 Rate Schedule. Pursuant to, and in compliance with, Ordering Paragraphs (B) and (C) of the March 16, 1990 Order, Transwestern submitted the above reference tariff sheet.

Transwestern respectfully requests that the Commission grant any and all waivers of its rules, regulations and orders as may be necessary so as to permit the above listed tariff sheet to become effective May 1, 1990, as provided in the March 16, 1990 Order.

Copies of the filing were served on Transwestern's jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before May 10, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons who are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-10874 Filed 5-9-90; 8:45 am]

BILLING CODE 6717-01-M

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[1] Transwestern Pipeline Co., 49 FERC ¶ 61,165 (1989).

[Docket No. TQ90-3-43-000]

Proposed Changes in FERC Gas Tariff; Williams Natural Gas Co.

May 3, 1990.

Take notice that Williams Natural Gas Company (WNG) on April 30, 1990, tendered for filing Substitute First Revised Nineteenth Revised Sheet No. 6, Substitute First Revised Fifth Revised Sheet No. 6A and Substitute First Revised Eighteenth Revised Sheet No. 7 to its FERC Gas Tariff, Original Volume No. 1 together with supporting schedules. The proposed effective date of these tariff sheets is May 1, 1990.

WNG states that the above mentioned tariff sheets are being filed to revise the purchased gas cost computation submitted previously by WNG on March 1, 1990 in this proceeding. The purpose of the revision is to include $18.7 million paid by WNG to producers regarding price disputes for gas actually purchased by WNG.

WNG states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 10, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-10875 Filed 05-09-90; 8:45 am]

BILLING CODE 6717-01-M

Cases Filed With the Office of Hearings and Appeals; Week of February 23 Through March 2, 1990

During the Week of February 23 through March 2, 1990, the Applications for Refund and other relief listed in the appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

May 4, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Feb. 23 through Mar. 2, 1990]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 23, 1990	Green Oil Company, Washington, DC	LEF-0013	Request for implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, part 205, subpart V, in connection with October 24, 1978, Remedial Order entered into with Green Oil Company.
Do	Strasburger Enterprises, Inc., Washington, DC	LEF-0014	Request for implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, part 205, subpart V, in connection with December 16, 1986, Consent Order entered into with Strasburger Enterprises, Inc.
Feb. 26, 1990	Colorado Springs, Dept. of Utilities, Colorado Springs, Colorado.	RR272-47	Request for modification/rescission in the crude oil refund proceeding. If granted: The November 29, 1989, Decision and Order (Case No. RF272-51086) issued to Colorado Springs, Dept. of Utilities would be modified regarding the firm's application for refund submitted in the Crude Oil Refund Proceeding.
Do	Amoco, Perry Gas, Belridge, Charter, Coline, Charter & Amoco/South Carolina, Columbia, South Carolina.	RM 21-163, RM183-164, RM8-165, RM23-166, RM2-167, RM23-168, RQ251-550	Request for modification/rescission in the refund proceeding. If granted: The March 25, 1986, and June 23, 1986 Decision and Orders (Case Nos. RQ21-276, RQ183-277, RQ8-278, RQ23-279, RQ2-280, and RQ23-292) issued to South Carolina would be modified regarding the state's application for refund submitted in the Amoco, Perry Gas, Belridge, Charter, Coline, Charter, & Amoco second stage refund proceeding.
Do	Gentile Oil Company, Washington, DC	RR272-52	Request for modification/rescission in the crude oil refund proceeding. If granted: The February 26, 1990, Decision and Order (Case No. RF272-45872) issued to Gentile Oil Company would be modified regarding the firm's application for refund submitted in the crude oil refund proceeding.
Feb. 28, 1990	Bart McElvaney Service, Washington, DC	RR272-50	Request for modification/rescission in the crude oil refund proceeding. If granted: The February 26, 1990, Decision and Order (Case No. RF272-42453) issued to Bart McElvaney Service would be modified regarding the firm's application for refund submitted in the crude oil refund submitted in the crude oil refund proceeding.
Do	Copeland Oil Company, Washington, DC	RR272-51	Request for modification/rescission in the crude oil refund proceeding. If granted: The February 2, 1990, Decision and Order (Case No. RF272-42454) issued to Copeland Oil Company would be modified regarding the firm's application for refund submitted in the crude oil refund proceeding.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of Feb. 23 through Mar. 2, 1990]

Date	Name and location of applicant	Case No.	Type of submission
Do	Lumar Oil Company, Washington, DC	RR272-49	Request for modification/rescission in the crude oil refund proceeding. If granted: The February 26, 1990, Decision and Order (Case No. RF272-42447) issued to Lumar Oil Company would be modified regarding the firm's application for refund submitted in the crude oil refund proceeding.
Do	Middletown Oil Company, Washington, DC	RR272-53	Request for modification/rescission in the crude oil refund proceeding. If granted: The February 26, 1990, Decision and Order (Case No. RF272-45873) issued to Middletown Oil Company would be modified regarding the firm's application for refund submitted in the crude oil refund proceeding.
Do	Robert C. McGary, Washington, DC	RR272-48	Request for modification/recission in the crude oil refund proceeding. If granted: The February 26, 1990, Decision and Order (Case No. RF272-42451) issued to Robert C. McGary would be modified regarding the firm's application for refund submitted in the crude oil refund proceeding.
Mar. 2, 1990	Mt. Airy Refining Company, *et al.*, Mt. Airy, Louisiana	LRZ-0005	Interlocutory. If granted: The individual named defendants would not be held liable for the violations.

REFUND APPLICATIONS RECEIVED

[Week of Feb. 23 through Mar. 2, 1990]

Date received	Name of refund applicant	Case No.
2/23/90 thru 3/2/90.	Gulf Oil Refund Applications Received.	RF300-11003 thru FR300-11018
2/23/90 thru 3/2/90.	Atlantic Richfield Application Received.	RF304-11324 thru FR304-11474
2/26/90	Keith Huber	RF272-78497
2/26/90	Huffman Farms	RF272-78498
2/26/90	William Rowings	RF272-78499
2/26/90	Sky Petroleum, Ltd.	RF309-1388
2/26/90	James W. Wilson, Jr.	RF315-9876
2/26/90	Glengary Shell	RF315-9877
2/26/90	Industrial Shell	RF315-9878
2/26/90	Highway Pipeline Company.	RF315-9879
2/26/90	Big Three Shell	RF315-9880
2/26/90	Hammond Oil Company.	RF315-9881
2/27/90	I-29 Oil, Ltd	RF265-2884
2/27/90	Amerada Hess Corporation.	RF315-9882
2/28/90	Ultra Transportation.	RC272-82

REFUND APPLICATIONS RECEIVED—Continued

[Week of Feb. 23 through Mar. 2, 1990]

Date received	Name of refund applicant	Case No.
2/28/90	Ennis Crown	RF313-319
2/28/90	Maple Leaf Real Estate.	RC272-81
2/28/90	Chappell's Crown	RF313-320
3/1/90	Nestle Foods	RA272-23
3/1/90	Bookout's Shell	RF315-9883
3/1/90	Circle Spur	RF309-1389
3/1/90	A & L Potato Company, Inc.	RF272-78502
3/1/90	Vernon Boot	RF272-78500
3/1/90	Robert Fisher	RF272-78501

[FR Doc. 90-10961 Filed 5-9-90; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed With the Office of Hearings and Appeals, Week of March 23 through March 30, 1990

During the Week of March 23 through March 30, 1990, the applications for exception or other relief listed in the appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

May 4, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Mar. 23, through Mar. 30 , 1990]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 28, 1990	Standard Oil of Indiana (Amoco)/Michigan, Lansing, Michigan.	RM21-169	Request for modification/rescission in the Amoco Second Stage Refund Proceeding. If granted: The March 21, 1984 Decision and Order (Case No. RQ21-47) issued to Michigan would be modified regarding the state's application for refund submitted in the Amoco second stage refund proceeding.
Mar. 29, 1990	Haddad and Brooks, Inc., Washington, Pennsylvania	LEE-0014	Exception to the reporting requirements. If granted: Haddad and Brooks, Inc., would not be required to file Form EIA-23, "Annual Survey of Domestic Oil & Gas Reserves".

REFUND APPLICATIONS RECEIVED

[Week of Mar. 23 to Mar. 30, 1990]

Date received	Name of refund proceeding/name of refund applicant	Case No.
03/23/90	Peter Boyko	RF225-11093
03/26/90	Loy Mitchell Gulf	RF300-11067
03/26/90	Bogata Gulf	RF300-11068
03/26/90	Maurice Migneault Gulf.	RF300-11069
03/26/90	Schmidt's Grocery	RF300-11070
03/26/90	Paul's Gulf	RF300-11071
03/26/90	Orlandi's Gulf	RF300-11072
03/26/90	Ford Tel Shell	RF315-9901
03/26/90	W.R. Norris	RF315-9902
03/26/90	Sherrow's Richmond Road.	RF315-9903
03/27/90	Lopilato & Chioccariello.	RF315-9904
03/27/90	Springboro Shell	RF315-9905
03/27/90	Pine Brook Shell, Inc.	RF315-9906
03/28/90	Roy's Auto Specialty, Inc.	RF318-9
03/29/90	W. Curtis Vaughn	RF307-10116
03/30/90	Longie's Gulf	RF300-11078
03/23/90 thru 03/30/90.	Texaco Oil Refund Applications Received.	RF321-2511 thru RF321-2847
03/23/90 thru 03/30/90.	Atlantic Richfield Applications Received.	RF304-11660 thru RF304-11671
03/23/90 thru 03/30/90.	Crude Oil Refund Applications Received.	RF272-78529 thru RF272-78851

[FR Doc. 90-10962 Filed 5-9-90; 8:45 am]

BILLING CODE 6450-01-M

Issuance of a Proposed Decision and Order by the Office of Hearings and Appeals

During the week of April 2 through April 6, 1990, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR part 205, subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays.

Dated: May 4, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

Mulgrew Oil Company, Dubuque, IA, LEE-0012, Reporting Requirements

Mulgrew Oil Company, Inc., filed an Application for Exception from the Energy Information Administration (EIA) reporting requirement. The exception request, if granted, would relieve Mulgrew of its requirement to file Form EIA-782B, "Resellers'/Retailers' Monthly Petroleum Products Sales Report." On April 6, 1990, the Department of Energy issued a Proposed Decision and Order which determined that exception relief be denied.

[FR Doc. 90-10963 Filed 5-9-90; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OW-FRL-3764-6]

Technical Support Document for Water Quality-Based Toxics Control: Draft Guidance Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of the draft guidance document entitles "Technical Support Document for Water Quality-Based Toxics Control" (TSD).

DATES: Copies of this draft guidance document are available beginning today. Comments must be received on or before [45 days from date of Notice publication].

ADDRESSES: Copies of this document can be obtained by writing Mr. James Taft, Office of Water Enforcement and Permits, EN-336, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, at the above address.

SUPPLEMENTARY INFORMATION: The U.S. Environmental Protection Agency's (EPA) national "Policy for the Development of Water Quality-Based Permit Limitations for Toxic Pollutants" (March 1984) states that to control pollutants beyond Best Available Technology Economically Achievable (BAT), secondary treatment, and other Clean Water Act technology-based requirements and in order to meet water quality standards, the EPA will use an integrated strategy consisting of both biological and chemical methods to address toxic and nonconventional pollutants from industrial and municipal sources.

In addition, EPA's surface water toxics control regulation (54 FR 23868 (June 2, 1989)), established specific requirements for assessing and controlling point source discharges of pollutants which cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard.

The revised guidance document announced in today's notice is intended to support the implementation of both the policy and the regulation. The overall approach taken in this revised document is to provide additional explanations and clarifications based on accumulated experience and data related to the various recommendations which were made in the original TSD. Additional data is provided to support the scientific basis for whole effluent toxicity testing and the control of the discharge of toxic pollutants through the "integrated strategy". The TSD strongly recommends the use of an integrated water quality-based approach (i.e., employing both chemical-specific, whole effluent, and biocriteria components) for controlling toxic discharges. The document also discusses mixing zones for toxicity, non-persistent toxicants, and bioaccumulative pollutants; effluent characterization with and without data; exposure assessment methods; permit issuance procedures; toxicity reduction evaluations (TREs); and recommendations for enforcing water quality-based permits. An overall summary of each chapter as well as the most significant changes since the original TSD are provided below:

Chapter 1: Approaches to Water Quality-Based Toxics Control

This chapter describes the regulatory and scientific basis for water quality-based toxics control. In particular, the "integrated" approach to water quality-

based toxics control (i.e., use of assessment and control techniques for individual chemicals, whole effluent toxicity, and biocriteria) and the relationship of each technique to the other is strongly emphasized. However, the chapter is now supported by new documentation and data as compared to the old TSD.

Chapter 2: Water Quality Criteria and Standards

The discussions in this chapter lay the groundwork for the "standards-to-permits" process by describing key features of water quality criteria and standards for both aquatic life and human health protection. A key feature in this chapter is the discussion of magnitude, duration, and frequency of a pollutant or pollutant parameter for human health and aquatic life protection. The presentation of specific procedures for deriving acceptable ambient concentrations (AACs) for human health protection has been added to this document. The definition of mixing zones for both persistent and non-presistent toxicants is also introduced in this chapter.

Chapter 3: Effluent Characterization

This chapter describes the procedures for determining whether an effluent is causing, has the "resonable potential" to cause, or contributes to an in-stream excursion above a narrative or numeric criterion within a State water quality standard. The effluent characterization recommendations described in this chapter have been revised and streamlined as compared to the original TSD. Where effluent data are available, effluent characterization can now be performed in a single step with limited effluent data and no longer requires initial screening followed by data generation. This chapter also presents a new protocol for assessing wastewaters for the presence of bioconcentratable polutants.

Chapter 4: Exposure Assessment and Wasteload Allocation

Where effluent characterization indicates the need for a water quality-based permit limitation, the water quality analyst proceeds to develop a wasteload allocation (WLA) using the procedures described in chapter 4. Information is provided for modeling both near field and far field exposure of an effluent. Recommendations for both steady state and dynamic models are provided. As with the original TSD, ambient criteria to control acute toxicity to aquatic life may be met within a short distance of the outfall. However, the TSD no longer recommends this provision be restricted to outfalls which have high rate diffusers. It now recommends this be allowable for any type of outfall for which it can be demonstrated that the criterion maximum concentration (CMC) is met within the short distances specified.

Chapter 5: Permit Requirements

Chapter 5 provides procedures for translating various types of WLA outputs into permit limitations. Other permit-related issues such as permit documentation and toxicity reduction evaluations are also presented. No major changes have been made from the substantive recommendations in the original TSD, however, numerous clarifications and supporting tables and figures have now been included. In addition, this chapter gives detailed information on the components of TRE recommendations and how to use them in the permitting context.

Chapter 6: Enforcement

Compliance monitoring and enforcement considerations for water quality-based permits are summarized in this chapter. The TSD provides a more comprehensive discussion on compliance monitoring in comparison to the old TSD. The discussions emphasize the regulatory principle that any failure to meet a permit limitation is a violation subject to the full range of possible enforcement responses.

Summary

The goal of this document is to provide comprehensive technical recommendations for water quality-based toxics control. These recommendations are intended to provide scientifically sound and useful procedures to regulatory authorities and the regulated community. EPA solicits comments on whether this document achieves it goal.

Dated: May 3, 1990.

LaJuana S. Wilcher,

Assistant Administrator.

[FR Doc. 90-10965 Filed 5-9-90; 8:45 am]

BILLING CODE 6560-50

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 003-010071-011.

Title: The Cruise Lines International Association Agreement.

Parties: Admiral Cruises, American Hawaii Cruises, B.S.L. Cruises, Carnival Cruise Lines, Chandris Cruises, Clipper Cruise Line, Commodore Cruise Line, Ltd., Costa Cruises, Crown Cruise Line, Crystal Cruises, Cunard Line, Ltd., Cunard/Norwegian American Cruises, Cunard Sea Goddess, Delta Queen Steamboat Co., Dolphin Cruise Line, Dolphin Hellas Cruises, Epirotiki Lines, Inc., Holland America Line, Norwegian Cruise Line, Ocean Cruise Lines, Inc., Ocean Quest International, Oceanic Cruises, Premier Cruise Lines, Princess Cruises, Regency Cruises, Royal Caribbean Cruise Line, Inc., Royal Cruise Line, Royal Viking Line, Seabourn Cruise Line, Society Expeditions Cruises, Sun Line Cruises, Windstar Sail Cruises, World Explorer Cruises.

Synopsis: The proposed amendment would provide the current level of application and renewal fees for independent travel agent affiliation.

Agreement No.: 212-010389-013.

Title: U.S. Gulf Ports/Argentina Agreement.

Parties: American Transport Lines, Inc., Empresa Lineas Maritimas Argentinas S.A., A. Bottacchi S.A. de Navegacion C.F.I.I.

Synopsis: The proposed amendment would extend through December 31, 1990, certain provisions related to space chartering. It would also permit the parties to charter space with any carrier who is also a party to Agreement No. 212-010382 (the Argentina/U.S. Gulf Ports Agreement).

Agreement No.: 203-011268-001.

Title: New Zealand/United States Interconference and Carrier Discussion Agreement.

Parties: New Zealand-Pacific Coast Rate Agreement, New Zealand/U.S. Atlantic & Gulf, Shipping Lines Rate Agreement, Associated Container Transportation (Australia) Ltd., Autstralia-New Zealand Direct Line, Columbus Line, Blue Star Line, Ltd.

Synopsis: The proposed amendment would add Nedlloyd Lines as a party to the Agreement. It would also make other nonsubstantive changes.

By Order of the Federal Maritime Commission.

Dated: May 4, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90-10886 Filed 5-9-90; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Special Expeditions, Inc., Wilderness Cruises, Inc. and Majestic Alaska Boat Company, 720 Fifth Avenue, New York, NY 10019, Vessel: SEA BIRD.

Dated: May 4, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90-10894 Filed 5-9-90; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms under Review

May 4, 1990

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR § 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATES: Comments must be submitted on or before May 30, 1990.

ADDRESSES: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 4:15 p.m. except as provided in § 261.8(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below. Federal Reserve Board Clearance Officer—Frederick J. Schroeder—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829).

Proposal to approve under OMB delegated authority the extension, with revision, of the following reports:

1. *Report title:* Senior Loan Officer Opinion Survey on Bank Lending Practices.

Agency form number: FR 2018.

OMB Docket number: 7100-0058.

Frequency: Up to six times per year.

Reporters: Large U.S. commercial banks and large branches and agencies of foreign banks.

Annual reporting hours: 936.

Estimated average hours per response: 2.0.

Number of respondents: 78.

Small businesses are not affected:

General description of report:

This information collection is voluntary (12 U.S.C. 248(a), 263, 353 et seq., and 461) and is given confidential treatment (5 U.S.C. 552(b)(4)).

This survey collects qualitative information about changes in business loan demand and various aspects of bank lending practices from sixty large U.S. commercial banks. The proposed revision will add eighteen branches and agencies of foreign banks to the current panel. The survey serves as a very important tool for monitoring and understanding the evolution of lending practices at banks and developments in credit markets generally.

2. *Report title:* Government Securities Dealers Reports.

Agency form number: FR 2004A,B,C,WI and B.1.

OMB Docket number: 7100-0003.

Frequency: Weekly, Annually and on occasion.

Reporters: Primary dealers in U.S. government securities.

Annual reporting hours: 10,435.

Estimated average hours per response: 1.0 to 1.33.

Number of respondents: 44.

Small businesses are not affected.

General description of report:

This information collection is voluntary (12 U.S.C. 248(a)(2) and 353-359(a)) and is given confidential treatment (5 U.S.C. 552(b)(4)).

This group of reports submitted by government securities dealers is used to collect weekly positions, transactions and financings and basic information on when-issued positions in notes and bonds during Treasury financing periods. The data are used to assist in the appraisal of the financial health of reporting dealers, the soundness of their trading practices, and the adequacy of their market-making in all segments of the market.

Proposal to approve under OMB delegated authority the extension, without revision, of the following report:

1. *Report title:* Primary Dealer Profit Center Report.

Agency form number: FR 2002.

OMB Docket number: 7100-0010.

Frequency: Monthly and annually.

Reporters: Primary dealers in U.S. government securities.

Annual reporting hours: 3,383.

Estimated average hours per response: Monthly report: 5.3 hours. Annual report: 13.3 hours.

Number of respondents: 44.

Small businesses are not affected.

General description of report:

This information collection is voluntary (12 U.S.C. 248(a)(2), 353-359a,

and 391) and is given confidential treatment (5 U.S.C. 552(b)(4)).

The FR 2002 report collects income and expense data from primary dealers in U.S. government securities on a profit center basis. In addition, primary dealers also submit specified reports that they have prepared for other purposes; e.g., regulatory, audit, or internal management reports. The Federal Reserve uses all of these reports, along with reports on market activity, to monitor developments in the U.S. government securities market for its own purposes, in relation to open market operations, and to fulfill its responsibilities as fiscal agent for the Treasury.

Proposal to approve under OMB delegated authority the implementation of the following report:

1. *Report title:* National Survey of Currency Quality Perceptions.
Agency form number: FR 3061.
OMB Docket number: 7100–0242.
Frequency: One-time.
Reporters: General public, retail cashiers, and tellers and cash managers at depository financial institutions.
Annual reporting hours: 445.
Estimated average hours per response: 0.5 to 0.75.
Number of respondents: 860.
Small businesses are affected.
General description of report:
This information collection is voluntary (12 U.S.C. 248(d)) and is given confidential treatment (5 U.S.C. 552(b)(4)).

The survey will be used to provide an objective assessment of the perceptions of currency quality in the U.S. among consumers, retailers, and tellers and cash managers at depository financial institutions. Comprehensive interviews will be conducted to examine their perceptions of currency quality and to gauge their behavioral and emotional responses to worn or unfit Federal Reserve notes.

Board of Governors of the Federal Reserve System, May 4, 1990.
William W. Wiles,
Secretary of the Board.
[FR Doc. 90–10904 Filed 5–9–90; 8:45 am]
BILLING CODE 6210–01–M

Banco Bilbao Vizcaya, S.A., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 31, 1990.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Banco Bilbao Vizcaya, S.A.*, Bilbao, Spain; to acquire 48 percent of the voting shares of New Mexico Banquest Investors Corporation, Santa Fe, New Mexico, and New Mexico Banquest Corporation, Santa Fe, New Mexico, and thereby indirectly acquire The First National Bank of Santa Fe, Santa Fe, New Mexico.

B. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Newfield Bancorp, Inc.*, Newfield, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank in Newfield, Newfield, New Jersey.

C. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Central Banc, Inc.*, Genesco, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Central Trust & Savings Bank of Genesco, Genesco, Illinois.

D. Federal Reserve Bank of Dallas (W. Arthus Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First Fabens Bancorporation, Inc.*, Fabens, Texas; to acquire 100 percent of the voting shares of Bancshares of Ysleta, Inc., El Paso, Texas, and thereby indirectly acquire Bank of Ysleta, El Paso, Texas.

Board of Governors of the Federal Reserve System, May 4, 1990.
Jennifer J. Johnson,
Associate Secretary of the Board.
[FR Doc. 89–10905 Filed 5–9–90; 8:45 am]
BILLING CODE 6210–01–M

Compagnie Financiere de Suez; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will aslo 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 May 29, 1990.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Compagnie Financiere de Suez*, Paris, France; and Banque Indosuez, Paris, France, to engage *de novo* through their subsidiary, Indosuez Carr Futures,

Inc., Chicago, Illinois, in providing discount brokerage services with respect to different types of securities, government securities and the S&P 500 index options traded on the Chicago Board Options Exchange pursuant to § 225.25(b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 4, 1990.

Jennifer J. Johnson,

Associated Secretary of the Board.

[FR Doc. 90-10906 Filed 5-9-90; 8:45 am]

BILLING CODE 6210-01-M

Steven S. Nichols; Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 24, 1990.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Steven S. Nichols,* Philadelphia, Pennsylvania; to control 16.67 percent of the voting shares of Dulaney Bancorp, Inc., Marshall, Illinois, and thereby indirectly acquire Dulaney National Bank, Marshall, Illinois.

Board of Governors of the Federal Reserve System, May 4, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-10907 Filed 5-9-90; 8:45 am]

BILLING CODE 6210-01-M

SunTrust Banks, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities; Correction

This notice corrects a previous **Federal Register** Notice (FR Doc. 90-5118) published at page 8195 of the issue for Wednesday, March 7, 1990.

Under the Federal Reserve Bank of Atlanta, the entry for SunTrust Banks, Inc. is amended to read as follows:

1. *SunTrust Banks, Inc.*, Atlanta, Georgia; to acquire Albany First Federal Savings and Loan Association, Albany, Georgia, and thereby engage in operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y. SunTrust is also applying to merge Albany First into SunTrust's bank subsidiary, Trust Company Bank of South Georgia, N.A., Albany, Georgia, pursuant to section 5(d)(3) of the Federal Deposit Insurance Act. 12 U.S.C. 1815(d)(3). These activities will be conducted throughout the State of Georgia.

Comments on this application must be received by May 24, 1990.

Board of Governors of the Federal Reserve System, May 4, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-10908 Filed 5-9-90; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Information Collection Activities Under Office of Management and Budget Review

AGENCY: Office of Acquisition Policy (VP), GSA.

SUMMARY: The GSA hereby gives notice under the Paperwork Reduction Act of 1980 that it is requesting the Office of Management and Budget (OMB) to renew expiring information collection 3090-0231, Matrices/Color Code Identification for GSA Multiple Award Schedules. Information on the characteristics of products assists GSA contracting officers in preparing matrices for use by Federal Agencies to identify and order the lowest priced item that meets their needs.

ADDRESSES: Send comments to Bruce McConnell, GSA Desk Officer, room 3235, NEOB, Washington, DC, 20503, and to Mary L. Cunningham, GSA Clearance Officer, General Services Administration (CAIR), 18th & F Street NW., Washington, DC 20405.

ANNUAL REPORTING BURDEN:

Respondents: 1600; *annual responses:* 1.0; *average hours per response:* 0.5000; *burden hours:* 800.

FOR FURTHER INFORMATION CONTACT: Ida M. Ustad, (202) 501-1224.

COPY OF PROPOSAL: May be obtained from the Information Collection Management Branch (CAIR), room 3014, GSA Building, 18th & F Street NW., Washington, DC 20405, by telephoning (202) 501-1659, or by faxing your request to (202) 501-2727.

Dated: May 1, 1990.

Emily C. Karam,

Director, Information Management Division.

[FR Doc. 90-10917 Filed 5-9-90; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: National Institute on Drug Abuse, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11986). A similar notice listing all currently certified laboratories will be published *bi-monthly* (every-other-month), and updated to include laboratories which subsequently apply and complete the certification process. If any listed laboratory fails to maintain its certification, it will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

FOR FURTHER INFORMATION CONTACT: Drug Testing Section, Division of Applied Research (formerly the Office of Workplace Initiatives), National Institute on Drug Abuse, room 9-A-53, 5600 Fishers Lane, Rockville, Maryland 20857.

SUPPLEMENTARY INFORMATION: Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Public Law 100-71. Subpart C of the Guidelines, "Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies," sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification a laboratory must participate in an every-other-month performance testing program plus periodic, on-site inspections. Laboratories which claim to be in the applicant stage of NIDA certification are *not* to be considered as meeting the

minimum requirements expressed in the NIDA Guidelines. A laboratory must have its letter of certification from HHS/NIDA which attests that it has met minimum standards.

In accordance with subpart C of the Guidelines, the following laboratories meet the minimum standards set forth in the Guidelines:

(Submitted for publication in the Federal Register on May 7, 1990)

American BioTest Laboratories, Inc., Building 15, 3350 Scott Boulevard, Santa Clara, CA 95054, 408–727–5525

American Medical Laboratories, Inc., 11091 Main Street, P.O. Box 188, Fairfax, VA 22030, 703–691–9100

Associated Regional and University Pathologists, Inc. (ARUP), 500 Chipeta Way, Salt Lake City, UT 84108, 801–583–2787

Bio-Analytical Technologies, 2356 North Lincoln Avenue, Chicago, IL 60614, 312–880–6900

Cedars Medical Center, Department of Pathology, 1400 Northwest 12th Avenue, Miami, FL 33136, 305–325–5810

Center for Human Toxicology, 417 Wakara Way—Room 290, University Research Park, Salt Lake City, UT 84108, 801–581–5117

Chem-Bio Corporation, 140 East Ryan Road, Oak Creek, WI 53154, 800–365–3840

Clinical Reference Lab, 11850 West 85th Street, Lenexa, KS 66214, 800–445–6917

CompuChem Laboratories, Inc., 3308 Chapel Hill/Nelson Hwy., P.O. Box 12652, Research Triangle Park, NC 27709, 919–549–8263

CompuChem Laboratories, Inc., Western Division, 600 West North Market Boulevard, Sacramento, CA 95834, 916–923–0840 (name changed: formerly ChemWest Analytical Laboratories)

Doctors & Physicians Laboratory, 801 East Dixie Avenue, Leesburg, FL 32748, 904–787–9006

DrugScan, Inc., P.O. Box 2969, 1119 Mearns Road, Warminster, PA 18974, 215–674–9310

ElSohly Laboratories, Inc., 1215½ Jackson Ave., Oxford, MS 38655, 601–236–2609

Environmental Health Research & Testing, Inc., 1075 South 13th St., Birmingham, AL 35205–9998, 205–934–0985

General Medical Laboratories, 36 South Brooks Street, Madison, WI 53715, 608–267–6267

Harris Medical Laboratory, P.O. Box 2981, 1401 Pennsylvania Avenue, Fort Worth, TX 76104, 817–878–5600

HealthCare/Preferred Laboratory, 3011 W. Grand Boulevard, Detroit, MI 48202, 313–875–2112

Laboratory of Pathology of Seattle, Inc., 1229 Madison St., Suite 500, Nordstrom Medical Tower, Seattle, WA 98104, 206–386–2672

Laboratory Specialists, Inc., 113 Jarrell Drive, Belle Chasse, LA 70037, 504–392–7961

Laboratory Specialists, Inc., P.O. Box 4350, Woodland Hills, CA 91365, 800–331–8670 (name changed: formerly Abused Drug Laboratories)

Massey Analytical Laboratories, Inc., 2214 Main Street, Bridgeport, CT 06606, 203–334–6187

Mayo Medical Laboratories, 200 S.W. First Street, Rochester, MN 55905, 800–533–1710/507–284–3631

Med Arts Lab, 5419 South Western, Oklahoma City, OK 73109 800–251–0089

MedExpress/National Laboratory Center, 4022 Willow Lake Boulevard, Memphis, TN 38175 901–795–1515

MedTox Laboratories, Inc., 402 W. County Road D, St Paul, MN 55112, 612–636–7466

Mental Health Complex Laboratories, 9455 Watertown Plank Road, Milwaukee, WI 53226, 414 257–7439

Methodist Medical Center, 221 N.E. Glen Oak Avenue, Peoria, IL 61636, 309–672–4928

MetPath, Inc., 1355 Mittel Boulevard, Wood Dale, IL 60191, 312–595–3888 ext. 671

MetPath, Inc., One Malcolm Avenue, Teterboro, NJ 07608, 201–393–5000

National Center for Forensic Science, 1901 Sulphur Spring Road, Baltimore, MD 21227, 301–247–9100 (name changed: formerly Maryland Medical Laboratory, Inc.)

National Psychopharmacology Laboratory, Inc., 9320 Park W. Boulevard, Knoxville, TN 37923, 800–251–9492

Nichols Institute Substance Abuse Testing (NISAT), 8985 Balboa Avenue, San Diego, CA 92123, 800–446–4728/619–694–5050 (name changed: formerly Nichols Institute)

Northwest Toxicology, Inc., 1141 E. 3900 South, Salt Lake City, UT 84124, 800–322–3361

PDLA Inc., 100 Corporate Court, So. Plainfield, NJ 07080, 201–769–8500

PharmChem Laboratories, Inc., 1505–A O'Brien Drive, Menlo Park, CA 94025, 415–328 6200/800–446–5177

Poisonlab, Inc., 7272 Clairemont Mesa Road, San Diego, CA 92111, 619–279–2600

Regional Toxicology Services, 2205 152nd Avenue NE., Redmond, WA 98052, 206–643–8111

Roche Biomedical Laboratories, 6370 Wilcox Road, Dublin, OH 43017, 614–889–1061

Roche Biomedical Laboratories, 1801 First Avenue South, Birmingham, AL 35233, 205–581–3537

Roche Biomedical Laboratories, 1447 York Court, Burlington, NC 27216, 919–584–5171

SmithKline Beecham Clinical Laboratories, 7600 Tyrone Avenue, Van Nuys, CA 91405, 818–989–2520

SmithKline Beecham Clinical Laboratory, NIDA Section, 506 E. State Parkway, Schaumburg, IL 60173, 312–885–2010 (name changed: formerly International Toxicology Laboratories)

SmithKline Bio-Science Laboratories, 400 Egypt Road, Norristown, PA 19403, 800–523–5447

SmithKline Bio-Science Laboratories, 1777 Montreal Circle, Tucker, GA 30084, 404–934–9205

SmithKline Beecham Clinical Laboratory, 8000 Sovereign Row, Dallas, TX 75247, 214–638 1301 (name Changed: formerly International Clinical Laboratories)

South Bend Medical Foundation, Inc., 530 North Lafayette Boulevard, South Bend, IN 46601, 219–234–4176

Southgate Medical Services, Inc., 21007 Southgate Park Boulevard, 2nd Floor, Maple Heights, OH 44137, 800–338–0166

St. Anthony Hospital (Toxicology Laboratory), P.O. Box 205, 1000 North Lee Street, Oklahoma City, OK 73102, 405–277–7052

Finally, DataChem, Inc. of Salt Lake City, previously listed as a certified laboratory has been sold and no longer offers drug testing services effective January 12, 1990.

Richard A. Millstein,

Deputy Director, National Institute on Drug Abuse.

[FR Doc. 90–10815 Filed 5–9–90; 8:45 am]

BILLING CODE 4160–20–M

Food and Drug Administration

[Docket No. 90F–0142]

Olin Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Olin Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of polyurethane resins derived from the reactions of toluene diisocyanate or 4,4'-methylene bis(cyclohexylisocyanate) with carboxylic acid modified polypropylene glycol and with triethylamine and ethylenediamine as a component of adhesives for articles intended to contact food.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (Section 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP OB4201), has been filed by Olin Corp., 120 Long Ridge Rd., Stamford, CT 06904, proposing that § 175.105 *Adhesives* (21 CFR 175.105) be amended to provide for the safe use of polyurethane resins derived from the reactions of toluene diisocyanate or 4,4'-methylene bis(cyclohexylisocyanate) with carboxylic acid modified polypropylene glycol and with triethylamine and ethylenediamine as a component of adhesives for articles intended to contact food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and

this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c)

Dated: May 1, 1990.

Douglas L. Archer,

Acting Deputy Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-10912 Filed 5-9-90; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Meeting of Program Advisory Committee on Human Genome

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Program Advisory Committee on the Human Genome on June 18, 1990, at the National Institutes of Health, Bethesda, Maryland. The meeting will take place from 8:30 a.m. to 5:30 p.m. on June 18, in Building 31, Conference Room 6, 9000 Rockville Pike, Bethesda, Maryland. The meeting will be open to the public.

This will be the fourth meeting of the Program Advisory Committee on the Human Genome. The purpose of the meeting is to discuss the planning, organization, and progress of the human genome project at the National Institutes of Health.

Dr. Elke Jordan, Deputy Director of the National Center for Human Genome Research, National Institutes of Health, Building 31, Room 4B04, Bethesda, Maryland 20892, (301) 496-0844, will furnish the meeting agenda, rosters of Committee members and consultants, and substantive program information upon request.

Dated: May 2, 1990.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 90-10900 Filed 5-9-90; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-90-3078]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to:

Scott Jacobs, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 3, 1990.

John T. Murphy,

Director, Information Policy and Management Division.

Proposal: Request for Credit Approval of Substitute Mortgagor, FR-2456.

Office: Housing.

Description of the Need for the Information and its Proposed Use: Form HUD-92210 is an application form to approve the credit of a substitute mortgagor who desires to assume an insured mortgage loan and a notification form to document the file that the substitute mortgage is financially accepted. The form and supporting documents are sent to local HUD Office for processing and execution. The form may be executed by the mortgagee if he is the Direct Endorsement lender.

Form Number: HUD-92210.

Respondents: Individuals or households.

Frequency of Submission: On occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD-92210	1,000		10		1		10,000

Total Estimated Burden Hours: 10,000.
Status: Extension.
Contact: Charlene Weaver, HUD (202) 755–6672, Scott Jacobs, OMB, (202) 395–6880.

Dated: May 3, 1990.

[FR Doc. 90–10884 Filed 5–9–90; 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Chaco Culture Protection Sites Logo

AGENCY: Bureau of Land Management, Interior.

ACTION: Marking of designated Chaco Culture Archeological Protection Sites and notice of intent to secure trademark registration of the protection sites logo. In the matter of Chaco Culture Protection Sites, intent to utilize logos bearing a distinctive symbol to mark protection sites and to direct public visitors to them via roads or trails and to mark officially approved trails, activities, events, or materials, and intent thereby to establish use of the logo for purposes of securing trademark registration.

SUMMARY: This notice is to advise that the various agencies constituting the Chaco Culture Archeological Protection Site System Interagency Management Group (IMG), (National Park Service, Bureau of Land Management, Bureau of Indian Affairs, State of New Mexico, Navajo Tribal Council, and the United States Forest Service) will proceed to mark protection sites in Colorado, Arizona, and New Mexico, as established by Public Law 96–550, December 19, 1980, as amended. First uses will occur on official interpretive brochures, protective and interpretive signing, and directional signing. Implementation will establish official use of the specific logo design (Figure 1) for the purposes of securing trademark registration of the design. Such use shall be considered exclusive to IMG members unless modified through the issuance of regulations establishing procedures for outside use.

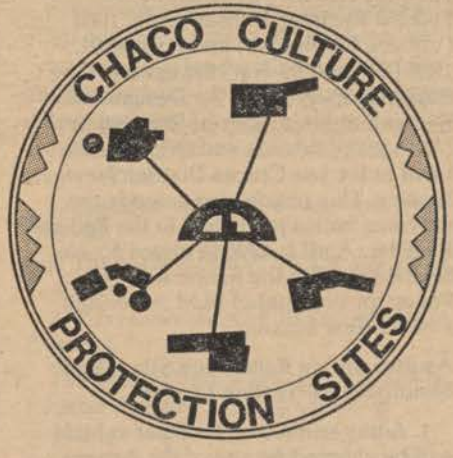
DATES: Action described will commence upon publication of this notice.

ADDRESSES: Written comments should be sent to State Director, New Mexico Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87504–1449 on or before June 22, 1990.

FOR FURTHER INFORMATION CONTACT: Stephen L. Fosberg, State Archeologist, New Mexico Bureau of Land Management, 505–988–6227.

SUPPLEMENTARY INFORMATION: Public Law 96–550 established a unique approach to managing and protecting internationally significant Chacoan properties located in New Mexico, Arizona, and Colorado. It established a series of congressionally protected ruins (outliers) to be managed by several different agencies. Provisions in the law provide for periodic additions to or deletions from the list of protection sites. An IMG has been formed to cooperate and coordinate the management of these historically related properties.

The IMG has designed a common logo to be erected at each protection site so that they can be readily identified as part of the larger Chacoan Outlier System. These logos will also be depicted on signs and other interpretive material. In order to prevent proliferation of the distinctive logo design (Figure 1) and to assure asainst its use for other than the IMG purposes of commemoration, education, public information, and fund raising, the IMG will proceed to secure trademark registration under 15 U.S.C. for the logo design.



Signs bearing the logo will eventually be erected at each protection site and will be maintained by the individual agency managing that land. Signing will be extended as additional protection sites are added to the system.

Monte G. Jordan,
Associate State Director.

[FR Doc. 90–10914 Filed 5–9–90; 8:45 am]
BILLING CODE 4310–FB–M

[CO–030–90–4111–08]

Draft Environmental Impact Statement and Oil and Gas Plan Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Draft Oil and Gas Plan Amendment and Draft Environmental Impact Statement for the Glenwood Springs, Kremmling, Little Snake, Northeast, and San Juan/San Miguel Resource Management Plans, and notice of public meetings. This document is now available to the public for review and comment. Public meetings will be held in Denver, Durango, and Grand Junction between July 1 and July 15, 1990, for the purpose of receiving comments. This action is taken to fulfill requirements of the Federal Land Policy and Management Act of 1976 (FLPMA), and 43 CFR part 1600.

SUMMARY: A draft resource management plan amendment and draft environmental impact statement has been prepared and is now available to the public. This draft plan, if approved, amends oil and gas leasing decisions within the Glenwood Springs, Kremmling, Little Snake, Northeast, and San Juan/San Miguel resource management planning areas, based on the results of a cumulative impact assessment. These five planning areas contain approximately 4.9 million acres of federally-owned mineral estate. The draft environmental impact statement presents descriptions of the anticipated environmental impacts from three alternatives: Continuation of Present Management (No Action), Leasing with Standard Lease Terms Only, and A Proposed Action.

DATES: The public review and comment period will begin on (May 18, 1990), and will continue through (August 17, 1990). The BLM invites interested or affected parties to provide written comments on this draft document during this public comment period. The public is also invited to attend and provide oral and/or written comments at public meetings to be held in Denver, Durango, and Grand Junction between July 1 and July 15, 1990. The dates, times, and locations of these meetings will be announced at a later date.

FOR FURTHER INFORMATION CONTACT: Interested parties may obtain a copy of the draft document by writing for the Combined Oil and Gas Plan Amendment/EIS at the Bureau of Land Management, 764 Horizon Drive, Grand

Junction, Colorado 81506; or by calling Bob Kline, Team Leader, (303) 243–6552 or FTS 327–4300. Copies may also be obtained from: Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215; Glenwood Springs Resource Area Office, 50629 Highway 6 and 24, P.O. Box 1009, Glenwood Springs, Colorado 81602; Kremmling Resource Area, 1116 Park Avenue, P.O. Box 68, Kremmling, Colorado 80459; Little Snake Resource Area Office, 1280 Industrial Avenue, Craig, Colorado 81625; Northeast Resource Area Office, Building 41, room 129, P.O. Box 25047, Denver Federal Center, Denver, Colorado 80225–0047; San Juan Resource Area Office, Federal Building, room 102, 701 Camino Del Rio, Durango, Colorado 81301. Written comments should be sent to the first address listed above, attention Bob Kline.

SUPPLEMENTARY INFORMATION: This document incorporates new direction contained in Bureau Manual Section 1624.2, Supplemental Program Guidance for Oil and Gas. It specifically considers the cumulative impacts of leasing federal lands in Colorado for oil and gas exploration and development. It is anticipated that the final EIS will be made available during the summer and a Record of Decision announcing and describing the decision will be issued in the fall of 1990.

Dated: May 2, 1990.

Tom Walker,

Acting State Director.

[FR Doc. 90–10858 Filed 5–9–90; 8:45 am]

BILLING CODE 4310–JB–M

Utah Vernal District; Memorandum of Agreement

[UT080–90–5101–15 YJKB]

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that a Memorandum of Agreement has been signed by: the Utah Vernal District Manager, the Utah State Historical Preservation Officer, and an official of the Advisory Council on Historic Preservation. The Memorandum of Agreement also bears the concurring signatures of the Ute Indian Tribal Business Committee Chairperson and the Superintendent, Bureau of Indian Affairs, Uintah and Ouray Agency.

The Memorandum of Agreement is in response to the granting of a right-of-way to Questar Pipeline Company to build a north-south pipeline in northeastern Utah. The buried pipeline will be approximately 85-miles in length and will traverse mostly BLM administered land, some Ute Tribal land, and some private land.

The purpose of the Memorandum of Agreement is to assure compliance with guidelines of the National Preservation Act (16 U.S.C. 470) and its implementing regulations (35 CFR part 800), and to provide the public with an opportunity to review the Memorandum of Agreement.

Dated: May 2, 1990.

David E. Little,

District Manager.

[FR Doc. 90–10926 Filed 5–9–90; 8:45 am]

BILLING CODE 4310–DQ–M

[NM–030–00–4380–14]

Supplementary Rules for Designated Recreation Sites, Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Rules of Conduct and Supplemental Rules.

SUMMARY: This notice amends the previous notices published in the **Federal Register**, December 15, 1988 (Volume 53, No. 241) and August 31, 1989 (Volume 54, No. 168) establishing Supplementary Rules for Designated Recreation Sites, Special Recreation Management Areas and Other Public Land in the Las Cruces District, New Mexico. This notice also amends the previous notice published in the **Federal Register**, April 5, 1990 (Volume 55, No. 65) establishing the Recreation Fee Policy for designated BLM recreation sites in New Mexico.

Aguirre Spring Recreation Site (Organ Mountains Recreation Lands)

1. A day-use fee of $3.00 per vehicle will be charged for use of the Aguirre Spring Recreation Site. This fee will be assessed for any use at the site including picnicking, camping, and hiking on the Baylor Pass and Pine Tree National Recreation Trails. The day-use fee will cover camping until 10 a.m. the next day. Campers staying past 10 a.m. will be charged an additional $3.00. The day-use fee will not apply to individuals or groups using the area for pre-scheduled scientific, educational, or interpretive purposes.

2. The two group areas at the Aguirre Spring Recreation Site may be reserved for $25.00. Those using the group areas under the reservation system will still be subject to the $3.00 day-use fee.

Dripping Springs Natural Area (Organ Mountains Recreation Lands)

1. The Dripping Springs Natural Area includes La Cueva Recreation Site, A.B. Cox Visitor Center, and Dripping Springs. A day-use fee of $3.00 per vehicle will be collected for use of the Dripping Springs Natural Area. The day-use fee will not apply to individuals or groups using the area for pre-scheduled scientific, educational, or interpretive purposes.

2. The Dripping Springs Natural Area will be open to the public 4 days a week, Friday through Monday. The area will be closed Tuesday, Wednesday, and Thursday. The A.B. Cox Visitor Center will be open from 9 a.m. to 5 p.m. Access to Dripping Springs will be closed at 6 p.m. La Cueva Recreation Site will be closed at 8 p.m. These hours will remain in effect until further notice.

3. All pets are prohibited past the walk-through in the fence on the Dripping Springs Trail (located in T. 23 S., R. 3 E., Section 12, NE¼SE¼). All hikers beyond this point are required to stay on trails or in established use areas in order to reduce damage to the Dripping Springs Ruins and to protect endangered plants in the area.

DATES: These rules will be effective May 1, 1990.

FOR FURTHER INFORMATION CONTACT: Scott Florence, Multi-Resource Staff Chief, Mimbres Resource Area, Bureau of Land Management, 1800 Marquess, Las Cruces, NM 88005, (505) 525–8228.

SUPPLEMENTARY INFORMATION: The authority for establishing supplementary rules is contained in 43 CFR 8365.1–6. The authority for establishing closures and restrictions is contained in 43 CFR 8364.1. The authority for establishing recreation user fees is contained in 36 CFR 71. These rules and closures have been recommended and adopted through development of resource management plans and recreation management plans. These rules and closures will be available in each local office having jurisdiction over the lands, sites, or facilities affected.

Dated: May 1, 1990.

H. James Fox,

District Manager.

[FR Doc. 90–10925 Filed 5–9–90; 8:45 am]

BILLING CODE 4310–FB–M

Bureau of Land Management

[CO-070-00-4212-13; C-50470]

Exchange of Lands in Garfield County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Exchange of Lands.

SUMMARY: Pursuant to sections 205, 206, 302(b) and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), the Bureau of Land Management, Glenwood Springs Resource Area, has identified parcels of public and private land as preliminarily suitable for exchange.

FOR FURTHER INFORMATION: Additional information concerning this proposed exchange, including the planning documents and environmental assessment, is available for review in the Glenwood Springs Resource Area Office at 50629 Highway 6 and 24, P.O. Box 1009, Glenwood Springs, Colorado 81602.

For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to the District Manager, Grand Junction District, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81506. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this Notice of Realty Action will become the final determination of the Department of the Interior.

SUPPLEMENTARY INFORMATION: The following-described lands have been determined to be preliminarily suitable for exchange under sections 205, 206, 302(b) and 310 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Selected Public Land—724.34 Acres

T. 5 S., R. 90 W., 6th P.M.,
Sec. 10: Lot 9, SW¼SW¼;
Sec. 11: Lot 8;
Sec. 15: W½NE¼, NW¼, E½SW¼, SE¼;
Sec. 22: N½NE¼, SE¼NE¼, NE¼NW¼.

Offered Private Land—603.05 Acres

T. 5 S., R. 90 W., 6th P.M.,
Sec. 2: Lot 3;
Sec. 3: Lots 1 and 2;
Sec. 9: S½NE¼, SE¼;
Sec. 10: SW¼NE¼, SW¼NW¼, NW¼ SW¼;
Sec. 16: NW¼NE¼, E½NW¼.

Any adjustments to the selected public land to equalize values would be made in Sec. 10: SW¼SW¼, Sec. 15: NW¼NW¼. Or Sec. 22: SE¼NE¼.

These 724.34 acres of public land under the jurisdiction of the Bureau of Land Management have been identified as preliminarily suitable for exchange. The determination has been made in response to a Bureau-benefiting exchange proposal developed cooperatively between the Bureau and WHI, Inc.

In the proposal, 603.05 acres of offered private land with public values would be exchanged for 724.34 acres of public land which have been identified for disposal. The exchange proposal has been made to facilitate the consolidation of public and private land holdings and to resolve unauthorized occupancy and use within the identified public lands.

The values of the lands to be exchanged have been determined to be approximately equal. Upon completion of the final appraisal of the lands, the acreages will be adjusted or money will be used to equalize the exchange values.

Terms and Conditions

The following reservations would be made in patent issued for public land:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. A reservation to the United States of all mineral deposits of known value.

3. A reservation for all existing and valid land uses, including grazing leases, unless waived.

4. The reservation of road right-of-way C-50469.

5. The reservation of oil and gas lease C-44869.

6. The reservation of oil and gas lease C-49458.

7. The reservation of oil and gas lease C-49843.

The publication of the notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws and the mineral leasing laws, except for disposal by exchange. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be considered as filed and shall be returned to the applicant.

Dated: May 3, 1990.

Bruce Conrad,

District Manager, Grand Junction District.

[FR Doc. 90-10927 Filed 5-9-90; 8:45 am]

BILLING CODE 4310-JB-M

[OR 45814; OR-080-00-4212-14; GPO-222]

Salem District Office; Proposed Direct Sale

Dated: April 30, 1990.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

The following described public land has been examined and determined to be suitable for transfer out of Federal ownership by direct sale under the authority of sections 203 and 209 of the Federal Land Policy and Management Act of 1976, as amended (90 Stat. 2750; 43 U.S.C. 1713 and 90 Stat. 2757; 43 U.S.C. 1719), at not less than the appraised fair market value:

Willamette Meridian, Oregon

T. 11 S., R. 10 W.
Lot 13, Sec. 15
Containing 3.85 acres in Lincoln County.

The parcel will not be offered for sale until at least 60 days after publication of this notice in the **Federal Register**. The fair market value of the parcel has been determined to be $2,700.

The above-described land is hereby segregated from appropriation under the public land laws, including the mining laws, but not from sale under the above-cited statute, for 270 days or until title transfer is completed or the segregation is terminated by publication in the **Federal Register**, whichever occurs first.

The parcel has long been thought to be in private ownership and it was involved in a color-of-title case; however, no valid claim could be established and the application was withdrawn. Because of the parcel's relative small size and lack of physical or legal access, the best use of the parcel is merging it with an adjoining ownership. The parcel is not needed for any Federal program and is not suitable for management by another Federal department or agency. Use of direct sale procedures will avoid an inappropriate land ownership pattern. The sale is consistent with the Westside Management Framework Plan and the public interest will be served by offering this land for sale.

The parcel is being offered to Simpson Timber Company and Southern Pacific Transportation Co. using direct sale procedures authorized under 43 CFR 2711.3-3.

The terms, conditions, and reservations applicable to the sale are as follows:

1. The grantees will be required to submit a deposit of either cash, bank draft, money order, or any combination

thereof for not less than 20 percent of the appraised value. The remainder of the full appraised price must be submitted prior to the expiration of 180 days from the date of the sale. Failure to submit the remainder of the full appraised price shall result in the cancellation of the sale and the forfeiture of the deposit.

2. The mineral interests being offered for conveyance have no known mineral value. A bid will also constitute an application for conveyance of the mineral estate, in accordance with section 209 of the Federal Land Policy and Management Act. The grantees must include with the bid deposit a nonrefundable $50.00 filing fee for the conveyance of the mineral estate.

3. Rights-of-way for ditches or canals will be reserved to the United States under 43 U.S.C. 945.

4. The patent will be issued subject to all valid existing rights and reservations of record.

Detailed information concerning the sale is available for review at the Salem District Office, address below.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the Alsea Area Manager, Salem District Office, 1717 Fabry Road SE, Salem, OR 97306. Any adverse comments will be reviewed by the Salem District Manager, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

John H. Mears,

Alsea Area Manager.

[FR Doc. 90-10862 Filed 5-9-90; 8:45 am]

BILLING CODE 4310-33-M

[MT-930-00-4214-10; MTM-73404]

Proposed Withdrawal and Opportunity for Public Meeting; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to withdraw 490 acres of reserved minerals under land owned by the State of Montana in Deer Lodge County to protect the integrity of the Mount Haggin Prehistoric Quarry Site. This notice closes the land for up to 2 years from location and entry under the mining laws. The land will remain open to mineral leasing.

DATES: Comments and requests for a public meeting must be received by August 8, 1990.

ADDRESSES: Comments and meeting requests should be sent to the Montana State Director, BLM, P.O. Box 36800, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM Montana State Office, 406-255-2935.

SUPPLEMENTARY INFORMATION: On April 30, 1990, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described reserved minerals from location and entry under the mining laws, subject to valid existing rights:

Principal Meridian

T. 3 N., R. 11 W.,
Sec. 20, those portions lying east of Highway 274;
Sec. 29, lots 2, 4, 5, 7, 8 and that portion of lot 6 lying east of Highway 274.

The area described contains approximately 490 acres in Deer Lodge County.

The purpose of the proposed withdrawal is to protect the archaeological, historical, educational, interpretive, and recreational integrity of the Mount Haggin Prehistoric Quarry Site.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the Montana State Director of the Bureau of Land Management at the address specified above.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Montana State Director at the address specified above within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the reserved minerals will be segregated from location and entry under the mining laws unless the application is denied or canceled or the withdrawal is approved prior to that date. The reserved minerals remain open to mineral leasing but they are not subject to other temporary uses.

Dated: May 4, 1990.

John A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 90-10919 Filed 5-9-90; 8:45 am]

BILLING CODE 4310-DN-M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirements should be made directly to the bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project (1029-0087), Washington, DC 20503, telephone 202-395-7340.

Title: Abandoned Mine Lands Inventory Update Form.

OMB approval number: 1029-0087.

Abstract: This form will be used to update the Office of Surface Mining Reclamation and Enforcement's inventory of abandoned mine lands. From this inventory, the most serious problem areas are selected for reclamation through the apportionment of funds to States and Indian tribes.

Bureau Form Number: OSM-76.

Frequency: On occasion.

Description of respondents: State Governments and Indian Tribes.

Estimated completion time: 2 hours.

Annual responses: 600.

Annual burden hours: 1,224.

Bureau clearance officer: Andrew F. DeVito, 202-343-5150.

Dated: March 30, 1990.

John P. Mosesso,

Chief, Division of Technical Services.

[FR Doc. 90-10920 Filed 5-9-90; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-290 (Sub-No. 107X)]

Norfolk and Western Railway Co. Discontinuance Exemption—in Mercer County, WV, and Tazewell County, VA

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments and Discontinuances* to discontinue service over its 1.9-mile line of railroad between milepost PO-0.0, at Bluestone, Mercer County, WV, and milepost PO-1.9, at Pocahontas, Tazewell County, VA.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the 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 June 9, 1990 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues [1] and formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2) [2] must be filed by May 21, 1990. Petitions for reconsideration must be filed by May 30, 1990, 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: Richard W. Kienle, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

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 discontinuance.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by May 15, 1990. 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 conditions will be imposed where appropriate, in a subsequent decision.

Decided: April 30, 1990.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 90-10805 Filed 5-9-90; 8:45 am]

BILLING CODE 7035-01-M

[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).

[Finance Docket No. 31320]

The Indiana & Ohio Railway Co.; Construction and Operation in Butler, Warren, and Hamilton Counties, OH

AGENCY: Interstate Commerce Commission.

ACTION: Notice of application.

SUMMARY: The Indiana & Ohio Railway Company has filed an application seeking authority under 49 U.S.C. 10901 to construct and operate a 2.9-mile rail line in Butler, Warren, and Hamilton Counties, OH. Applicant now provides rail service over two separate lines, one running 12 miles from a point known as Monroe to Mason, OH, and the other running 9.34 miles from the McCullough Yard, near Norwood, OH, to a point known as Brecon. The purpose of the application is to permit applicant to connect these separate segments into one continuous line of railroad.

DATES: Written comments must be filed by June 21, 1990.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245 [TDD for hearing impaired (202) 275-1721].

SUPPLEMENTARY INFORMATION: Interested persons may file comments on the application with the Commission. Written comments (with 10 copies) must be filed by June 21, 1990 [1] and sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of each comment must also be sent to applicant's representative: Robert L. Calhoun, Sullivan & Worchester, 1025 Connecticut Avenue NW., Suite 806, Washington, DC 20036.

Comments should contain the docket number of this proceeding, the name and address of the commenting party, and the basis for the party's position either in support or opposition. In addition, a commenting party may provide information on the application's energy or environmental impact or its effect on rural and community development.

If an oral hearing is desired, comments should make that request and provide reasons why an oral hearing is required. The Commission will determine whether to hold an oral hearing after it considers all comments, applicant's reply, and an assessment by the Commission's Section of Energy and Environment.

Discovery may begin immediately. All parties should respond to discovery requests promptly. The Commission will not tolerate dilatory tactics or excessive and abusive use of discovery procedures. A refusal to supply information voluntarily will be treated as an objection to discovery. Responses to discovery requests must be served on parties of record, with 10 copies concurrently filed with the Commission.

The application and exhibits are available for inspection in the Public Docket Room of the Interstate Commerce Commission in Washington, DC or at applicant's offices at 8901 Blue Ash Road, Cincinnati, OH 45242. Persons seeking further information may contact the Interstate Commerce Commission: Office of Proceedings—Rail Section (202) 275-7245; Office of Transportation Analysis—Section of

[1] In a pleading filed May 1, 1990, trust holders of title to the right-of-way property and a community interest group, Opposition to Reactivation of Railroad, requested a 35-day extension for filing comments which would run from the date IORY mails all interested parties copies of the application and exhibits. As reflected in the comment due date, this request has been granted in part. The reasons for this action, and other procedural issues, will be addressed in a separate decision.

Energy and Environment (202) 275–7684; or Office of Public Assistance (202) 275–7597.

Additional information is contained in a related Commission decision. To purchase a copy of that decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 275–1721.)

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

Decided: May 4, 1990.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 90–10934 Filed 5–9–90; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–167 (Sub 1094)]

Chelsea Property Owners Abandonment of Portion of the Consolidated Rail Corporation's West 30th Street Secondary Track in New York, NY; Findings

The Commission has issued a certificate authorizing Consolidated Rail Corporation to abandon its 0.55-Mile line of railroad from the northern border of Gansevoort Street to Bank Street, in the Borough of Manhattan, New York City, NY. The abandonment certificate will become effective on June 9, 1990, unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served on the railroad no later than May 21, 1990. The following notation must be typed in bold face on the lower left-hand corner of the envelope: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR part 1152.

Decided May 3, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Lamboley, and Emmett.

Noreta R. McGee,

Secretary.

[FR Doc. 90–10932 Filed 5–9–90; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–158 (Sub 4X)]

Pittsburg & Lake Erie Railroad Co. Abandonment Exemption—

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903–10904, the abandonment by The Pittsburg & Lake Erie Railroad Company, of 40.3 miles of rail line in Allegheny, Westmoreland, and Fayette Counties, PA, subject to standard employee protective conditions, an environmental condition, and a historic preservation condition.

DATES: Provided no formal expressions of intent to file an offer of financial assistance are received, this exemption will be effective on June 13, 1990. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by May 21, 1990, petitions to stay must be filed by May 29, 1990, and petitions for reconsideration must be filed by June 8, 1990. Requests for a public use condition must be filed by May 21, 1990.

ADDRESSES: Send pleadings referring to Docket No. AB–158 (Sub-No. 4X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
and
(2) Petitioner's representative: William C. Evans, Verner, Liipfert, Bernard, McPherson & Hand, Suite 700, 901 15th Street, NW., Washington, DC 20005, (202) 371–6000.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 275–7245 (TDD for hearing impaired (202) 275–1721).

SUPPLEMENTARY INFORMATION: Addition information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD service (202) 275–1721.]

Decided: May 2, 1990.

[1] *See Exemption. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Lamboley, and Emmett.

Noreta R. McGee,

Secretary.

[FR Doc. 90–10933 Filed 5–9–90; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 40–90]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to establish a new system of records to be maintained by the Immigration and Naturalization Service (INS).

The Security Access Control System (SACS), JUSTICE/INS–014, is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e) (4) and (11) has been published.

5 U.S.C. 552a(e) (4) and (11) provide that the public be given a 30-day period in which to comment on the proposed system of records. The Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 60-day period in which to conclude its review of the system. Therefore, please submit any comments by June 11, 1990. The public, OMB and the Congress are invited to submit any comments to Patricia E. Neely, Staff Assistant, Facilities and Administrative Services Staff, Justice Management Division, Department of Justice, room 529, 633 Indiana Avenue, NW., Washington, DC 20530.

In accordance with 5 U.S.C. 552a(r), the Department has provided a report on this system to OMB and the Congress.

The system description is printed below.

Dated: April 26, 1990.

Harry H. Flickinger,

Assistant Attorney General for Administration.

JUSTICE/INS–014

SYSTEM NAME:

Security Access Control System (SACS).

SYSTEM LOCATION:

U.S. Immigration & Naturalization Service (INS), Southern Regional Office, 7701 North Stemmons Freeway, Dallas, Texas 75247.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

INS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, badge number, date, time, and location of entry into and departure from INS building.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12356, 5 U.S.C. 552a(e)(10), Pub. L. No. 90–620, as amended (44 U.S.C. Chapters 21 and 23), 5 U.S.C. 301, and 40 U.S.C. 486(c), as implemented by 41 CFR 101–20.3 and 41 CFR 101–20.103. The Executive Order and statutes address the security of records maintained by Federal agencies, Public Buildings, Property and Works to include Conduct on Federal Property and Physical Protection and Building Security.

PURPOSE OF THE SYSTEM:

The purpose of the system is to improve the security of Federal records and property, and the safety of INS employees, by instituting a more effective means by which to detect unauthorized entry into the INS buildings. Access badges must be inserted into an electronic box which will record identifying data and will automatically unlock the entrance door if the badge is active and authorized.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Category of users: INS management officials and security staff personnel. Information is not disclosed outside INS.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are maintained on a diskette.

RETRIEVABILITY:

Alphabetically by last name; numerically by access badge number.

SAFEGUARDS:

Maintained in a locked room with access limited to the regional security staff and to INS management and supervisory officials.

RETENTION AND DISPOSAL:

Data recorded on diskettes will be retained for a period of one year, at which time the information will be erased by recording new data.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Commissioner, Southern Regional Office, U.S. Immigration & Naturalization Service, 7701 North Stemmons Freeway, Dallas, Texas 75247.

NOTIFICATION PROCEDURE:

Inquiry concerning this system should be in writing and made to the system manager identified above.

RECORD ACCESS PROCEDURES:

Make all requests for access in writing to the Regional Freedom of Information Act/Privacy Act (FOIA/PA) Officer at the address identified above. Clearly mark the envelope and letter "Privacy Act Request." Provide full name and date of birth, with a notarized signature of the individual who is the subject of the record, and a return address.

CONTESTING RECORD PROCEDURES:

Direct all requests to contest or amend information in the record to the FOIA/PA Officer at the address identified above. State clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment thereof. Clearly mark the envelope "Privacy Act Request." The record must be identified in the same manner as described for making a request for access.

RECORD SOURCE CATEGORIES:

INS employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 90–10863 Filed 5–9–90; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Office of the Secretary

Grants and Cooperative Agreements; Availability, etc.; LIFT (Labor Investing for Tomorrow) America Awards

AGENCY: Office of the Secretary, United States Department of Labor.

ACTION: Notice.

SUMMARY: The Office of the Secretary, United States Department of Labor (DOL), is establishing the Secretary of Labor's LIFT America Awards Program. This program was first identified in a Paperwork Reduction Act notice in the Federal Register of February 28, 1990 (55 FR 7046). The Office of Management and Budget (OMB) has approved the requested information collection, for the LIFT America Awards program, through March, 1993, and assigned OMB Control Number 1225–0051. The DOL, therefore, is proceeding with implementation of the program.

DATES: May 10, 1990.

FOR FURTHER INFORMATION CONTACT: Gary B. Reed, DOL, Telephone (202) 523–6007.

SUPPLEMENTARY INFORMATION: The Secretary of Labor has announced a multifaceted agenda to aid in the enhancement of the quality of the American workforce. The American workplace has undergone revolutionary changes in recent years. As a result, America faces a workforce crisis. America's workforce is in a state of unreadiness * * * unready for the new jobs of the 1990's. The Secretary's agenda recognizes the need to improve the education and work-readiness of new entrants into the workforce and also to improve the skills of those already employed. The success of efforts to enhance the quality of the American workforce depends upon the involvement of concerned citizens dedicated to our communities and our Nation. Much will depend upon mobilizing Americans to discover innovative solutions to the workforce crisis. To provide encouragement and incentive, the Secretary will honor those making a difference through an award program known as the LIFT (Labor Investing for Tomorrow) America Awards Program. In order to implement LIFT the Secretary has determined that the nomination process requires the collection of certain information from nominees. [Approved by the Office of Management and Budget under control number 1225–0051.].

The LIFT America Awards Program is fully described in a booklet containing the nomination guidelines, a copy of which follows as an appendix to this notice. Official copies of the booklet may be obtained from the U.S. Department of Labor, Office of the Assistant Secretary for Policy, room S–2006, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 523–6181. Completed nominations must be submitted by June 15, 1990, to this same address.

Signed at Washington, DC., this 7th day of May, 1990.

Debra R. Bowland,

Acting Assistant Secretary for Policy.

LIFT America Awards; Nomination Guidelines—1990

DEPARTMENT OF LABOR

Office of the Secretary

Table of Contents

Introduction

Secretary of Labor Elizabeth Dole has announced a multifaceted agenda to enhance the quality of the American workforce. America's workforce is in a state of unreadiness and faces the challenge of being unprepared for the new jobs of the 1990's and beyond. The American workplace has undergone significant changes in recent years. Demographic changes and the changing nature of the workplace have resulted in a skills gap—the discrepancy between the skill level of new, young labor force entrants and the skills sought by the employers. The Secretary's agenda recognizes the need to meet this challenge head on, by raising the educational and work-readiness levels of new entrants into the workforce and by improving the skills of those already employed. Actions by the Secretary of Labor, or legislation passed by Congress alone will not automatically lead to success. Improving the state of the workforce requires the involvement and mobilization of a concerned American citizenry. To encourage the discovery and application of creative solutions to alleviating the workforce crisis, and to honor those engaged in making such efforts, the Secretary is establishing an award program to be known as the LIFT (Labor Investing For Tomorrow) America Award Program.

The purpose of the award program is to encourage significant, community level involvement in upgrading the quality of the workforce. The awards will recognize and promote exemplary efforts on the part of employers, unions, employee groups, educational organizations and communities. *The Secretary of Labor will make awards each year to private sector employers, trade associations, community organizations, schools, community and junior colleges, and labor and educational organizations for outstanding achievement in designing and managing exemplary programs, or for contributing to the success of such programs.* Awards will be given to outstanding programs in each of the four categories described below:

- *Business-School Partnerships.* Programs in which the private sector cooperates with school systems or individual schools, including job entry preparation programs at community and junior colleges, to improve the education of youth, and which have a positive and substantial impact on the educational system and academic achievement of students.
- *School-to-Work Programs.* Programs which focus on providing employment-bound youth a structured and effective transition from school to work.
- *Employee Training Programs.* Employer supported basic and occupational training programs which upgrade the skills of employed and entry-level workers.
- *Employee Worklife Programs.* Programs which improve the quality of worklife, or the relationships between workers and management, or reduce the conflicts between work and family responsibilities.

Award Process

The Office of the Assistant Secretary for Policy, with assistance from the Employment and Training Administration and other agencies within the Department of Labor, will administer the award process. *Nominations, including those from organizations nominating themselves for an award, should be submitted to the Office of the Assistant Secretary for Policy, U.S. Department of Labor, Washington, DC 20210.* Staff of the Department of Labor will conduct an initial review of the nominations, and make recommendations for further consideration by an executive committee made up of senior members of the Department. The executive committee, assisted by public and private sector experts in the field of human resource development, will make final recommendations to the Secretary of Labor. The executive committee may direct the staff to make further contact with specific programs, including site visits, prior to making the final recommendations to the Secretary.

The Secretary of Labor will review the recommendations of the executive committee and will make the final selection of awardees. The number of awards in each category will be determined by the number and quality of nominations.

Timetable

The LIFT Award schedule is as follows:

- Nominations must be postmarked by June 15.
- Staff review of nominations during June and July.
- Staff recommendations to executive committee by August 1, 1990.
- Final recommendations to Secretary by August 20.
- Announcement of awards, Labor Day, 1990.
- Award ceremony in Washington, DC area, Fall, 1990.

Selection Criteria

Please note that the LIFT Nomination Form requires specific information reviewers will need about nominees. This information is to be provided in items 8 and 9 of the form (see guidelines below). The general criteria listed here will be applied in reviewing nominees. As indicated, each of the criteria has a numerical weight which will be used to evaluate nominees in each of the four program award categories.

Significance. (20 pts.) The level of importance and degree of urgency of the problem to which the program is addressed. A significant program is one which addresses problems with major and long-range implications at the national, regional or local levels (e.g., illiteracy among the workforce, the "skills gap").

Innovation. (15 pts.) The level of creativity exhibited in the design and conduct of the program. An innovative program is one which applies novel or previously untested approaches to addressing the indentified problem.

Resources. (15 pts.) The level of resources, either personnel or financial, devoted to the program by an employer or a school, or resources obtained through linkages with other organizations and programs. The level of resources will depend on the type of problem being addressed.

Success. (30 pts.) The program's effectiveness in meeting its objectives, and the impact on the problem the program is addressing. A successful program is one with clear objectives which results in significant alleviation or correction of the problem.

Replicability. (20 pts.) The extent to which knowledge, experience and techniques have been developed which can be used successfully by others. Replicable programs are those which have generated knowledge, experience or approaches which can be or are readily transferable.

Guidelines for Completing Items 8 and 9 of Nomination Form

General guidelines for completing Item 8, Program Description, and Item 9.

Selection Criteria, are presented below. The descriptions of the types of information requested is illustrative only, and will vary according to the program being nominated. Please do not submit extraneous materials in support of program activities, such as newspaper articles, testimonials, and reports.

Business-School Partnership

Program Description. In completing item 8 for a Business-School Partnership, describe the program and the services provided. These might include the following:

- How the specific school(s) were selected for participation.
- A profile of the students and the school(s) in the program, the grade level and number of students in the program, and how student eligibility is defined and determined.
- The nature of service or activities (tutoring, mentoring, career counseling, advice to school system on curriculum, for example).
- Any tuition reimbursement or grants to teachers for further study, summer employment for teachers and/or counselors, work-study or cooperative education programs, and internships.
- How the program addresses the "skills gap" problem.

Selection Criteria. In completing item 9 for a Business-School Partnership nomination, include the following, where applicable:

Program Significance

- The problem being addressed.
- The goals or objectives of the program as they relate to the problem.
- How and why the program was developed, and who was involved.

Program Innovation

- The approach used by the program to achieve its objective, emphasizing the ways in which the approach is creative or unique.
- How the program advances knowledge or the state-of-the-art.
- The use of new technology, curriculum, organizational relationships, or combined academic and work experience.

Program Resources

- The nature and extent of employer personnel and financial resources committed to the program, including the number of employer managers and employees involved during the normal work day and after hours.
- School resources committed to the partnership and resources obtained through linkages with other organizations and programs.
- The utilization of employer equipment and facilities.
- The purchase or loan of equipment, supplies and materials.
- Community involvement and parental participation.

Program Results

- The outcomes and impact of the program, and how the effectiveness of the program was determined.
- The number of student participants compared to the total school enrollment.
- Improvements in the basic skills—e.g., reading, math, and problem solving skills—of participants.
- Changes in school dropout rates.
- How the program helped students make the connection between good school work and good jobs.
- Student and employer reaction to the program.
- Any plans for followup.

Replicability

- The potential for replication or adaptation of the program in other geographical areas of the country, and by other schools or school districts and firms in different areas and industries.
- The use of products, such a curricula, agreements, performance standards or competencies, by other partnerships.
- The ways the program can be used to enhance the work readiness and competitiveness of new, young members of the American workforce.

School-to-work Program

Program description. In completing item 8 for a School-to-Work Program, describe the program and the services provided. These might include the following:

- How the specific school(s) were selected for participation.
- A profile of the students and the school(s) in the program, the grade level and number of students in the program, and how student eligibility is defined and determined.
- How curriculum was developed and its use, e.g., for basic skills, vocational and career education.
- Methods used to assess student needs.
- Methods of assessing employer skill needs.
- The forms of school-to-work transition assistance provided, including work study or cooperative education; work-based learning programs, internships; vocational guidance/counseling, including occupational information, career exploration, and career decision-making; job finding assistance, including experience in filling out job applications and preparing for a job interview; and job development and placement.

Selection criteria. In completing item 9 for a School-to-Work nomination, include the following, where applicable:

Program Significance

- The problem being addressed.
- The goals or objectives of the program as they relate to the problem.
- How and why the program was developed, and who was involved.

Program Innovation

- The approach used by the program to achieve its objective, emphasizing the ways in which the approach is innovative or unique.
- How the program advances knowledge or the state-of-the-art:
- The use of new technology, curriculum, organizational relationships, or combined academic and work experience.

Program Resources

- The nature and extent of employer personnel and financial resources committed to the program, including the number of employer managers and employees involved during the normal work day and after hours.
- Resources from educational agencies and schools and resources obtained through linkages with other organizations and programs.
- The kinds of special assistance to teachers and students in classrooms.
- The utilization of employer materials, equipment and facilities.
- Community involvement and parental participation.
- The use of alternative learning sites.
- The involvement of school teachers and non-school staff.

Program Results

- The outcomes and impact of the program, and how the effectiveness of the program was determined.
- Changes in student career awareness, skills acquisition, attitudes, behavior, and dropout rates as a result of program participation.
- The extent to which students obtain training-related and other jobs.
- The employment/unemployment and earnings experiences of graduates (including the kinds of jobs).
- The extent to which the program helps in the transition from school to work, increases the relevance of school to student occupational goals, improves the academic experience of students, results in the personal growth of students, impacts on dropout rates, or develops work-related skills and competencies.

Replicability

- The potential for replication or adaption of the program in other geographical areas of the country, and by other schools/school districts.
- The use of the findings and results of the program by others.
- The ways the program can be used to enhance the work readiness and competitiveness of new, young members of the American workforce.

Employee Training Program

Program Description. In completing item 8 for an Employee Training Program, describe the program and the services provided. These might include the following:

- The training system of the firm, and its connection to the way the company manages change, organizational development, and advancement.
- The involvement of trainees in developing programs and curricula.
- Occupations for which training is conducted.
- Procedures for recruitment, selection, assessment and assignment to training.
- Curriculum development and its use.
- Services that are provided to meet the varied needs of participants.
- The use of basic skills training and customized training.

Selection Criteria. In completing item 9 for an Employee Training Program, include the following, where applicable:

Program Significance

- The problem being addressed.
- The goals and objectives of the program as they relate to the problem.
- How and why the program was developed, and who was involved.

Program Innovation

- The approach used by the program to achieve its objective, emphasizing the ways in which the approach is creative or unique.
- How the program advances knowledge or the state-of-the-art.
- The use of new technology.
- Strategies to determine and achieve participant goals.

Program Resources

- The nature and extent of employer personnel and financial resources committed to the program, including the number of employer managers and employees involved during the normal work day and after hours.
- Linkages with other organizations and programs.
- The utilization of employer equipment and facilities.
- The types of company employees and funds used to operate the program.
- The involvement of the community.
- The use of community sites in addition to employer facilities.

Program Results

- The outcomes and impact of the program, and how the effectiveness of the program was determined.
- Trainer performance evaluation measures that are built into program.
- How training objectives and employment goals for participants are established.
- Methods used to determine whether the program meets participant needs and results in an increase in the measurable performance and attainment of necessary skill levels.
- How participant progress is systematically evaluated.
- The impact of participation in the program on the employee and the company, including productivity.
- The extent to which participants are able to take advantage of advancement opportunities.
- The reaction of participants and their supervisors to the post-training experience of participants.

Replicability

- The potential for the replication or adaptation of the program in other geographical areas of the country, and by other firms in different industries.
- The development of model training programs.
- The use of the achievements, findings, and results of the program by others.
- The ways the program can be used to enhance the work readiness and competitiveness of the American workforce.

Employee Worklife Program

Program description. In completing item 8 for an Employee Worklife Program, describe the program and the services provided. These might include the following:

- Flexible work arrangements to respond to the demographics of the new work force, including flexible work days, compressed work weeks, flexible sick and vacation schedules, and seasonal employment arrangements.
- Day-care arrangements for dependent children or parents.
- The use of flexible benefit plans to accommodate the needs of a diverse work force, including shifting responsibility to employees for the selection of individual benefit packages.
- Employee participation in decision-making.
- Employee assistance programs.
- Labor-management cooperative arrangements.
- Quality of worklife programs.

Selection criteria. In completing item 9 for an Employee Worklife Program nomination, include the following, where applicable:

Program Significance

- The problem being addressed.
- The goals and objectives of the program as they relate to the problem.
- How and why the program was developed, and who was involved.
- How the program is intended to respond to the changing demographics of the workforce.

Program Innovation

- The approach used by the program to achieve its objective, emphasizing the ways in which the approach is creative or unique.
- The ways in which the program represents an advancement in employee worklife programs and practices.
- The utilization of new organizational relationships or linkages.
- New approaches to balancing work and family responsibilities.

Program Resources

- The nature and extent of employer personnel and financial resources committed to the program.
- Resources obtained through linkages with other organizations and programs (e.g., employee counseling services, day care).
- Utilization of employer materials, equipment and facilities.
- Community involvement.
- Significant benefits, services and other arrangements for meeting work and family needs.

Program Results

- The outcomes and impact of the program, and how the effectiveness of the program was determined.
- The extent to which program services are available and used by a broad spectrum of company employees
- The effect of the program on worker productivity, in relation to the cost of the program.
- The effects of the program on health insurance claims, absenteeism, grievances, and worker morale.
- The effects of the program on attracting new employees, and retaining current employees.

Replicability

- The potential for replication or adaptation of the program in other areas of the country and by other firms in different industries.

• The development of model employee worklife programs.

• The use of the achievements, findings, and results of the program by others.

• The ways the program can be used to help workers reconcile work and family responsibilities and increase competitiveness of the American workforce.

Nomination Form

Please type or very clearly print all information requested. All nominations must include responses to items 1 through 9 below. For items 8 and 9, specific information is requested for the particular award category, as indicated in the Guidelines for completing the Form. Third-party nominations will be accepted but must include the signature of the nominee required in item 7.

1. Nominee

Name of Organization

Address

2. Highest Ranking Official

Name
Title

Address

Telephone No.

3. Description of Organization (Type of organization: business, labor, education, private for-profit, non-profit, etc. structure, function, products, etc.)

4. Award Category

___ Business–School Partnership
___ Employee Training Program
___ School-to-Work Program
___ Employee Worklife Program

5. Contact Person if Further Information is Needed

Name

Title

Street

City/State ZIP Code

Telephone No.

Telefax No.

6. Statement

It is understood that this nomination will be reviewed by representatives of the U.S. Department of Labor. As part of this process, the organization identified above in item number one will respond positively if asked to provide additional information in support of this nomination. Any information furnished as part of this nomination process may be made available to the public.

7. Signature, Highest Ranking Official, or Designee

X

Date

Print or Type Name

Title

Street

City/State ZIP Code

Telephone No.

8. Program Description
See guidelines.

9. Selection Criteria
See guidelines.

[FR Doc. 90–10952 Filed 5–9–90; 8:45 am]

BILLING CODE 4510–23–M

Employment and Training Administration

Job Training Partnership Act: Job Corps Program Under Title IV–B; Center Request for Proposal (RFP) Evaluation Criterion

AGENCY: Office of Job Corps, Employment and Training Administration, Labor.

ACTION: Notice; request for comments.

SUMMARY: The Office of Job Corps requests comments on the addition of a new evaluation criterion to its model Request For Proposal (RFP) entitled, *Designated Target Group Participation.*

DATES: Written comments are invited from the public. Comments shall be submitted on or before June 11, 1990.

ADDRESSES: Mail written comments to Peter E. Rell, Director, Office of Job Corps, Employment and Training Administration, U.S. Department of Labor, room N4510, 200 Constitution Avenue NW., Washington, DC 20210, Attention: Special Assistant.

FOR FURTHER INFORMATION CONTACT: Ms. Susan K. Pollack, Office of Job Corps, Employment and Training Administration, U.S. Department of Labor, room N4510, 200 Constitution Avenue NW., Washington, DC 20210. Telephone: (202) 535–0553 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Introduction

The Office of Job Corps of the Employment and Training Administration (ETA), Department of Labor (DOL), requests comments on the addition of a new evaluation criterion to its model Request For Proposal entitled, *Designated Target Group Participation.*

Job Corps Program

The Job Training Partnership Act (JTPA or the Act) establishes programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment, who are in special need of such training to obtain productive employment. 29 U.S.C. 1501 *et seq.*

The Job Corps, authorized under Title IV–B of JTPA, is a national program for economically disadvantaged young men and women. 29 U.S.C. 1691–1709. Residential and nonresidential Job Corps centers throughout the country provide students with intensive programs of education, vocational training (including pre-apprenticeship training), work experience, and other activities. See 29 U.S.C. 1698. The Job Corps assists eligible young individuals who can benefit from an intensive program, operated in a group setting, to become more responsible, employable, and productive citizens; and to do so in a way that contributes, where feasible, to the development of national, State, and community resources, and to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies. 29 U.S.C. 1691.

Job Corps centers are operated by a variety of organizations, both public and private. Centers are operated by the Department of the Interior and the Department of Agriculture under interagency agreements with DOL; or by private-for-profit and private nonprofit organizations, State and local government entities, Native American entities, community-based organizations, the majority of which are competitively awarded contracts. 29 U.S.C. 1697.

All competitively awarded center contracts are procured utilizing a model Request For Proposal (RFP) which is issued by the cognizant Contracting Officer located in the Job Corps Regional Office. The current RFP includes the following evaluation criteria:

	Points possible
(1) Design and Innovation	0 to 5.
(2) Placement Support, Direct Placement, and Outreach/Screening Support.	0 to 4.
(3) Educational Training	0 to 13.
(4) Vocational Training	0 to 13.
(5) Corpsmember Support	0 to 5.
(6) Health Services	0 to 3.
(7) Residential Living/Support	0 to 14.

	Points possible
(8) Administration and Financial Management (Includes 2 points for Safety).	0 to 15.
(9) Past Program and Financial Performance.	0 to 15.
(10) Cost Justification	0 to 8.
(11) Staff Qualifications	0 to 5.
Total maximum points possible	100.

Job Corps proposes the replacement of the *Design and Innovation* criterion with a new criterion, *Designated Target Group Participation*. The designated target groups are small businesses, small disadvantaged businesses, minority business enterprises, women-owned businesses and minority-owned or women-owned non-profit organizations. The proposed evaluation factor would be worth 5 points. It is Job Corps' intention, by adding this new criterion, to make a serious commitment towards involvement of members of the designated target groups in center procurements. Prospective contractors will be evaluated on the level and seriousness of their commitment towards involving one of these groups in center operations. The ultimate goal is to enable such organizations to compete for centers on their own in the near future.

Points will only be awarded where there is a real effort to include one of the targeted groups in substantive portions of center operations. The more serious and definitive the commitment (i.e., joint venture vs. subcontracting), the better the rating. Should a targeted group member succeed in securing a center contract as the prime contractor, they can no longer receive the full 5 points on subsequent Job Corps center contracts. Offerors will be expected to self-certify as to their status as a target group member. Definitions can be found in the Federal Acquisition Regulations.

Request for Comments

Job Corps is requesting comments on the following issues:

(1) Is the proposed approach, for involving designated target groupmembers, feasible and practical?

(2) Should the criterion be limited to fewer groups? If so, to which ones?

(3) Are 5 points sufficient to accomplish the desired goal?

Signed at Washington, DC, this 3rd day of May 1990.

Peter E. Rell,

Director, Office of Job Corps.

[FR Doc. 90-10954 Filed 5-9-90; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act: Native American Programs' Advisory Committee; Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, and section 401(h)(1) of the Job Training Partnership Act, as amended (29 U.S.C. 1671(h)(1)), notice is hereby given of a meeting of the Job Training Partnership Act Native American Programs' Advisory Committee. The meeting will be chaired by Mr. Eddie L. Tullis, chairperson of the Committee. Mr. Tullis is the Chairman and Chief Executive Officer of the Poarch Band Tribal Council.

Time and date: The meeting will begin at 9 a.m. on May 31, 1990, and continue until close of business that day; and will reconvene at 9 a.m. on June 1, 1990, and adjourn at 12 p.m. that day. The final hour of the meeting on June 1 will be reserved for participation and presentations by members of the public.

Place: Island Ballroom, Bird Key and Long Key Meeting Rooms (May 31) and Tarpon Key and Sawyer Key Meeting Rooms (June 1), Tradewinds Resort, 5500 Gulf Boulevard, St. Petersburg Beach, Florida.

Status: The meeting will be open to the public.

Matters to be considered: The agenda will focus on review of recommendations from the initial committee meeting, discussion of subcommittee formation and work plans, feedback on performance standards work group activities and reports by members on grantee community response to committee activities.

Contact person for more information: Paul A. Mayrand, Director, Office of Special Targeted Programs, Employment and Training Administration, United States Department of Labor, room N-4641, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202-535-0500 (this is not a toll-free number).

Signed at Washington, DC, this 7th day of May, 1990.

Roberts T. Jones,

Assistant Secretary of Labor.

[FR Doc. 90-10955 Filed 5-9-90; 8:45 am]

BILLING CODE 4510-30-M

Labor Certification Process for the Temporary Employment of Aliens in Agriculture (H-2A Program); Procedures for Processing Applications Filed by Multistate Custom Combine Owner/Operators for 1990 Grain Harvest Season

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: On March 5, 1990, the Employment and Training Administration (ETA) issued the following memorandum announcing that the procedures which are applicable for processing H-2A applications filed by multistate custom combine owner/operators for the 1990 grain harvest season are the same as those which were published as a Notice in the **Federal Register** on Wednesday, April 12, 1989, (54 FR 14703).

DATES: The procedures for the 1990 season were effective March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas M. Bruening, Chief, Division of Foreign Labor Certifications, Employment and Training Administration, Room N-4456, 200 Constitution Avenue NW., Washington, DC 20210. Telephone: 202-535-0165 (this is not a toll-free number).

Signed at Washington, DC, this 1st day of May, 1990.

Roberts T. Jones,

Assistant Secretary of Labor.

[FR Doc. 90-10953 Filed 5-9-90; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL CREDIT UNION ADMINISTRATION

Public Information Collection Requirement Submitted to OMB for Review

Dated: May 2, 1990.

The National Credit Union Administration has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the Submissions may be obtained by calling the NCUA Clearance Officer listed. Comments regarding information collections should be addressed to the OMB reviewer listed and to the NCUA Clearance Officer, NCUA, Administrative Office, Room 7344, 1776 G Street, Washington, DC 20456.

National Credit Union Administration

OMB Number: 3133-0068.

Form Number: None.

Type of Review: Reinstatement of a previously approved collection for which approval has expired.

Title: Nondiscrimination Requirements.

Description: An FCU using geographic factors in evaluating real estate loan applications must disclose such fact on the appraisal and state its justification.

This regulation insurers compliance with the Fair Housing anti-redlining requirements.

Respondents: Federal Credit Unions.

Estimated Number of Respondents: 3,680.

Estimated Burden Hours per Response: .2 hours.

Frequency of Response: On Occasion.

Estimated Total Reporting Burden: 736 hours.

OMB Number: 3133–0100.

Form Number: None.

Type of Review: Reinstatement of a previously approved collected for which approval has expired.

Title: Written Loan Policies.

Description: Requirers that federally insured credit unions adopt specific business loan policies and review them annually. The general purpose of the requirement is to ensure that loans are made, documented and accounted for properly and for the ultimate protection of the National Credit Union Share Insurance Fund.

Respondents: Federally insured credit unions.

Estimated Number of Respondents: 838

Estimated Burden Hours per Response: 1.5 hours.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 1,257 hours.

Clearance Officer: Wilmer A. Theard, (202) 682–9700, National Credit Union Administration, room 7344, 1776 G Street, NW, Washington, DC 20456.

OMB Reviewer: Gary Waxman (202) 395–7340, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Becky Baker,

Secretary of the NCUA Board.

[FR Doc. 90–10869 Filed 5–9–90; 8:45 am]

BILLING CODE 7535–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arts in Education Program; Availability

AGENCY: National Endowment for the Arts.

ACTION: Notification of Availability.

SUMMARY: The National Endowment for the Arts is requesting proposals leading to the award of a Cooperative Agreement for an external assessment of the Arts in Schools Basic Education Grants (AISBEG) category of the Arts in Education Program. The task includes determining the factors in selected states which facilitated, as well as hampered, successful implementation of the program between 1986 and 1990. The project will result in a report of results and findings for dissemination. Those interested in receiving the Solicitation package should reference Program Solicitation PS 90–06 in their written request and include two (2) self-addressed labels. Verbal requests for the Solicitation will not be honored.

DATES: Program Solicitation PS 90–06 is scheduled for release approximately May 25, 1990 with proposals due on June 25, 1990.

FOR FURTHER INFORMATION CONTACT: William I. Hummel, Contracts Division, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506 (202/682–5482).

William I. Hummel,

Director, Contracts and Procurement Division.

[FR Doc. 90–10915 Filed 5–9–90; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Science and Technology Research Centers; Meeting

Name: Advisory Committee for Science and Technology Research Centers.

Place: Room 540, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Date and Time: May 30, 31 and June 1, 1990, 9 a.m. to 5 p.m.

Type of Meeting: Closed.

Contact Person: Dr. William C. Harris, Director, Office of Science and Technology Centers Development, room 533, National Science Foundation, Washington, DC 20550. Telephone: 202/357–9808.

Purpose of Meeting: To provide advice and recommendations concerning support for Science and Technology Centers.

Agenda: Review and evaluation of research proposals and projects as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Dated:

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90–10939 Filed 5–9–90; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–312]

Sacramento Municipal Utility District; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 55.45(b) and the requirements to use a simulation facility to grant or maintain operators' licenses to the Sacramento Municipal Utility District (SMUD, the licensee) for the Rancho Seco Nuclear Generating Station located in Sacramento County, California.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant an exemption from the requirements for a simulation facility and simulator training per 10 CFR 55.45(b). In addition, the proposed action would include exemption from requirements to use a simulation facility to grant or maintain operators' licenses in satisfying the requirements of 10 CFR 55.59(a)(2) and (c)(3) and 10 CFR 55.33(a)(2). By letter dated February 13, 1990, the licensee requested an exemption from the above specified requirements of 10 CFR 55 "Operators' Licenses."

The Need for the Proposed Action

The requirements of 10 CFR 55 for a simulation facility are designed for operating power reactors. The licensee ceased power operations at Rancho Seco on June 7, 1989 and completed defueling the reactor vessel on December 8, 1989, with all fuel stored in the spent fuel pool. In the defueled condition, the principal operator activity will be to monitor and maintain the spent pool storage facility to assure the continued safe storage of special nuclear material and ensure that public health and safety is not compromised. In addition, there are no plant-referenced simulator or simulator devices that reflect the current defueled condition of Rancho Seco. The request for an exemption from requirements for a simulation facility per 10 CFR 55.45(b) is based on the above plant conditions and the licensee's intent *not* to resume power operations at Rancho Seco.

Environmental Impact of the Proposed Action

The proposed exemption does not affect the risk of facility accidents due to the defueled condition of the plant.

With the reactor vessel defueled and the licensee not intending to resume power operations at Rancho Seco, there are no longer any credible design basis accidents associated with an operating plant from start-up through full power operations. Design basis accidents for a nuclear facility in a defueled condition are all associated with loss of fuel pool water inventory or with fuel handling. Because of the geometric storage arrangement of the fuel assemblies underwater, a criticality accident is not considered credible. In addition, because all fuel is removed from the reactor and placed in long term storage in the spent fuel pool, the possibility of a fuel handling accident is further diminished. The operator training which remains, without the use of a simulation facility, ensures protection of the public health and safety and is consistent with the defueled condition.

The post-accident radiological releases will not differ from those determined previously, and the proposed exemption does not otherwise affect facility radiological effluents, or any significant occupational exposures. With regard to potential non radiological impacts, the proposed exemption does not affect plant non radiological effluents and has no other adverse environmental impact. Therefore, the Commission concludes there are no measurable radiological or non radiological environmental impacts associated with the proposed exemption.

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternative will either have no environmental impact or will have a greater environmental impact. The principal alternative to the exemption would be to require a simulation facility. Such action would not enhance the protection of the environment and would result in unnecessary drain of licensee and Commission resources.

Alternate Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for the Rancho Seco Nuclear Generating Station.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 4th day of May 1990.

John T. Larkins,

Acting Director, Project Directorate V, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90–10943 Filed 5–9–90; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Materials and Metallurgy; Meeting

The Subcommittee on Materials and Metallurgy will hold a meeting on May 24, 1990, at the Royce Hotel, 1601 Belvedere Road, West Palm Beach, FL.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: *Thursday, May 24, 1990—8:30 a.m. until the conclusion of business.*

The Subcommittee will review low charpy upper shelf energy matters relating to this integrity of reactor pressure vessels, discuss the status of the HSST program, and other related matters.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Elpidio G. Igne, (telephone 301/492–8192) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: May 4, 1990.

Gary R. Quittschreiber,

Chief Nuclear Reactors Branch.

[FR Doc. 90–10944 Filed 5–9–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–313 and 50–368]

Arkansas Nuclear One, Units 1 and 2; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–51 and NPF–6 issued to Arkansas Power and Light Company (the licensee) for operation of Arkansas Nuclear One, Units 1 and 2, located in Pope County, Arkansas.

The proposed amendments would revise the license amendment condition in Amendment Nos. 128 and 102 dated December 14, 1989 to extend the effective date of the license conditions by 90 days. Amendment Nos. 128 and 102 approved the transfer of operations of Arkansas Nuclear One, Units 1 and 2 to the Entergy Operations, Inc.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendments involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendments are to extend by 90 days the effective date for implementing license conditions which have been previously approved for transfer of operations to Entergy Operations, Inc. Unforeseen scheduling of other regulatory agency processes may delay the implementation date beyond the original 180 days (due to end on June 12, 1990). The proposed amendments are administrative changes so as not to impact other agency requirements. As such, the proposed amendments do not involve any previously analyzed accident, do not create any new accidents, and do not involve any consideration of any change to a margin of safety. Therefore, based on the above considerations, the Commission has made a proposed determination that the request for amendments involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By June 11, 1990, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the Local Public Document Room located at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801. If a request for hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any other which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards considerations. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendments involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If a final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention:

Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Frederick J. Hebdon: (petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Esquire, Bishop, Cook, Purcell and Reynolds, 1400 L Street NW., 12th Floor, Washington, DC 20005-3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated May 4, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the Local Public Document Room located at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Dated at Rockville, Maryland, this 4th day of May 1990.

For the Nuclear Regulatory Commission.

Frederick J. Hebdon,

Director, Project Directorate IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90-10945 Filed 5-9-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-249]

Issuance Amendment to Facility Operating License; Commonwealth Edison Co.

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 106 to Facility Operating License No. DPR-25 issued to the Commonwealth Edison Company (CECo), for operation of the Dresden Unit 3, located in Grundy County, Illinois. The amendment is effective as of the date of its issuance.

The amendment changes the expiration date for the Dresden Nuclear Power Station, Unit 3, Facility Operating License No. DPR-25, from October 14, 2006 to January 12, 2011. This extends the operating life of the plant to 40 full years from the date of the operating license.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Prior Hearing in connection with this action was published in the **Federal Register** on March 25, 1987 (52 FR 9561). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment and Finding of No Significant Impact related to the action and has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action beyond that which has been predicted and described in the Commission's Final Environmental Statement for the facility dated November 1973.

For further details with respect to the action see (1) the application for amendment dated September 29, 1986, (2) Amendment No. 106 to License No. DRP-25, and (3) Environmental Assessment and Finding of No Significant Impact. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC; and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60450. A copy of items (2), and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Dated at Rockville, Maryland this 24th day of April, 1990.

For the Nuclear Regulatory Commission.

Patricia L. Eng,

Project Manager, Project Directorate III-2, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 90-10946 Filed 5-9-90; 8:45 am]

BILLING CODE 7590-01-M

Atomic Safety and Licensing Board

Before Administrative Judges: Charles Bechhoefer, Chairman, Dr. Jerry R. Kline, and Gustave A. Linenberger, Jr.

In the matter of Robert L. Dickherber, (Senior Operator License, Limited To Fuel Handling, No. SOP-2365-8), Docket No. 55-5043, ASLBP No. 90-610-01-SC, EA 90-031; and Commonwealth Edison Co., (Quad Cities Nuclear Power Station, Facility Operating License Nos. DPR-29 and DPR-30, Docket Nos. 50-254 and 50-265, ASLBP No. 90-609-02-OM, EA 90-032, May 4, 1990.

Notice of Hearing

Notice is hereby given that, by Memorandum and Order dated May 4, 1990, the Atomic Safety and Licensing Board for these two proceedings has granted the request of Mr. Robert L. Dickherber for a hearing in both of the subject proceedings. The hearing concerns (1) the Order Modifying License (Effective Immediately), dated February 23, 1990 (55 FR 7797, March 5, 1990), directed at Commonwealth Edison Company's operating licenses for the Quad Cities Nuclear Power Station; and (2) the Order Suspending License (Effective Immediately) and Order To Show Cause Why License Should Not Be Revoked, dated February 23, 1990 (55 FR 7798, March 5, 1990), directed at the Senior Operator License Limited To Fuel Handling of Mr. Robert L. Dickherber.

The parties presently participating in each of these proceedings are Mr. Robert L. Dickherber and the NRC Staff. The issue to be considered in each proceeding is whether the respective order applicable to the particular proceeding should be sustained.

For further information concerning these proceedings, see the two orders cited above. Other materials concerning these proceedings are on file at the Commission's Public Document Room, 2120 L Street NW., Washington DC 20555, and at the Commission's Region III Office, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

During the course of these proceedings, the Licensing Board will conduct one or more prehearing conferences and, as necessary, evidentiary hearing sessions. The time and place of these sessions will be announced in later Licensing Board

orders. Members of the public will be invited to attend these sessions.

Persons who are not parties to these proceedings are invited to submit limited appearance statements with regard to the above-referenced orders, as permitted by 10 CFR 2.715(a). During certain prehearing conference and/or evidentiary hearing sessions, such persons will be afforded the opportunity to make oral limited appearance statements. These statements do not constitute testimony or evidence in these proceedings, but may help the Board and/or parties in their deliberations as to the proper boundaries of the issues to be considered. Written statements, or requests to make oral statements, should be submitted to the Office of the Secretary, Docketing and Service Branch, U.S. Nuclear Regulatory Commission, One White Flint North, 11155 Rockville Pike, Rockville, Maryland 20852. A copy of such statement or request should also be served on the Chairman, Atomic Safety and Licensing Board.

For the Atomic Safety and Licensing Board.

Bethesda, Maryland, May 4, 1990.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 90-10945 Filed 5-9-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-382]

Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing; Waterford Steam Electric Station, Unit 3

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-38 issued to Louisiana Power and Light Company (the licensee) for operation of Waterford Steam Electric Station, Unit 3 located in St. Charles Parish, Louisiana.

The proposed amendment would revise the license amendment condition in Amendment No. 60 dated December 14, 1989 to extend the effective date of the license conditions by 90 days. Amendment No. 60 approved the transfer of operations of Waterford 3 to the Entergy Operations, Inc.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendment is to extend by 90 days the effective date for implementing license conditions which have been previously approved for transfer of operations to Entergy Operations, Inc. Unforeseen scheduling of other regulatory agency processes may delay the implementation date beyond the original 180 days (due to end on June 12, 1990). The proposed amendment is an administrative change so as not to impact other agency requirements. As such, the proposed amendment does not involve any previously analyzed accident, does not create any new accidents, and does not involve any consideration of any change to a margin of safety. Therefore, based on the above considerations, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By June 11, 1990 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the Local Public Document Room located at the University of New Orleans Library, Louisiana Collections, Lakefront, New Orleans, Louisiana 70122. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of

the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards considerations. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If a final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Frederick J. Hebdon: (petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. E. Blake, Shaw, Pittman, Potts & Trowbridge, 2300 N Street NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated May 4, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the Local Public Document Room located at the University of New Orleans Library, Louisiana Collections, Lakefront, New Orleans, Louisiana 70122.

Dated at Rockville, Maryland, this 4th day of May 1990.

For the Nuclear Regulatory Commission.

David L. Wigginton,

Project Manager, Project Directorate IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90-10948 Filed 5-9-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443-OL and 50-444-OL; ASLBP No. 82-471-02-OL]

Public Service Co. of New Hampshire, et al., Seabrook Station, Units 1 and 2; Prehearing Conference Concerning Offsite Emergency Planning

May 4, 1990.

Before Administrative Judges: Ivan W. Smith, Chairman; Dr. Richard F. Cole; Dr. Kenneth A. McCollom.

On May 3, 1990 the Atomic Safety and Licensing Board issued a Memorandum and Order providing for the further resolution of certain issues pending before it. LBP-90-12, 31 NRC ____. The issues relate to (1) time estimates for preparing non-ambulatory patients on advanced life support systems in the Seabrook emergency planning zone for evacuation and (2) shelter for visitors to the Seabrook area beaches when, in the face of a prognosis of decreasing ability to mitigate a radiological emergency at the Seabrook Station, evacuation of beach visitors is not possible because of physical impediments to evacuation such as weather and highway conditions. These issues are among those remanded to the Atomic Safety and Licensing Board by a decision of the Atomic Safety and Licensing Appeal Board in ALAB-924, 30 NRC 331 (1989).

The Licensing Board will conduct a prehearing conference of the parties to consider further identification of the issues in the proceeding; to consider methods by which the issues should be resolved; to set a schedule for resolving the issues; and to resolve any other procedural matter relevant to the issues.

All parties intending to participate in the resolution of the identified issues are directed to appear at the prehearing conference. In addition, each party intending to participate shall have in the hands of the Licensing Board and other parties, no later than May 30, 1990, a memorandum not to exceed 15 pages containing their respective advice on how the issues should be resolved and how that party intends to participate in the resolution of the issues. Any memorandum shall address the Licensing Board's Memorandum and Order of May 3, 1990 (LBP-90-12). There will be no opportunity for members of the general public to comment.

Representatives of the State of New Hampshire and the Federal Emergency Management Agency are urged to participate in the resolution of the issues and to attend the prehearing conference.

The conference will be begin at 9 a.m. on June 5, 1990 at Courtroom No. 1, Fifth Floor, United States District Court and Post Office Building, 55 Pleasant Street, Concord, New Hampshire. If necessary the conference will continue over to June 6, 1990.

Bethesda, Maryland.

Dated: May 4, 1990.

For the Atomic Safety and Licensing Board.

Ivan W. Smith,

Chairman, Administrative Law Judge.

[FR Doc. 90-10856 Filed 5-9-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-416]

Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing; Grand Gulf Nuclear Station, Unit 1

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-29, issued to System Energy Resources, Inc. (the licensee), for operation of Grand Gulf Nuclear Station, Unit 1, located in Claiborne County, Mississippi.

The proposed amendment would extend the implementation date of Amendment No. 65, dated December 14, 1989, by 90 days. Amendment No. 65 approved the transfer of operations of Grand Gulf Nuclear Station, Unit 1, to Entergy Operations, Inc.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendment is to extend by 90 days the date for implementing license conditions which have been previously approved for transfer of operations to Entergy Operations, Inc. Unforeseen scheduling of other regulatory agency processes may delay the implementation date beyond the original 180 days (due to end on June 12, 1990). The proposed amendment is an administrative change so as not to impact another agency's requirements. As such, the proposed amendment does not involve any previously analyzed accident, does not create any new accidents, and does not involve any consideration of any change to a margin of safety.

Therefore, based on the above considerations, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By June 11, 1990, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the Local Public Document Room located at Hinds Junior College, McLendon Library, Raymond, Mississippi 39154. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the

petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards considerations. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If a final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Elinor G. Adensam: (petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Esquire, Bishop, Cook, Purcell and Reynolds, 1400 L Street NW., 12th Floor, Washington, DC 20005-3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated May 4, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the Local Public Document Room located at Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Dated at Rockville, Maryland, this 4th day of May 1990.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Director, Project Directorate II-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90-10949 Filed 5-9-90; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Revised Standards for Defining Metropolitan Areas for the 1990's; Correction

AGENCY: Statistical Policy Office, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB).

ACTION: Correction.

SUMMARY: This notice corrects two errors in the document setting out revised standards for defining metropolitan areas that was published in the **Federal Register** on March 30, 1990 (55 FR 12154).

In FR Doc. 90-7425 beginning on page 12154 in the issue of Friday, March 30, 1990, make the following corrections:

1. On page 12155, second column, line 22, insert a footnote reference "4" after "county/counties".

4. On page 12159, third column, in the definition of "Employment/Residence Ratio," lines 5 and 6, remove the words "and the two following".

James B. MacRae, Jr.,

Acting Administrator and Deputy Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 90-10923 Filed 5-9-90; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF PERSONNEL MANAGEMENT

Personnel Management Demonstration Project; Alternative Personnel Management System at the National Institute of Standards and Technology

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed amendment with request for comments.

SUMMARY: This action provides for changes to the final project plan published October 2, 1987 (52 FR 37082), and amended August 16, 1989 (54 FR 33790), primarily to revise the performance appraisal system and the pay administration system in order to better link pay with performance. The current system makes it difficult to rank order employees and employees feel that the adjectival labels applied to scale values do not adequately reflect the level of their performance. The new system ascribes numerical values to levels of performance allowing for more accurate ranking of employees.

DATES: Comments must be received on or before June 11, 1990.

ADDRESSES: Send comments to Donna Beecher, Assistant Director for Systems Innovation and Simplification, U.S. Office of Personnel Management, room 7433, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: at the Office of Personnel Management, Marilyn Geldzahler, (202) 606-2890; at

the National Institute of Standards and Technology, Allen Cassady, (301) 975–3031.

SUPPLEMENTARY INFORMATION:

Background

On January 1, 1988, the National Institute of Standards and Technology (NIST; formerly the National Bureau of Standards) began a 5-year project to demonstrate an alternative personnel management system. The new system was mandated by Congress (Pub.L. 99–574) to improve the Institute's ability to motivate and retain staff and to attract and hire highly qualified candidates. NIST has also simplified personnel administration and given managers more authority and accountability for personnel management.

The major features of the project are "total compensation comparability (TCC)," simplified position classification, agency-based hiring, direct-hiring, recruiting and retention allowances, pay for performance, and supervisory pay differentials.

NIST annually compares compensation for NIST positions with compensation for similar positions in the private sector. The Director of NIST has the authority, within budget limitations, to make up the net increase in the deficiency through an annual comparability pay increase for all employees rated Fully Successful or higher.

In position classification, career paths and broad pay bands have replaced the General Schedule (GS) grade structure. NIST conducts its own hiring, rather than hiring through the Office of Personnel Management (OPM) registers, and fills most scientific and engineering vacancies through the direct-hire process. NIST management grants recruiting and retention allowances up to $10,000 in special cases.

Supervisors determine pay increase within pay bands on the basis of performance appraisals. Supervisors and managers in the Scientific and Engineering Career path, who are not otherwise compensated for supervision or management, are given pay differentials.

Original Performance Appraisal System

The original project plan did not change NIST's performance appraisal system. NIST continued using the Department of Commerce's (DoC) Performance Plan, Progress Review and Appraisal Record to evaluate their employees. With this system supervisors rated employees on work elements using generic performance standards. There were benchmarks for "outstanding," "commendable," "fully successful," "marginal," and "unsatisfactory." The ratings were translated to a numerical scale (from 5 to 1) and multiplied by the weight of the element (which reflected the importance of that type of task for the position). The element scores were added and translated to an overall adjectival rating. The performance salary increases were distributed by rating for each level in each career path. To control costs, guidelines for the distribution of ratings were imposed.

The NIST appraisal system compared individual performance to various designated levels of performance; it did not compare one individual with another. It proved to be inadequate to make the fine distinctions between employees necessary in the ranking system that was mandated by the enabling legislation which said that NIST was to use ranking among peers as the basis for pay-for-performance payouts wherever appropriate.

Supervisors and employees outlined other problems with the performance appraisal system. The guidelines for the distribution of scores placed limitations on supervisors' ability to rate employees and caused resentment among employees who believed they would receive higher ratings if no controls were imposed.

Focus groups of employees noted that the labels also provoked negative responses. Like most performance appraisal systems used in the federal government the NIST system used five adjectival ratings: "Outstanding," "commendable," "fully successful," "marginal," and "unsatisfactory." While employees said they were willing to accept individual distinctions to determine pay increases, the personal labeling implied by the performance rating was demotivating. The term "fully successful" was not perceived by employees as a positive rating, as originally intended. As the lowest of the three possible ratings for acceptable performance, it conveyed a message of minimal performance; when, in fact, employees given this rating are usually valuable contributors to the organization. Even the "commendable" rating was viewed by many employees as an indicator of mediocrity. Analysis of focus group comments revealed that whatever was gained in morale through the granting of "outstanding" ratings was more than cancelled by the granting of a larger number of "fully successful" ratings. Overall, the adjectival ratings had a negative effect on morale at NIST.

These issues and attitudes have been reported and confirmed through (a) direct reports from supervisors and employees to members of the NIST Personnel Management Board (PMB); (b) reports from the NIST Employee Advisory Committee to the PMB; (c) a report from the University Research Corporation, the NIST project evaluation contractor to OPM, based on "focus groups" of NIST supervisory, technical, and administrative employees and on interviews with top managers; and (d) a report from two focus groups, one composed of supervisors and one of nonsupervisory employees, established to review the current performance appraisal system and make recommendations to the PMB.

Project Plan Modifications

Many employee suggestions were incorporated into the proposed system. Adjectival ratings to describe levels of performance have been replaced by numerical scores which allow managers to make finer distinctions between employees and rank them accordingly. Those given a score below a set cut-off point on any element will be rated "Unsatisfactory" and will not be considered for performance pay increases, bonuses, or total compensation comparability increases. Those with scores above the cut-off point on all elements will be rated "Eligible" for consideration for performance based pay increases and bonuses, and will receive TCC increases. Guidelines for the distribution of ratings are no longer necessary because the amount of performance pay increases is awarded on the basis of rank among peers, not rating.

This amendment also (1) clarifies the relationships between NIST pay bands and General Schedule grades for the purpose of applying OPM reduction-in-force regulations, (2) revises the membership of the Personnel Management Board (PMB) to anticipate plans for reorganizing major organizational components, (3) clarifies the impact of pay for performance on student and faculty appointments, and (4) corrects a typographical error in the original plan.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

The demonstration project plan for the Alternative Personnel Management System at the National Institute of Standards and Technology, published in the **Federal Register** October 2, 1987 (52 FR 37082–37096) and amended August 16, 1989 (54 FR 33790) is amended as follows:

1. *Link Between Promotion and Performance:* The subsection titled "Link Between Promotion and

Performance" (52 FR 37092) is replaced with the following:

Link Between Promotion and Performance

To be eligible for promotion, an employee must have a current performance rating of "Eligible."

2. *Reduction in Force:* The section on "Reduction in Force" (52 FR 37092) is replaced with the following, to explain the new link between performance and retention and to clarify the relationship between NIST pay bands and General Schedule grades for the purpose of applying OPM Reduction in Force regulations:

Reduction in Force

Introduction

The NIST reduction in force process remains consistent with past practice. Retention registers retain the elements of career status, veteran preference, and length of service. Displacement, bumping, and retreating procedures are essentially the same. Regulations related to "grades" are modified to fit the "pay band" system. "Career Path" is the determinant for competitive areas. The additional service credit based on performance is linked to performance appraisal scores, rather than to adjectival performance ratings.

Link Between Performance and Retention

An employee with an overall performance score (see "Performance Evaluation" section) in the top 10 percent of scores within a Career Path, within the same Pay Pool (see "Performance Evaluation-Pay Pool Allocation"), is credited with 10 additional years of service for retention purposes. This credit is applied for each of the last three annual performance scores of record, for a potential total credit of 30 years for an employee. This provision substitutes for OPM regulations (5 CFR 351.504) pertaining to credit for performance in reduction in force.

Competitive Areas

Each of the four career paths is a separate competitive area. This categorizes employees for reduction in force according to similarities in knowledges, skills, and abilities. It also eliminates the disruptions caused by scientists or engineers displacing administrative or support staff. Displacements, bumps, and retreats occur only within career paths.

OPM (5 CFR 351.701) reduction in force regulations are modified by substituting "same band" for "same grade" and "one band lower" for 'three grades lower." That is, instead of bumping another employee in a lower retention subgroup at the same grade or up to three grades below the bumping employee, an employee in the demonstration project may bump another employee in a lower retention subgroup at the same band or up to one band below the bumping employee as long as both employees are in the same career path. For a preference eligible employee with a compensable service-connected disability of 30 percent or more the reduction in force regulations are modified by substituting "two bands" for "five grades." Restrictions on bumping outside one's career path apply to preference eligible employees.

Saved Grade and Pay

Saved grade and pay will follow current regulations, except that "band" will substitute for "grade."

3. *Pay Administration:* The subsection under "Pay Administration" titled "Pay for Performance" (52 FR 37092) is replaced with the following:

Pay for Performance

Pay for performance has three components: (A) Comparability pay increases; (B) performance pay increases; and (C) bonuses and awards. The first component, comparability pay increases, consists of the percentages selected by the NIST Director in the comparability process, and is given as a minimum pay increase to all covered employees rated Eligible. (For the procedures on this component, see the section on "Total Compensation Comparability.") The second component, performance pay increases, is composed of money previously available for within-grade increases, quality step increases, merit pay (PMRS) increases, and promotions from one grade to another where both grades are now in the same pay band. (For the procedures on this component, see the section on "Performance Evaluation.") Decisions on these pay increases will take into account all of the following: (1) The employee's performance; (2) the salary range of the employee's pay band; and (3) the employee's current salary in that range. The third component is bonuses and awards, composed of former cash awards. (For the procedures on this component, see the section on "Awards.")

4. *Performance Evaluation:* The section on "Performance Evaluation" (52 FR 37093) is replaced by the following:

Performance Evaluation

Introduction

The Performance Appraisal System links pay with performance through annual performance evaluations. Individual performance objectives are tied to organizational goals and objectives. The new performance appraisal system will use peer comparison and ranking as part of the process to allocate increases in compensation.

Performance Ratings

The performance ratings are "Eligible" (for performance pay increases, total compensation comparability increases and bonuses) and "Unsatisfactory." "Eligible" covers the same performance range as the former ratings of "Fully Successful," "Commendable," and "Outstanding." All instances of "Fully Successful," "Fully Successful or higher," "at least Fully Successful," and "above the Fully Successful level" in the final plan are changed to "Eligible." For purposes of applying personnel law and OPM and DoC regulations and guidelines, similar uses of the term "Fully Successful" or terms equivalent to "Fully Successful or higher" in law, regulation, or guideline mean "Eligible" in the NIST Demonstration system. Also for these applications, any mention of a performance rating above Fully Successful, such as "Exceeds Fully Successful," "Commendable," or "Outstanding," will be understood to lie within the range of "Eligible" in the NIST Demonstration Project.

"Unsatisfactory" covers the same performance range as the former ratings of "Marginal," "Minimally Successful," "Unsatisfactory," and "Unacceptable" (levels 1 and 2) or equivalent.

Pay Pool Allocation

The NIST Budget Office and the Personnel Division calculate the total performance pay increase fund under the budget neutrality model and allocate pay pools to Major Organizational Units (MOUs) based on MOU employee salaries, career paths, pay bands, and pay band intervals.

Performance Plans

New performance plans and rating forms will be designed to implement the new scoring and rating system. Performance plans are developed each year by supervisors and employees to document DoC and NIST goals and objectives and to identify individual accountability for their accomplishment. Performance elements are established for each position. Only a critical element

may be a performance element. Objectives and major activities are established for each element.

Element Weights

The total weight of all elements in a performance plan is 100 points. The supervisor assigns each element some portion of the 100 points in accordance with its importance for the position.

Benchmark Performance Standards

The NIST benchmark performance standards are modified versions of the Department of Commerce performance standards. Each benchmark performance standard describes the level of performance associated with a particular point on the rating scale. Supervisors may add supplemental standards to the performance plans of the employees they supervise to further elaborate the NIST benchmark performance standards.

Mid-Year Review

A mid-year review determines whether objectives are being met and whether performance elements should be modified to reflect changes in planning, work-load, and resource allocation. Additional reviews are held as needed.

Performance Appraisal

Performance appraisal is scheduled for the final weeks of the annual performance cycle, although an individual performance appraisal may be conducted at any time. The performance appraisal process brings supervisors and employees together for formal discussions on performance and results in (1) written appraisals, (2) performance ratings, (3) performance pay increases, (4) cash awards, and (5) other individual performance related actions as appropriate. Two meetings are held between employee and supervisor: the performance review meeting and the evaluation feedback meeting.

Performance Review Meeting Between Employee and Supervisor

The review meeting is to discuss job performance and accomplishments. The supervisor does not assign scores, ratings, pay increases, or awards at this meeting. The supervisor notifies the employee of the review meeting in time to allow the employee to prepare a list of accomplishments. The employee is given an opportunity at the meeting to give a personal performance assessment and describe accomplishments. The supervisor and employee discuss job performance and accomplishments in relation to the performance elements, objectives, and planned activities established in the performance plan.

Evaluation Feedback Meeting Between Employee and Supervisor

In this second meeting between employee and supervisor, the supervisor informs the employee of management's appraisal of the employee's performance, the employee's performance score and rating, and any related pay increase, award, or other personnel action.

Performance Scores

The level of employee performance on each element is identified with an appropriate benchmark performance standard or interpolated between two benchmark standards in a hierarchy of progressively more demanding benchmarks. The score for the element is the number on the element weight scale that corresponds with the level selected on the benchmark scale. A rating of Unsatisfactory on any single element (all elements are critical elements) produces an overall rating of Unsatisfactory.

The overall score is the sum of the element scores. Only those employees rated Eligible are eligible for performance ranking. The supervisor reviews tentative scores with the pay pool manager and gets the pay pool manager's approval before assigning final scores.

Performance Actions Based on an Unsatisfactory Rating

A score of below 40% on any one element will result in an overall rating of Unsatisfactory. Prior to, or at the time they receive a rating of Unsatisfactory, employees are given written notification of their unsatisfactory performance in the element(s) at issue and an opportunity to improve. Actions based on Unsatisfactory performance will be carried out in accordance with the procedures of the regular OPM and DoC personnel systems.

Performance Ranking

Each MOU establishes peer groups within the MOU at the lowest organizational level that provides a reasonable number of employees for ranking within the group. A peer group may involve no more than one career path, but may be otherwise organized by any combination of organization, occupation, or pay band. Members of a peer group are ranked by performance score.

Pay Pool Interleaving

The pay pool manager interleaves, by peer group and by performance score, the rankings made by subordinate supervisors. The pay pool manager has final authority for the interleaved ranking.

Pay Increase Ranges

Pay increases are calculated as a percent of salary. Each pay band interval for each career path has an established range, expressed in percents, within which employees' salary increases can vary. The salary range of a pay band is divided into three intervals, from the minimum rate to the maximum rate of the band. Employees are categorized by interval according to salary. The potential for performance-related pay increases is lowest in the top interval and progressively higher in the middle to the lowest interval.

Performance Pay Increases

The pay pool manager is accountable for staying within pay pool limits. The pay pool manager assigns pay increases to individuals on the basis of rank among peers, salary interval and band. A pay pool manager may request approval for the PMB or its designee to grant a pay increase to an employee that is higher than the normal pay increase range for that employee for extraordinary achievement.

Exceptions

Members of the Senior Executive Service remain under the non-demonstration DoC/NIST SES performance appraisal system. Employees covered by 5 USC 3104, employees on excepted coop, "p" and "q" student appointments, and faculty on excepted "o" appointments have their performance evaluated under the structure of the Project performance evaluation system, but are not in the Project pay-for-performance pay system.

5. *Membership of the Personnel Management Board (PMB):* Change the sentence under "Project Management and Oversight" (52 FR 37096) that reads "The Director will delegate management and oversight of the project to the Personnel Management Board (PMB) under the chairmanship of the NBS Deputy Director" to read: "The Director will delegate management and oversight of the Project to the Personnel Management Board (PMB), whose members and staff will be appointed by the Director." Delete the following sentence that reads "The directors of the major organizational units will be voting members and the Personnel Officer and the EEO Officer will be non-voting members."

6. *Authorities and Waiver of Laws and Regulations Required* Public Law

99–574 gave the National Institute of Standards and Technology the authority to experiment with several specific personnel system innovations which are otherwise prohibited by law and regulations. In addition to the authorities granted by the act and listed in the October 2, 1987 **Federal Register** Notice (52 FR 37096), the following waivers of regulation are necessary: *Title 5, Code of Federal Regulations;* section 351.504 (a) and (d) Credit for performance.

7. *Correction of Errors:* Delete the sentence under the "Introduction" subsection of "Staffing" that reads: "Agency-Based Staffing will be used for shortage categories" (52 FR 37089). This sentence was an erroneous combining of the last part of the preceding sentence with the first part of the following sentence.

[FR Doc. 90–10938 Filed 5–9–90; 8:45 am]
BILLING CODE 6325–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–79]

Termination of Section 302 Investigation; Procurement of Electronic Highway Toll Identification Systems by the Government of Norway

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of termination of investigation under section 302 of the Trade Act of 1974, as amended.

SUMMARY: The United States Trade Representative (USTR) has terminated an investigation initiated under section 302 of the Trade Act of 1974, as amended ("Trade Act") with respect to procurement of electronic highway toll identification equipment by the Government of Norway, having reached a satisfactory resolution of the issues under investigation.

DATES: This investigation was terminated effective April 26, 1990.

FOR FURTHER INFORMATION CONTACT: Timothy J. Richards, Director of Information Industry Trade Policy, (202) 395–6160, Beverly Vaughan, Director, Government Procurement, (202) 395–3063, or Kenneth Freiberg, Associate General Counsel, (202) 395–7305.

SUPPLEMENTARY INFORMATION: On July 11, 1989, AMTECH Corporation filed a petition under section 302 of the Trade Act, regarding a Norwegian government procurement of electronic highway toll identificatcn systems for the Oslo Toll Ring. The Petitioner asserted that the actions of the Norwegian Government, through its Ministry of Transport, in overturning a decision of the Oslo Toll Road Authority to award a contract to Petitioner and its Norwegian correspondent violated the Agreement on Government Procurement ("Procurement Code") of the General Agreement on Tariffs and Trade (GATT). The Petitioner's allegations are set out in the August 31, 1989, **Federal Register** notice initiating the section 302 investigation (54 FR 36090).

On August 25, 1989, the USTR initiated an investigation in this case. Consultations were held with Norway under Articles VII:3 and VII:4 of the Procurement Code on September 5, 1989, October 16, 1989 and March 8, 1990. The matter was also discussed in the Committee on Government Procurement under Article VII:6 of the Code on January 19, 1990, and March 9, 1990.

In an exchange of letters between the United States and Norway on April 26, 1990, Norway agreed to take actions that offset the negative impact of this procurement on the Petitioner. These include clarification that the AMTECH system met the requirements of the Oslo Toll Ring project and a statement that the AMTECH system was found to be proven, reliable, competitive, type-approved by the Norwegian PTT and commercially available. Norway will also take steps to ensure that Procurement Code procedures are followed in its future government procurements and that the award of the Oslo Toll Ring contract to a Norwegian firm does not prejudice the ability of foreign companies to win contracts for future toll ring projects in Norway.

On the basis of this exchange of letters, the United States withdrew its complaint from the Committee on Government Procurement. The Petitioner expressed satisfaction with the resolution of this matter.

A. Jane Bradley,
Chairman, Section 301 Committee.

[FR Doc. 90–10859 Filed 5–9–90; 8:45 am]
BILLING CODE 3190–01–M

Trade Policy Staff Committee; Generalized System of Preferences (GSP); results of reviews of petitions requesting changes in the list of countries and articles eligible for duty-free treatment under the 1989 Annual Review of the GSP

SUMMARY: The purpose of this notice is to announce the dispositions of the petitions accepted for review in the 1989 Annual Review of the GSP program (54 FR 32891). These changes will take effect on May 1, 1990 or July 1, 1990, as noted below.

FOR FURTHER INFORMATION CONTACT: GSP Information Center, Office of the United States Trade Representative, 600 17th Street, NW., room 414, Washington, DC 20506. The telephone number is (202) 395–6971. Additional materials regarding the decisions of the 1989 review are available from the USTR Public Affairs Office at (202) 395–3230.

SUPPLEMENTAL INFORMATION: This publication contains the dispositions of the petitions accepted for review in the 1989 annual review of the GSP program (54 FR 32891). These petitions requested changes in the list of articles and countries eligible for duty-free treatment under the U.S. Generalized System of Preferences (GSP). The GSP is provided for in the Trade Act of 1974, as amended (19 U.S.C. 2461–2465). The review was conducted pursuant to regulations codified as 15 CFR part 2007, and these changes will take effect on May 1, 1990 or July 1, 1990, as noted below. The President's decisions concerning the 1989 annual review have also been reflected in a proclamation and determination memorandum to the United States Trade Representative, recently published in the **Federal Register** (55 FR 18075 and 18299).

Reviews of petition requests were also conducted concerning the beneficiary status of eight GSP beneficiary countries based on their practices in the area of internationally recognized worker rights. This includes reviews of Haiti, Liberia, and Syria, which were continued from the 1988 Annual Review. After reviewing these eight requests, the President determined that Indonesia and Thailand are taking steps to afford internationally recognized worker rights. The President also determined that Liberia is not taking such steps and therefore will be suspended from the GSP program, effective July 1, 1990. Benin, the Dominican Republic, Haiti, Nepal, and Syria will continue to be reviewed as part of the upcoming 1990 Annual Review.

Four requests were considered to examine allegations of expropriation without compensation. The President has determined that there is no basis for taking action to suspend or withdraw GSP eligibility for Costa Rica and Uruguay. Reviews regarding Peru and Venezuela were terminated in previous **Federal Register** notices (54 FR 50465 and 55 FR 4932) at the petitioners'

requests. Decisions on all product petitions are listed below.

David A. Weiss,

Chairman, Trade Policy Staff Committee.

Changes resulting from the decisions listed below are effective July 1, 1990, unless noted.

For several decisions, a new HTS category has been created and is listed here.

1. Petitions to Add Products to The GSP Program

[Items with a (#) are added to the list of GSP eligible articles effective May 1, 1990.]

Case No.	HTS	Brief description	Petitioner	Decision
1	0710.22.25	String beans#	Govt. Peru	Grant.
2	0811.90.40	Frozen papaya	Govt. Philippines	Deny.
3	0811.90.52	Frozen mango#	Govt. Peru	Grant.
4	1102.90.30	Cereal mixtures#	Govt. Peru	Grant.
5	1104.29.00	Other cereal grains#	Govt. Peru	Grant.
6	1512.11.00	Safflower oil	Oil Seeds, Ltd., Producers Cotton Oil Co., Safflower Seed & Oil.	Withdrawn.
7	2004.10.40	Yellow potatoes#	Govt. Colombia	Grant.
8	2007.99.55	Papaya paste	Govt. Philippines	Deny.
9	2007.99.65	Other paste	Govt. Philippines	Deny.
10	2308.90.50	Dehydrated marigolds#	Govt. Peru	Grant.
11	2924.29.42	5-bromoacetyl-2-salic	Sour Pliva, Yugo	Grant.
12	2935.00.44	Specified sulfonamide	Sour Pliva, Yugo	Grant.
13	3407.00.20	Modeling pastes	Amer. Art Clay	Grant.
14	3812.30.20	Novazone	Novaquim, Mex	Grant.
16	6116.10.50	Sport gloves/mitts	Govt. Philippines	Grant.
17	6216.00.23	Sport gloves/mitts	Govt. Philippines	Grant.
18	6216.00.29	Sport gloves/mitts	Govt. Philippines	Grant.
19	6216.00.47	Sport gloves/mitts	Govt. Philippines	Grant.
20	6304.99.25	Jute wall hangings	Intercntntl. Art	Grant.
21	6911.10.60	Serviette rings	Govt. Philippines	Grant.
22	6912.00.46	Serviette rings	Govt. Philippines	Grant.
23	7005.21.10	Colored float glass <10mm	Govt. Mexico	Deny.
24	7005.21.20	Colored float glass >10mm	Vidro Flotado, & Vidro Plano	Deny.
25	7005.29.05	Clear float glass <10mm	....do	Deny.
26	7005.29.15	Clear float glass <10mm	....do	Deny.
27	7005.29.25	Clear float glass >10mm	....do	Grant.
28	7013.99.50	Globe shaped bowls	Crisa Corp., Vitro., Cristaleria, Mex	Deny.
29	7614.90.20	Elec. conductors	Govt. Venezuela, General Cable	Grant.
30	8528.10.80	Satellite receivers	Uniden of America	Deny.
31	8532.10.00	Fixed capacitors	ABB Capac., Mex	Withdrawn.
32	8532.25.00	AC capacitors	ABB Capac., Mex	Deny.
33	8532.29.00	Capacitors	ABB Capac., Mex	Grant.
34	8541.40.80	Optocouplers [1]	Siemens Components	Grant.
35	9607.11.00	Slide fasteners	Govt. Mex., AMFCA	Grant.
36	9607.19.00	Slide fasteners	Govt. Mex., AMFCA	Grant.

[1] A competitive need waiver was also requested for this product.

2. Requests for the Removal of Items from the List of GSP Items, and Country Specified (if any)

Case no.	HTS	Brief description (country)	Petitioner	Decision
37	2827.51.10	sodium bromide	Ethyl Corp., Great Lakes Chem	Deny.
47	2905.43.00	mannitol (Brazil)	ICI Americas	Deny.
38	2905.44.00	sorbitol	ICI Americas	Deny.
39	3503.00.40	animal glue > 88c/kg	Hudson Industries	Grant.
40	3506.99.00	prepared glues	Hudson Industries	Deny.
41	3912.20.00	Cellulose nitrates	Hercules, Inc.	Grant.
42	7312.10.50	steel wire rope	Committee of	Grant.
43	7312.10.60	steel wire rope	Steel Wire Rope	Grant.
44	7312.10.70	steel wire rope	Specialty Cable	Grant.
45	7312.10.90	steel wire rope	Manufacturers	Grant.
46	8507.10.00	12 volt batteries	U.S. Battery, Trade Council	Deny.

3. Requests to Waive the Competitive Need Limits on a Country and Product Specific Basis

Case no.	HTS	Brief description (country)	Petitioner	Decision
48	0711.90.60	Chili peppers (Mexico)	Camara Nacional de la Industria de Conservas Alimenticias Mex..	Deny.
49	2001.90.33	Hospitalos (Mexico) [2]	Govt. Mexico, Empacadora San Marcos	Deny.

3. REQUESTS TO WAIVE THE COMPETITIVE NEED LIMITS ON A COUNTRY AND PRODUCT SPECIFIC BASIS—Continued

Case no.	HTS	Brief description (country)	Petitioner	Decision
50	2001.90.39	Chili peppers (Mexico)	Camara Nacional de la Industria de Conservas Alimenticias, Mex..	Deny.
51	2005.90.87	Nopalitos (Mexico) [2]	McCormick, Festin Foods	Deny.
52	2203.00.00	Beer (Mexico)	Govt. Mexico, Cervecerias Cuauhtemoc and Moctezuma.	Deny.
53	3903.19.00	Polystyrene (Mexico)	Govt. Mexico, Ind. Resistol, POl. Y Derivadis, Polioles.	Grant.
54	3904.10.00	Polyvinyl (Mexico)	Govt. Mexico, Grupon Primex	Grant *.
55	4818.10.00	toilet tissue (Mexico)	Govt. Mexico,	Grant.
56	4818.20.00	Face, twl tissue (Mexico)	Kimberly-Clark,	Grant.
57	4818.30.00	Napkins, tblclths (Mexico)	Kimberly-Clark de Mex., Scott Paper San Cristobal	Grant.
58	7314.19.00	Steel mesh (Mexico)	Govt. Mexico, Deacero, Mex.	Deny.
59	8421.23.00	Oil filters (Mexico)	Govt. Mexico,	Grant *.
60	8421.31.00	Intake filters (Mexico)	Gonher	Grant *.
61	8471.20.00	Data proc. equip (Mexico)	Govt. Mexico,	Grant.
62	8471.91.00	Data proc.equip. (Mexico)	IBM de Mexico	Grant.
63	8471.99.30	Data proc. mach. (Malaysia)	Astec, U.S.A.	Grant.
64	8504.40.00	Data proc. mach. (Malaysia)	Astec, U.S.A.	Grant.
65	8505.19.00	Ceramic magnets (Mexico)	General Motors	Grant *.
66	8511.30.00	Distributors (Mexico)	Govt. Mexico, Bobinadores Unidos	Grant.
67	8523.20.00	Magnetic disks (Mexico)	Govt. Mexico, Aurex, Mex.	Grant *.
68	8525.20.30	Transreceivers (Malaysia)	Motorola	Grant.
34	8541.40.80	Optocouplers (Malaysia) [3]	Siemens	Deny.
69	8605.00.00	Railway coaches (Mexico)	Govt. Mexico & Concarril	Deny.
70	8606.10.00	Tank cars (Mexico)	Do	Do.
71	8606.20.00	Ref. railcars (Mexico)	Do	Do.
72	8606.30.00	Hopper cars (Mexico)	Do	Do.
73	8606.91.00	Covered fr. cars (Mexico)	Do	Do.
74	8606.92.00	Open freight cars (Mexico)	Do	Do.
75	8606.99.00	Other open fr. cars (Mexico)	Do	Do.
76	9503.70.80	Other toys (Mexico)	Mattel, Tonka	Grant *.
77	9503.90.50	Balloons (Mexico)	Govt. Mexico, Latex Occidental	Grant *.
78	9503.90.60	Other toys (Mexico)	Mattel, Tonka	Grant *.

* These products have had the lower competitive need limit waived, and remain subject to the "upper" competitive need limits of section 504(c).
[2] A 504(d) waiver was also requested for this item.
[3] Product addition also requested for this item.

4. THE PRODUCTS BELOW WERE NOT PRODUCED IN THE UNITED STATES ON JANUARY 3, 1985 AND ARE GRANTED A WAIVER OF THE COMPETITIVE NEED PERCENTAGE LIMIT (504 (d) WAIVER) ON THE FOLLOWING GSP ITEMS

Case no.	HTS	Brief description (country)	Petitioner	Decision
79	1515.30.20	Crude castor oil (Barzil)	Anlor Oil Co., Caschem, Inc., Union Camp Corp.	Grant.
49	2001.90.33	Nopalitos (Mexico) [4]	Govt. Mexico, Empacadora San Marcos	Grant.
51	2005.90.87	Nopalitos (Mexico) [4]	McCormick, Festin Foods	Grant.
80	9405.91.10	Lead crystal (Mexico)	Crisa Corp., Philip Goldin Assoc., Vitrocrisa Kristal, Mex.	Grant.

[4] A competitive need waiver was also requested for this item.

5. PETITIONS FOR WHICH NO RECOMMENDATION IS BEING PROVIDED AT THIS TIME

Case no.	HTS	Brief description	Petitioner	Request
15	5503.40.00	Poly. staple fibers	Fitesa, Brazil	Add.

[FR Doc. 90-10910 Filed 5-9-90; 8:45 am]
BILLING CODE 3190-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY PROPOSAL(S):

(1) *Collection title:* Application and Claim for Sickness Insurance Benefits.

(2) *Form(s) submitted:* SI-1a/1b, SI-3, SI-7, SI-7a, ID-7H, and ID-11A.

(3) *OMB Number:* 3220-0039.

(4) *Expiration date of current OMB clearance:* Three years from date of OMB approval.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Frequency of response:* On occasion.

(7) *Respondents:* Individuals or households, Businesses or other for-profit.

(8) *Estimated annual number of respondents:* 115,500.

(9) *Total annual responses:* 412,550.

(10) *Average time per response:* .047458 hrs.

(11) *Total annual reporting hours:* 19,579.

(12) *Collection description:* Under section 2 of the Railroad unemployment Insurance Act, sickness benefits are provided for qualified railroad employees. The collection obtains information from employees and physicians needed for determining eligibility for and amount of such benefits.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312–751–4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Shannah Koss-McCallum (202–395–7316), Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 90–10871 Filed 5–9–90; 8:45 am]

BILLING CODE 7905–01–M

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s):

(1) *Collection title:* Pension Plan Reports.

(2) *Form(s) submitted:* G–88p, G–88r and G–88r.1.

(3) *OMB Number:* 3220–0089.

(4) *Expiration date of current OMB clearance:* Three years from date of approval.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Frequency of response:* On occasion.

(7) *Respondents:* Businesses or other for-profit.

(8) *Estimated annual number of respondents:* 500.

(9) *Total annual responses:* 3,340.

(10) *Average time per response:* .1338 hours.

(11) *Total annual reporting hours:* 447.

(12) *Collection description:* The RRA provides for payment of a supplemental annuity to a qualified retirement annuitant. The collection obtains information from the annuitant's employer to determine (a) the existence of railroad employer pension plans and whether such plans, if they exist, require a reduction to RRB supplemental annuities paid to the employer's former employees and (b) the amount of supplemental annuities due railroad employees.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312–751–4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Shannah Koss-McCallum (202–395–7316), Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 90–10924 Filed 5–9–90; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–17467; 811–3885]

EBI Cash Management, Inc.; Application for Deregistration

May 3, 1990.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "ACT").

Applicant: EBI Cash Management, Inc. ("Applicant").

Relevant 1940 Act Section: Section 8(f).

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company under the Act.

Filing Date: The application on Form N–8F was filed on December 29, 1989.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 29, 1990, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons my request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 7600 East Union Avenue, Denver, Colorado 80237.

FOR FURTHER INFORMATION CONTACT: Eva Marie Carney, Staff Attorney, (202) 504–2274, or Max Berueffy, Branch Chief, (202) 272–3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch or by contacting the SEC's commercial copier at (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a corporation under the laws of the State of Georgia. On October 24, 1983, Applicant filed a Notice of Registration on Form N–8A, pursuant to section 8(a) of the Act. On that date, Applicant also filed a Form N–1 Registration Statement pursuant to the Securities Act of 1933. The registration statement became effective on February 10, 1984. Applicant commenced the public offering of its shares as soon as practicable thereafter.

2. On September 19, 1989, the Boards of Directors of Applicant and of the EBI Cash Management Fund (the "Fund") of the EBI Funds, Inc. (the "Company"), adopted resolutions authorizing and recommending the reorganization of Applicant. Pursuant to the Board's resolutions, an Agreement and Plan of Reorganization ("Agreement") was entered into between Applicant and the Company, on the Fund's behalf. Under the Agreement, all of Applicant's portfolio assets would be transferred, assigned and sold to the Fund, the Fund would assume all of Applicant's liabilities, and the Company, on the Fund's behalf, would deliver to Applicant, for distribution to Applicant's shareholders, a number of full and fractional shares of Common Stock of the Fund equal to the number of full and fractional shares of Applicant then outstanding. The Agreement called for the subsequent liquidation of Applicant.

3. A proxy statement detailing the Agreement, dated September 19, 1989, was distributed to shareholders of

Applicant. At a special meeting held on October 11, 1989, the shareholders approved the Agreement and the reorganization and subsequent liquidation of Applicant. By written consent action dated October 11, 1989, Applicant, as sole shareholder of the Fund, approved the Agreement and the reorganization contemplated thereby.

4. On December 22, 1989, all of Applicant's portfolio assets were transferred to the Fund, the Fund assumed all of Applicant's liabilities, and Applicant distributed to each shareholder of record the number of shares of Common Stock of the Fund equal to the number of Applicant's shares held by the shareholder.

5. As of the close of business on December 22, 1989, Applicant had 19,263,061.7000 shares outstanding, with an aggregate net asset value of $19,263,061.7000, and a per share net asset value of $1.00. As a result of the reorganization, shareholders' interests in the Fund are equal to their former interests in Applicant. No sales charges or brokerage commissions were paid in connection with the reorganization. All expenses incurred in connection with the reorganization, were paid by INVESCO Capital Management, Inc., Applicant's investment adviser.

6. Applicant has no shareholders, assets, outstanding debts or liabilities. Applicant is not, to its knowledge, a party to any litigation or administrative proceeding. Applicant is not engaged, nor does it propose to engage in any business activities other than those necessary to wind up its affairs and to effect its dissolution pursuant to the Georgia Business Corporate Code.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-10887 Filed 5-9-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-17468; 811-3887]

EBI Income, Inc.; Application for Deregistration

May 3, 1990.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

Applicant: EBI Income, Inc. ("Applicant").

Relevant 1940 Act Section: Section 8(f).

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company under the Act.

Filing Date: The application on Form N-8F was filed on December 29, 1989.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 29, 1990, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 7800 East Union Avenue, Denver, Colorado 80237.

FOR FURTHER INFORMATION CONTACT: Eva Marie Carney, Staff Attorney, (202) 504-2274, or Max Berueffy, Branch Chief, (202) 272-3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch or by contacting the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a corporation under the laws of the State of Georgia. On October 24, 1983, Applicant filed a Notice of Registration on Form N8-A, pursuant to section 8(a) of the Act. On that date, Applicant also filed a Form N-1 Registration Statement pursuant to the Securities Act of 1933. The registration statement became effective on February 15, 1984. Applicant commenced the public offering of its shares as soon as practicable thereafter.

2. On September 19, 1989, the Boards of Directors of Applicant and of the EBI Income Fund (the "Fund") of The EBI Funds, Inc. (the "Company"), adopted resolutions authorizing and recommending the reorganization of Applicant. Pursuant to the Boards' resolutions, an Agreement and Plan or Reorganization ("Agreement") was entered into between Applicant and the Company, on the Fund's behalf. Under the Agreement, all of Applicant's portfolio assets would be transferred, assigned and sold to the Fund, the Fund would assume all of Applicant's liabilities, and the Company, on the Fund's behalf, would deliver to Applicant, for distribution to Applicant's shareholders, a number of full and fractional shares of Common Stock of the Fund equal to the number of full and fractional shares of Applicant then outstanding. The Agreement called for the subsequent liquidation of Applicant.

3. A proxy statement detailing the Agreement, dated September 19, 1989, was distributed to shareholders of Applicant. At a special meeting held on October 11, 1989, the shareholders approved the Agreement and Applicant's reorganization and subsequent liquidation. By written consent action dated October 11, 1989, Applicant, as sole shareholder of the Fund, approved the Agreement and the reorganization contemplated thereby.

4. On December 22, 1989, all of Applicant's portfolio assets were transferred to the Fund, the Fund assumed all of Applicant's liabilities, and Applicant distributed to each shareholder of record the number of shares of Common Stock of the Fund equal to the number of Applicant's shares held by the shareholder.

5. As of the close of business on December 22, 1989, Applicant had 51,629.6089 shares outstanding, with an aggregate net asset value of $59,858,896.27, and a per share net asset value of $1,159.3909. As a result of the reorganization, shareholders' interests in the Fund are equal to their former interests in Applicant. No sales charges or brokerage commissions were paid in connection with the reorganization. All expenses incurred in connection with the reorganization were paid by INVESCO Capital Management, Inc., Applicant's investment adviser.

6. Applicant has no shareholders, assets, outstanding debts or liabilities. Applicant is not, to its knowledge, a party to any litigation or administrative proceeding. Applicant is not engaged, nor does it propose to engage in any business activities other than those necessary to wind up its affairs and to effect its dissolution pursuant to the Georgia Business Corporate Code. Applicant has filed Notice of Intent to Dissolve pursuant to the Georgia Business Corporate Code.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-10888 Filed 5-9-90; 8:45 am]

BILLING CODE 8010-01-M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980, as Amended by Public Law 99-591; Information Collection Under Review by the Office of Management and Budget (OMB)

AGENCY: Tennessee Valley Authority.

ACTION: Information collection under review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), as amended by Public Law 99-591.

Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Telephone: (202) 395-3084.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, Edney Building 4W 13B, Chattanooga, TN 37402; (615) 751-2523.

Type of Request: Regular submission.

Title of Information Collection: 1990 Interim Residential Survey: Customers of Municipal and Cooperative Distributors of TVA Power.

Frequency of Use: On occasion.

Type of Affected Public: Individuals or households.

Small Businesses or Organizations Affected: No.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 3000.

Estimated Total Annual Burden Hours: 999.

Estimated Average Burden Hours Per Response: .333.

Need For and Use of Information: The 1990 Interim Residential Survey will provide information about how the residential customers served by the municipal and cooperative distributors of TVA power use electricity. This information is required for load forecasting and program planning by several different organizations within TVA.

Louis S. Grande,

Vice President, Information Services, Senior Agency Official.

[FR Doc. 90-10864 Filed 5-9-90; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Charges For Stale-dated and Undated Federal Tax Deposits

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the Treasury Department plans to (1) increase the rate of interest charged depositaries for failure to process Federal tax deposits (FTDs) timely ("stale-dated" FTDs), and (2) increase the charges imposed for failure to date stamp FTDs properly ("undated" FTDs). It is planned that the new charge structure will apply to the FTD payments processed during the July 1990 reporting cycle.

DATES: Comments must be received on or before June 11, 1990.

ADDRESSES: Comments may be mailed to the Treasury Programs Branch, Financial Management Service, U.S. Department of the Treasury, room 420, Liberty Center, 401 14th Street, SW., Washington, DC 20227.

FOR FURTHER INFORMATION CONTACT: Christina A. Noga, Senior Advisor, Treasury Programs Branch, at the above address or on (202) 287-0590.

SUPPLEMENTARY INFORMATION: In December 1987, Treasury's Office of the Inspector General (OIG) issued an "Audit Report on the Treasury Tax and Loan Investment Program." The OIG recommended that Treasury increase the charges imposed on depositaries for submitting stale-dated and undated Federal tax deposit (FTD) coupons, thereby increasing the incentive for depositaries to comply fully with the procedures detailed in the Procedural Instructions for Treasury Tax and Loan (TT&L) Depositaries and 31 CFR part 214.

31 CFR 214.6(a)(3) requires a depositary to stamp the face of the FTD coupon with the date the tax deposit was received by the depositary. 31 CFR 214.6(a)(4) requires credit on the date of receipt of all deposits of Federal taxes to the TT&L account.

Treasury now charges depositaries for not date stamping FTD coupons (undated charge) and not processing FTD payments on a timely basis (stale-dated charge). For each undated FTD coupon, Treasury denies the per-item fee which otherwise would be paid for processing the FTD. For stale-dated FTDs, Treasury currently charges a depositary the earnings value of FTDs delayed from the date the FTD is received by the depositary until the date the deposit is credited to the TT&L account. Treasury uses the TT&L interest rate (Federal funds rate minus 25 basis points) when computing the charge for stale-dated FTDs.

To encourage greater compliance with Treasury regulations related to the processing of FTDs by depositaries, Treasury proposes to (1) increase the rate of interest assessed for stale-dated FTDs to the Federal funds rate plus 200 basis points (2 percent), and (2) increase the charge for failure to date stamp the FTDs. In addition to denying the fee which ordinarily would be paid for processing the FTD properly, Treasury proposes to impose charges at the Federal Funds rate plus 200 basis points (2 percent) for two days on all undated FTD coupons processed during a reporting cycle, with a minimum charge of $25.

The following are examples of the proposed charges that would be assessed for undated FTDs at representative dollar levels, using a Federal Funds rate of 9 percent plus 2 percent for 2 days:

Undated FTD dollar values	Charges
$25,000	$25
100,000	61
500,000	305
1,000,000	610
5,000,000	3,050
15,000,000	9,150

Depositaries will have the option to contest the charges to the appropriate Federal Reserve Bank if it can be proven that funds were not delayed. However, notwithstanding the outcome of the contested charge, Treasury will assess a $25 administrative charge for each undated coupon which is contested to cover the expense of exception processing by the Internal Revenue Service, the Federal Reserve Banks and the Financial Management Service.

The intent of this change is to ensure greater compliance with regulations and procedures by imposing reasonable

charges for improper processing of FTDs. This revision will not adversely affect depositaries that comply with procedures and regulations that govern FTD processing.

Treasury plans to reexamine the issue of stale-dated and undated FTDs in one year to determine whether greater compliance has occurred. Treasury will institute further changes in the charge structure to ensure compliance as necessary.

Treasury procedures contained in the Treasury Financial Manual (TFM) will be revised to reflect the new charge structure and distributed to the FRBs and FTD/TT&L depositaries. The revised procedures will be effective as indicated in Treasury Bulletins which will further advise depositaries of the change.

W. E. Douglas,

Commissioner.

[FR Doc. 90–10872 Filed 5–9–90; 8:45 am]

BILLING CODE 4810–35–M

UNITED STATES INFORMATION AGENCY

United States Advisory Commission on Public Diplomacy

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held May 16, 1990 in the First Amendment Room, National Press Club, 529 14th Street, NW., from 8 a.m. to 9:30 a.m.

Please call Gloria Kalamets, (202) 485–2468, if you are interested in attending the meeting since space is limited.

Dated: May 4, 1990.

Ledra L. Dildy,

Management Analyst, Federal Register Liaison.

[FR Doc. 90–10899 Filed 5–9–90; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 91
Thursday, May 10, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NUMBER: 90–10452.

PREVIOUSLY ANNOUNCED DATE AND TIME: Tuesday, May 8, 1990, 10:00 a.m.

This Meeting Will Be Open to the Public

The following Item has been added to the agenda:

Semiannual Report to Congress—Office of Inspector General.

DATE AND TIME: Tuesday, May 15, 1990, 10:00 a.m.

PLACE: 999 E Street NW,. Washington, D.C.

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures of matters affecting a particular employee.

DATE AND TIME: Thursday, May 17, 1990, 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE CONSIDERED:
Setting of Future Meeting Dates
Correction and Approval of Minutes
Draft Advisory Opinion 1990–6:
Ms. Margaret D. Kirkpatrick on behalf of Pacific Power & Light
Proposed Final Repayment Determination and Statement of Reasons—The Arrangements Committee of the Republican National Committee for the 1988 Republican National Convention
Status of Presidential Audit Reports
Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone (202) 376–3155.

Marjorie W. Emmons,
Secretary of the Commission.

[FR Doc. 90–11034 Filed 5–8–90; 11:07 am]
BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 55 FR 18054, April 30, 1990.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Friday, May 4, 1990.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting:

Discussion of possible banking legislative proposal.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: May 7, 1990.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 90–11007 Filed 5–8–90; 9:02 am]
BILLING CODE 6210–01–M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 12:00 noon, Tuesday, May 15, 1990.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: May 7, 1990.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 90–11008 Filed 5–8–90; 9:02 am]
BILLING CODE 6210–01–M

INTERSTATE COMMERCE COMMISSION

Commission Voting Conference

TIME AND DATE: 10: a.m., Tuesday, May 15, 1990.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC. 20423.

STATUS: The purpose of the conference is for the Commission to discuss among themselves, and to vote on, the agenda item. Although the conference is open for the public observation, no public participation is permitted.

MATTERS TO BE DISCUSSED: As set forth below in the Appendix.

CONTACT PERSON FOR MORE INFORMATION: A. Dennis Watson, Office of Government and Public Affairs, Telephone: (202) 275–7252.

Noreta R. McGee,
Secretary.

APPENDIX

Voting Conference

May 15, 1990

Docket No. 37626, Consolidated Papers, Inc., et al. v. Chicago and North Western Transportation, et al.

Finance Docket No. 28905 (Sub-No. 22), CSX Corp.—Control—Chessie System, Inc. and Seaboard Coast Line Industries, Inc.; and

Finance Docket No. 29430 (Sub-No. 20), Norfolk Southern Corporation—Control—Norfork and Western Railway Company and Southern Railway Company.

Finance Docket No. 31530, Wilmington Terminal Railroad, Inc.—Purchase and Lease—CSX Transportation, Inc., Lines Between Savannah and Rhine, and Vidalia and Macon, GA.

Finance Docket No. 31532, Indiana Hi-Rail Corporation—Lease and Operation Exemption—Norfolk and Western Railway Company Line Between Douglas, OH and Van Buren, IN.

AB No. 12 (Sub-No. 118X), Southern Pacific Transportation Company—Abandonment of Service in San Mateo County, GA.

AB No. 263 (Sub-No. 2X), Staten Island Railway Corporation—Abandonment Exemption—in Richmond County, NY.

Ex Parte No. 346 (Sub-No. 26), Rail Industrial Development Activities—Elkins Act.

[FR Doc. 90-11006 Filed 5-7-90; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL COUNCIL ON DISABILITY

Quarterly Meeting

AGENCY: National Council on Disability.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming meeting of the National Council on Disability. This notice also describes the functions of the Council. Notice of this meeting is required under section 522(b)(10) of the "Government in Sunshine Act" (Pub. L. 94-409).

DATES:

May 14, 1990, 1:00 p.m. to 5:00 p.m.
May 15, 1990, 9:00 a.m. to 5:00 p.m.
May 16, 1990, 9:00 a.m. to 5:00 p.m.
May 17, 1990, 9:00 a.m. to 4:00 p.m.

LOCATION: United Nations Plaza Hotel, New York, New York.

FUR FURTHER INFORMATION CONTACT: National Council on Disability, 800 Independence Avenue SW, Suite 814, Washington, DC 20591, (202) 267-3846, TDD: (202) 267-3232.

The National Council on Disability is an independent Federal agency comprised of 15 members appointed by the President of the United States and confirmed by the Senate. Established by the 95th Congress in Title IV of the Rehabilitation Act of 1973 (as amended by Public Law No. 95-602 in 1978), the Council was initially an advisory board within the Department of Education. In 1984, however, the Council was transformed into an independent agency by the Rehabilitation Act amendments of 1984 (Public Law No. 98-221).

The Council is charged with reviewing all laws, programs, and policies of the Federal Government affecting disabled individuals and making such recommendations as it deems necessary to the President, the Congress, the Secretary of the Department of Education, the Commissioner of the Rehabilitation Services Administration, and the Director of the National Institute on Disability and Rehabilitation Research (NIDRR). In addition, the Council is mandated to provide guidance to the President's Committee on Employment of People With Disabilities.

The meeting of the Council shall be open to the Public. The proposed agenda includes:

Report from Chairperson and Executive Committee

Discussion Items

Update on Proposal On Technology
Update on Reauthorization of Rehab Act
Update on Education Study
Update on NIDRR/Research
PCEPD Meeting Report
Personal Assistance
Health Insurance

Tour of Harlem Hospital Center
Tour of Incarnation Center
Tour of Hale House Center
Panel Session:
  "Infants At Risk"
  Treatment & Services
  On the Front Line
  Where Do We Go From Here?
Session: Employment Tomorrow:
  Opportunities for People with Disabilities
Symposium on Employment
International Planning Session of a World Summit on Disability
Unfinished Business
New Business
Announcements
Adjournment

Records shall be kept of all Council proceedings and shall be available after the meeting for public inspection at the National Council on Disability.

Signed at Washington, D.C. on May 7, 1990.

Ethel D. Briggs,

Deputy Director.

[FR Doc. 90-11027 Filed 5-8-90; 8:45 am]

BILLING CODE 6820-BS-M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meeting

TIME AND DATE: 9:30 a.m., Tuesday, May 15, 1990.

PLACE: Filene Board Room, 7th Floor, 1776 G Street, N.W., Washington, D.C. 20456.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Regulatory Management Program Proposal. Closed pursuant to exemption (9)(B).
3. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemption (8), (9)(A)(ii), and (9)(B).
4. Administrative Action under Section 205 of the Federal Credit Union Act. Closed pursuant to exemption (8), (9)(A)(ii), and (9)(B).
5. Personnel Actions. Closed pursuant to exemption (2) and (6).
6. Administrative Action under Section 205 of the Federal Credit Union Act. Closed pursuant to exemption (9)(B).

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682-9600.

Becky Baker,

Secretary of the Board.

[FR Doc. 90-11081 Filed 5-8-90; 2:03 pm]

BILLING CODE 7535-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meeting

TIME AND DATE: 9:30 a.m., Thursday, May 17, 1990.

PLACE: The Galt House East, 141 North 4th Avenue, Louisville, Kentucky 40202,(502) 589-3300.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Economic Commentary.
3. Central Liquidity Facility Report and Review of CLF Lending Rate.
4. Insurance Fund Report.
5. Proposed Rule: Section 701.35, Prohibition on Guaranteed Dividends.
6. Legislative Update.

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682-9600.

Becky Baker,

Secretary of the Board.

[FR Doc. 90-11082 Filed 5-8-90; 2:03 am]

BILLING CODE 7535-01-M

Corrections

Federal Register
Vol. 55, No. 91
Thursday, May 10, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP90-20-001]

Great Lakes Gas Transmission Co.; Compliance Filing

Correction

In notice document 90-9895 appearing on page 18019 in the issue of Monday, April 30, 1990, the docket number should read as it appears in the heading above.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 89F-0051]

Indirect Food Additives: Polymers

Correction

In rule document 90-10288 beginning on page 18596 in the issue of Thursday, May 3, 1990, make the following corrections:

§ 177.1520 [Corrected]

On page 18596, in the third column, in the table under § 177.1520(b), in the first column, in the first line, "flouride-" should read "fluoride-"; and in the seventh line "a" should read "at".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 179

[Docket Nos. 86F-0507 and 86F-0509]

Irradiation in the Production, Processing and Handling of Food

Correction

In rule document 90-10113 beginning on page 18538 in the issue of Wednesday, May 2, 1990, make the following corrections:

1. On page 18539, in the third column, in the penultimate line of the first complete paragraph, "or" should read "of".

2. On page 18540, in the the second column, in footnote 2, in the second paragraph, in the second line "sex-lined" should read "sex-linked".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 450

[Docket No. 89N-0440]

Antitumor Antibiotic Drugs; Doxorubicin Hydrochloride; Revised Specifications and Testing Methods

Correction

In proposed rule document 90-10287 beginning on page 18617 in the issue of Thursday, May 3, 1990, make the following correction:

§ 450.24 [Corrected]

On page 18618, in § 450.24(b)(1)(ii)(A), in the second line "accuracy" should read "accurately".

BILLING CODE 1505-01-D

federal register

Thursday
May 10, 1990

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals; Fund Availability; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-90-3051; FR-2800]

Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals; Fund Availability

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of fund availability.

SUMMARY: The purpose of the Section 8 Moderate Rehabilitation Program for Single Room Occupancy (SRO) Dwellings for Homeless Individuals is to provide rental assistance for homeless individuals in rehabilitated SRO housing. The assistance is in the form of rental assistance under the Section 8 Housing Assistance Payments Program. These payments equal the rent for the unit, including utilities, minus the portion of the rent payable by the tenant under the U.S. Housing Act of 1937. HUD will make the assistance available for 10 years. This program is authorized by Section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401), as amended by the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100-628, approved November 7, 1988).

This Notice informs the public of the availability of $73 million appropriated for the program by the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1990 (Pub. L. 101-144, approved November 9, 1989). HUD estimates that this $73 million will assist approximately 2,000 units over the 10-year period. The Notice states the application, ranking, and selection procedures that will govern the use of the funds made available in Fiscal Year 1990 for use under section 441.

HUD will fund applications from public housing agencies (PHAs) which best demonstrate a need for the assistance and the ability to undertake and carry out the program. HUD will conduct a national competition to select PHAs to participate.

DATES: Effective Date: May 10, 1990. Application Submission Deadline August 8, 1990.

FOR FURTHER INFORMATION CONTACT: Mary Maher, Chief, Moderate Rehabilitation Branch, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 755-6650. A telecommunications device for deaf persons (TDD) is available at (202) 566-2673. Voice line (202) 377-9555. (These are not toll-free numbers.) Hours: 9:00 a.m. to 5:00 p.m. (e.s.t.).

SUPPLEMENTARY INFORMATION:

Information Collection Requirements

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 and have been assigned OMB control number 2502-0367.

SECTION 8 MODERATE REHABILITATION PROGRAM FOR SINGLE ROOM OCCUPANCY DWELLINGS FOR HOMELESS INDIVIDUALS

I. Background

A. Legislative Authority and Applicability

On July 22, 1987, the President signed into law the Stewart B. McKinney Homeless Assistance Act (the "McKinney Act"), Public Law 100-77. Section 441 of the McKinney Act, authorizes the Section 8 Moderate Rehabilitation Assistance Program for Single Room Occupancy Dwellings for Homeless Individuals (the "SRO program"). The Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100-628, approved November 7, 1988) made additional program changes. On November 7, 1989, the Department published a final rule at 54 FR 46828, which established in 24 CFR part 882, subpart H, the regulations for this program. This Notice is subject to those regulations.

The Notice also announces availability of a $73 million appropriation under the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1990 (Pub. L. 101-144, approved November 9, 1989). A prior Notice of Fund Availability was published in Fiscal Year 1989 (54 FR 758, January 9, 1989; as amended by 54 FR 15560, April 18, 1989). The requirements of today's Notice only apply to funds made available in Fiscal Year 1990 under section 441. (The Fiscal Year 1989 Notice continues in effect for the funds made available in Fiscal Year 1989 under section 441.)

B. Summary

Under the program as originally enacted, HUD enters into annual contributions contracts (ACCs) with public housing agencies (PHAs) in connection with the moderate rehabilitation of residential properties in which some or all of the dwelling units may not contain either food preparation or sanitary facilities. Each of these single room occupancy (SRO) units is intended for occupancy by one eligible homeless individual.

Amounts made available through this program must be allocated by HUD on the basis of a national competition to the applicants that best demonstrate a need for the assistance and the ability to undertake and carry out a program to be assisted under this program. No single city or urban county is eligible to receive more than 10 percent of the assistance being made available in Fiscal Year 1990. (Ten percent of the $73 million appropriated is $7,300,000 of budget authority for the length of the 10 year contract, which is equivalent to administratively controlled contract authority of up to $730,000 for each single city or urban county for each year over the 10-year assistance period.) In addition, no single proposal (structure, or structures on a single site) may receive assistance for more than 100 units.

Under this program, HUD will provide assistance for a 10-year period to selected PHAs. The statutory allocation procedures established for the program by section 441 of the McKinney Act apply, instead of the "fair share" allocation procedures required for most assisted housing funds by section 213(d) of the Housing and Community Development Act of 1974, 42 U.S.C. 1439(d).

C. Significant Legislative Changes

1. Under section 127 of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235, approved December 15, 1989) (the "HUD Reform Act of 1989"), the following changes are made in the Section 8 Moderate Rehabilitation Program:

(a) There shall be a minimum expenditure of $3,000 of eligible rehabilitation per unit, including its prorated share of work to be

accomplished on common areas or systems.

(b) HUD may not provide assistance to more than 100 units in any project for rehabilitation.

(c) HUD shall maintain a single listing of any assistance provided which shall include a statement identifying the owners and location of the project, the amount of the assistance, and the number of units assisted.

2. Under the 1988 Amendments for the SRO program, HUD is required to increase the per unit cost limit each year to take into account increases in construction costs, starting with assistance provided on or after October 1, 1988. For purposes of Fiscal Year 1990 funding, the cost limitation is raised from $14,300 per unit to $14,600 per unit to take into account increases in construction costs during the past 12-month period. This amendment is made in accordance with changes to 24 CFR 882.805(g) *Initial Contract Rents.*

3. It is the Department's understanding that low-income tax credits will not be available with respect to properties receiving assistance under the Moderate Rehabilitation program, as was stated in the Conference Report to the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101–239, approved December 19, 1989) (H.R. Rep. No. 386, 101st Cong., 1989, page 532).

D. Other Information

Secretary Kemp of the Department of Housing and Urban Development and Secretary Sullivan of the Department of Health and Human Services recently signed a Memorandum of Understanding to promote cooperation between their two departments. Consistent with the purposes of that agreement, the National Institute of Mental Health (NIMH) recently published a Request for Applications (MH–90–14) to support research demonstrations to assist homeless mentally ill adults. The announcement encourages proposals which link comprehensive mental health service with housing. PHAs and sponsors are reminded that the Section 8 SRO Program may serve as the housing resource called for in the NIMH announcement. Interested NIMH applicants have been advised to contact the appropriate PHA. For further information on the NIMH program, contact Dr. Irene S. Levine, Ph.D., Director, Office of Programs for the Homeless Mentally Ill, NIMH, (301) 443–3706.

II. PHA Application Process, HUD Review and Selection

A. General

1. PHAs are invited to submit applications for this program. There is no application form. Applications shall contain all the information prescribed in paragraph II.B., be addressed to Mary Maher in room 6128, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, and be received by 5:15 p.m. Eastern Daylight Savings time on August 8, 1990. Each PHA shall also submit a copy of the application to the appropriate HUD field office by the same deadline. HUD will reject any applications and supplemental information received at the Washington, DC address after the deadline, as well as any incomplete applications. Applications must contain the information described in II.B. below, including the certifications described in II.B.4, II.B.10., and II.B.11., to be considered complete.

2. PHAs have descretion to select proposals by Owners in accordance with their own procedures and policies, consistent with the requirements of this Notice and the final rule at 24 CFR part 882, subpart H.

3. HUD headquarters will process all applications will field office input, and select the successful PHAs.

B. PHA Application

Section 441 of the McKinney Act requires that HUD allocate the amounts made available for this program on the basis of a national competition to the applicants that best demonstrate a need for the assistance and the ability to undertake and carry out a program to be assisted. The quality of information submitted for each ranking factor described in section C.3. of this Part II will affect the overall ranking of the application. Each application shall contain the following information:

1. *Size and Characteristics of SRO Population.* The application shall include a description of the size and characteristics of the homeless population within the applicant's jurisdiction that would occupy SRO dewelling under this program, and a statement of the basis for this description (*i.e.*, the source of the information). If the PHA intends to serve a designated population of homeless persons, such as substance abusers or the serviously mentally ill, the application should identify the designated population.

2. *Identification of Suitable Housing Stock To Be Rehabilitated Under this Program.* (a) The application shall identify specific structures, by address (indicating city and urban county where applicable) and Owner's name, that the PHA proposes for rehabilitation and assistance under this program. For each proposal, the application shall include:

(i) The total number of SRO units for which assistance is requested;

(ii) The total number of units in each structure;

(iii) The number of vacancies among SRO units to be assisted, and how the units will be filled by the population to be served;

(iv) A detailed description of rehabilitation expected; and

(v) For applications identifying more than one proposal, a priority ranking of the proposals in the event that the application can only be partially funded.

(b) The application shall also include a description of the interest that has been expressed by builders, developers, Owners, project managers, and others (including profit and nonprofit organizations) in participating in the program. This shall include statements expressing interest in acquiring or rehabilitating structures identified in the application, including documentaiton of site control. Site control is established by providing evidence of control of a property through ownership, option, sale agreement, or lease. If the city will be the owner of the property, evidence of the city's willingness to use its power of eminent domain should be provided if the property is to be acquired by condemnation.

(c) The application also should include a discussion of the relevant development and management experience, and the length of experience, individuals or organizations that will manage the project or participate in the program.

(d) The application shall also include a preliminary feasibility analysis for each proposal identified which demonstrates that a preliminary calculation of the gross rents for the structure indicates that the proposal is feasible within the fair market rent limitation. The preliminary rent calculation must be in the format found in Appendix 31 of the Moderate Rehabilitation Handbook 7420.3. The analysis must also clearly document each proposal's compliance with basis program requirements regarding elibible properities (24 CFR 882.803) and tenants (24 CFR 882.802), site control, the $3,000 minimum in eligible rehabilitation work per unit, and eligible work items, which are defined in Appendix 34 of the Moderate Rehabilitation Handbook 7420.3. The PHA should submit a detailed work write-up and cost

estimate which will enabled HUD to make these determinations on rehabilitation work. The work write-up will describe how the deficiences eligible for amortization through Contract Rents are to be corrected. From this work write-up, a cost estimate for the accomplishment of these items can be prepared. The cost estimate also provides information useful to preparing the preliminary rent calculation.

(e) The description of the particular population to be served should be in terms of sex, age ranges, proportion employed, and special problems such as substance abuse, mental illness, physical handicap, domestic violence, ex-offender, etc. The population specifics are necessary to judge the appropriateness of the proposed supportive services in the application review and selection.

3. *Additional Commitments for Supportive Services.* For each proposed project, the application shall identify the supportive services (as defined in § 882.802) which would be necessary for the particular population expected to be served. The availability of these services should be demonstrated by letters or other evidence of commitment from the agencies (including public and private sources) providing the services. The letters should describe the services to be provided (as well as the frequency that they will be provided), the funding source, and the proposed period of availability. The application should demonstrate how the service needs of the designated population will be identified (e.g., through a case manager) and how the supportive services will appropriately address the identified needs of the designated homeless population to be served. The application should indicate also how the tenants' utilization of the services will be assessed by the PHA or the owner. The application should address whether these services will be provided in the structure or elsewhere. If elsewhere, the application should demonstrate that the services will be readily accessible to the homeless population to be served. Services are readily accessible if residents can get to the services on their own, or if transportation is provided to the site where the services are provided.

4. *Comprehensive Housing Assistance Plan (CHAP) Certifications.* The application shall contain a certification that each application is consistent with the appropriate CHAP submitted in accordance with 24 CFR 882.805(c)(7). The certification shall be from the public official responsible for submitting the CHAP for the State, formula city or county, or territory and shall indicate that the proposed activities of the PHA are consistent with the CHAP. Such certification must be provided as follows:

(a) If the proposed structure is located within the boundaries of a city or urban county required to submit its own CHAP under the requirements referenced in 24 CFR 882.805(c)(7), then a certification from the appropriate official of that jurisdiction is required; or

(b) If the proposed structure is not located within such a unit of local government, then a certification from the appropriate State official is required.

5. A description of the PHA's experience in working with homeless people.

6. *Section 213 Letter.* Section 213 of the Housing and Community Development Act of 1974 requires HUD to provide the chief executive officer of the unit of general local government an opportunity to comment on the application. Where the unit of general local government has a housing assistance plan, its comment may include an objection to HUD approval of an application for housing assistance on the grounds that the application is inconsistent with the local housing assistance plan. PHAs should encourage the chief executive officer to submit a section 213 letter with the PHA application. (See 24 CFR part 791 for specific requirements.) Since HUD cannot approve an application until the 30-day comment period is closed, the section 213 letter should not only comment on the application and indicate that approval of the application for assistance under this Notice is consistent with the community's housing assistance plan, where applicable, but should also state that HUD may consider the letter to be the final comments, and that no additional comments will be submitted by the unit of local government.

7. *Schedule.* The application shall contain a proposed schedule for completion of all necessary steps indicated below and demonstrate that it is feasible for the PHA to meet its schedule. The schedule shall specify when the following will be completed:

(a) Inspection of units and determination of eligibility of any current residents, final feasibility analysis, detailed work write-ups, and cost estimates;

(b) Determination of initial base rents and Contract Rents;

(c) Ensuring that firm commitments of financing and identified necessary supportive services and other resources to be provided are in place;

(d) Execution of the Agreement;

(e) Start of rehabilitation activities, with an identification of any which may be affected by weather conditions and a discussion of how weather delays have been taken into account; and

(f) Execution of the Contract (must be within 12 months from execution of the ACC); and

(g) Expected date for full occupancy.

8. *Administrative Capability and Rehabilitation Expertise.* The application shall include a description of the PHA's experience in administering the Section 8 Moderate Rehabilitation Program and a description of the PHA's rehabilitation expertise. If a PHA has not administered a Section 8 Moderate Rehabilitation Program, the PHA must demonstrate that it (a) has the ability to operate a rehabilitation program, or (b) will contract with a qualified agency or entity which will assist the PHA in operating a rehabilitation program, or (c) will develop the capability to operate a rehabilitation program.

9. *Financing.* The application shall indicate the types of financing expected to be used, including Federal, State, or locally assisted financing programs, and a description of the availability of such financing. Statements or commitments from lending sources indicating their willingness to provide financing should be submitted.

10. *Certification Regarding Lobbying.* On February 26, 1990, at 55 FR 6736, the Department joined in the issuance of a governmentwide interim rule advising recipients and subrecipients of Federal contracts, grants, cooperative agreements, and loans of a new statutory prohibition against use of appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. In general, this rule prohibits the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. In addition, the recipient must also file a disclosure if it has made or has agreed to make any payment with nonappropriated funds that would be prohibited if paid with appropriated funds. See attachments 1 and 2 at the end of this notice for the language for the certification and disclosure; however, applicants should refer to the governmentwide rule for additional guidance, if needed. As indicated on the attachments, the law provides substantial monetary penalties for failure to file the required certification or disclosure.

11. *Drug-Free Workplace Certification.* The Drug-Free Workplace Act of 1988 (Pub. L. 100–690) requires

grantees of Federal agencies to certify that they will provide drug-free workplaces. Thus, each potential recipient (PHA) must certify that it will comply with drug-free workplace requirements in accordance with 24 CFR part 24, subpart F.

C. HUD Selection Process

1. *Part 791.* Upon receipt of an application that does not include a section 213 letter from the chief executive officer of the unit of general local government (see paragraph II.B.6), HUD shall send the application to the appropriate chief executive officer in accordance with 24 CFR part 791.

2. *Environmental Review Requirements.* Before ranking applications, HUD will complete environmental reviews required under 24 CFR part 50 on all applications. HUD may elect to eliminate a proposal from consideration where the application would require an Environmental Impact Statement, or the time necessary for the completion of the review process under an environmental law (e.g., the National Historic Preservation Act) for structures identified in a particular application would prevent timely completion of the ranking and selection process. In order to assist HUD in the timely completion of the Historic Review process, the applicant may contact the State Historic Preservation Office (SHPO) to determine if the proposed structure(s) requires Historic Preservation clearance. If Historic Preservation clearance is required, there should be early coordination (if possible, before the application deadline) with the HUD field office to provide all the necessary information required by the SHPO.

3. *Ranking.* Except for such proposals eliminated for the above mentioned environmental reasons, HUD will rank all applications from PHAs that contain all items required by section II.B. *PHA Application* and are received in Washington, DC, by the deadline date. Each application will be ranked based upon HUD's assessment of the ranking factors listed below. Each factor indicates the maximum number of points that may be assigned for that factor. Points may be awarded up to the maximum number allotted for each factor.

(a) The need for assistance, as demonstrated by the PHA's analysis of the size and characteristics of the population to be served (see paragraph II.B.1.), and by the thoroughness of the analysis of the need presented; (10 points)

(b) The PHA's ability to undertake and carry out the program within the schedule proposed by the PHA, as demonstrated by:

(i) Whether the preliminary feasibility analysis clearly demonstrates that it appears likely that the proposed structure will be feasible within the Fair Market Rent; (10 points)

(ii) Whether there is evidence of site control or other evidence that the site will be available for rehabilitation in accordance with the PHA's schedule; (10 points)

(iii) The percentage of units proposed for assistance which are vacant (rehabilitation of vacant units generally will result in more units becoming available for the homeless; therefore, highest preference will be given to applications all vacant units); (10 points)

(iv) Whether it appears feasible, based on assessments of the capabilities of the PHA and the Owner, that the PHA and Owner will complete all steps necessary so that the Contract may be executed within 12 months of execution of the ACC, and whether basic program requirements are met; (5 points)

(v) Whether the PHA has specified the resources available to provide necessary supportive services, targeted to the needs of the single homeless population identified, including the strength and length of the commitments to provide those resources and the methods by which the population to be served will be sought out and informed of the availability of assistance; (20 points)

(vi) The availability of financing, both assisted and unassisted, as demonstrated by statements or commitments from lenders, with the awarding of more points for commitments, and documented assisted financing availability (e.g., below market interest subsidies, grants, etc.); (15 points) and

(vii) The PHA's experience with, or demonstrated ability to operate, as evaluated by the HUD field office, rehabilitation programs, including past performance in placing Moderate Rehabilitation units under Agreement and Contract and experience in working with homeless people, and the PHA's overall administrative capability (e.g., screening and selection of Owners and/or project managers with demonstrated ability to successfully implement a SRO project as demonstrated by past experiences with property rehabilitation, property management, and provision of shelter and/or services to homeless or low income persons). (20 points)

4. *Selection of Applications.* (a) HUD will select the highest ranking applications. However, no city or urban county may have projects receiving a total of more than 10 percent of the assistance to be provided under this program ($7,300,000 in budget authority, which is the equivalent of up to $730,000 in administratively controlled contract authority per year for each single city or urban county, which HUD expects will fund a maximum of approximately 200 units for any one city or urban county). In addition, no single proposal shall receive assistance for more than 100 units.

(b) HUD will notify each PHA whether or not its application has been selected.

(c) Where the review and comment process required under 24 CFR part 791 has not been completed by the time HUD is ready to make its selections, it may tentatively select one or more applications subject to completion of the comment process required under part 791. See, also, paragraphs II.B.6. and II.C.1.

III. Other Matters

Environmental Review. A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection weekdays from 7:30 a.m. to 5:30 p.m., in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410.

Executive Order 12612, Federalism. The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this rule do not have federalism implications and, thus, are not subject to review under the Order because the rule merely provides, at statutory direction, housing for homeless individuals through a housing assistance mechanism that is already established between HUD, the PHA, and the Owner under the Section 8 Housing Assistance Payments Program.

Executive Order 12606, the Family. The General Counsel, as the Designated Official under Executive Order 12606, *the Family*, has determined that this rule does not have a potential significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order, because its aim to provide single room housing for homeless individuals.

Catalog of Federal Domestic Assistance. The Catalog of Federal Domestic Assistance Program number is 14.156, Lower Income Housing Assistance Program.

Authority: Secs. 401 and 441, Stewart B. McKinney, Homeless Assistance Act, Pub. L. 100–77, approved July 22, 1987; secs. 481 and 485, Stewart B. McKinney Homeless Assistance Amendments Act of 1988, Pub. L. 100–628, approved November 7, 1988; sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: May 4, 1990.

C. Austin Fitts,

Assistant Secretary for Housing—Federal Housing Commissioner.

BILLING CODE 4210-27-M

ATTACHMENT 1 - Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

ATTACHMENT 2

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:
☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:
☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:
☐ a. initial filing
b. material change
For Material Change Only:
year _____ quarter ____
date of last report _____

4. Name and Address of Reporting Entity:
☐ Prime ☐ Subawardee
Tier _____, *if known:*

Congressional District, *if known*:

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

Congressional District, *if known*:

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, *if applicable*: _____

8. Federal Action Number, *if known*:

9. Award Amount, *if known*:
$

10. a. Name and Address of Lobbying Entity
(if individual, last name, first name, MI):

b. Individuals Performing Services *(including address if different from No. 10a)*
(last name, first name, MI):

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned

12. Form of Payment *(check all that apply)*:
☐ a. cash
☐ b. in-kind; specify: nature _____
value _____

13. Type of Payment *(check all that apply)*:
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ **Date:** _____

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INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

[FR Doc. 90-10936 Filed 5-9-90; 8:45 am]
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federal register

Thursday
May 10, 1990

Part III

The President

Proclamation 6131—Small Business Week, 1990

Legislative Department

Federal Register
Vol. 55, No. 91
Thursday, May 10, 1990

Presidential Documents

Title 3—

The President

Proclamation 6131 of May 8, 1990

Small Business Week, 1990

By the President of the United States of America

A Proclamation

We often think of pioneers as those hardy settlers who tamed the American frontier, or as those heroic individuals who have made extraordinary advances in scientific research and space exploration. However, small business people also stand among our Nation's greatest pioneers. They, too, are men and women of vision. They, too, have the courage to take risks and the willingness to make their ideas work. Industrious and self-reliant, small business men and women continually lead the way in the development of new technology and products and in the creation of economic opportunity for all Americans.

Indeed, small business is the lifeblood of America's free enterprise system. It is within this vital sector of our economy that most workers find their first jobs and training. Small businesses account for two out of every three new jobs created in the United States. The creative, hardworking men and women who own and operate small businesses have demonstrated clearly how private initiative and free-market principles hold the key to success for individuals and nations.

Through the work of small business people, the spirit of freedom and entrepreneurship is renewed every day of the year. Small business owners take advantage of the liberty and opportunity our Nation offers and achieve success through determined effort, self-confidence, and an abiding faith in the American dream. They show us that, while the risks and challenges faced by America's entrepreneurs are great, so are the rewards of creating jobs, meeting a payroll, and contributing to the development of one's community.

Because individual initiative and private enterprise are the foundation of our Nation's technological progress and economic prosperity, and because small business reaffirms the value of our freedom, we must be committed to maintaining an environment in which they can thrive. This means an environment that is free from excessive government regulation and taxation—one that encourages savings, investment, and innovation. As a Nation, we owe our wholehearted support to those who are helping the United States to become ever more productive and competitive in a rapidly changing world.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of May 6 through May 12, 1990, as Small Business Week. I urge all Americans to join me in saluting this special breed of pioneers, our Nation's small business men and women, by observing that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 8 day of May, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fourteenth.

George Bush

[FR Doc. 90-11146
Filed 5-9-90; 11:27 am]
Billing code 3195-01-M

Editorial note: For the President's remarks of May 8 on signing Proclamation 6131, see the *Weekly Compilation of Presidential Documents* (vol. 26, no. 19).

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Vol. 55, No. 91

Thursday, May 10, 1990

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

S.J. Res. 236/Pub. L. 101-282

Designating May 6 through May 12, 1990, as "Be Kind to Animals and National Pet Week". (May 8, 1990; 104 Stat. 167; 1 page) Price: $1.00

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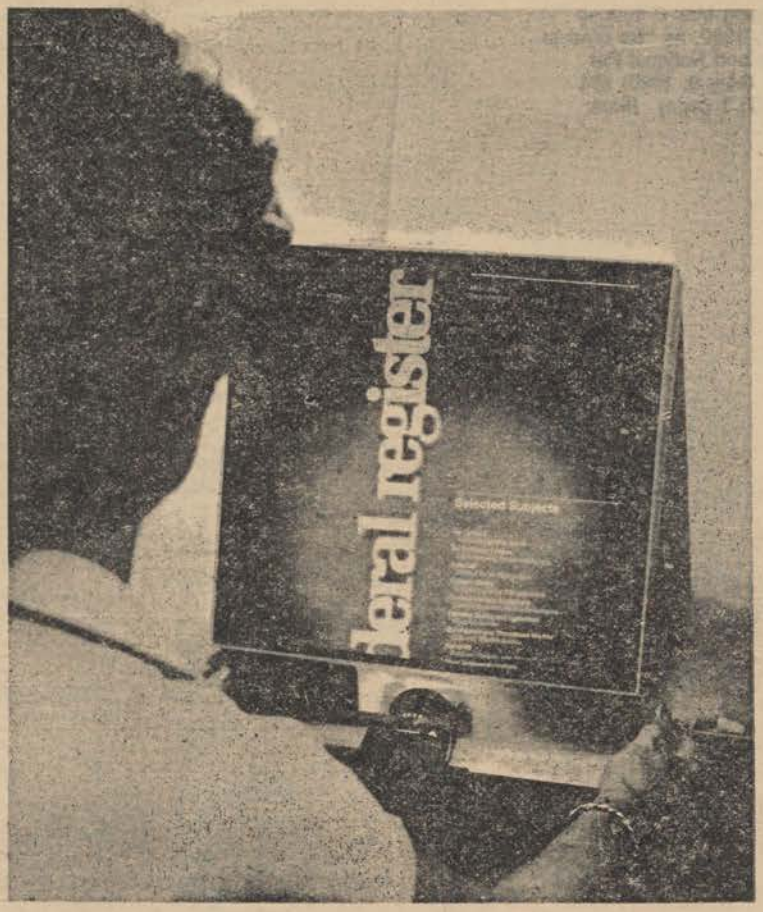

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