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WHO: The Office of the Federal Register.

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1230

[No. LS-91-001]

Pork Promotion and Research

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Pursuant to the Pork Promotion, Research, and Consumer Information Act of 1985 and the order issued thereunder, this final rule increases the amount of the assessment per pound due on imported pork and pork products to reflect an increase in the 1990 seven market average price for domestic barrows and gilts and to bring the equivalent market value of the live animals from which such imported pork and pork products were derived in line with the market values of domestic porcine animals.

EFFECTIVE DATE: July 10, 1991.

ADDRESSES: Ralph L. Tapp. Chief; Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service; USDA, room, 2624–S; P.O. Box 96456; Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch, (202) 382–1115.

SUPPLEMENTARY INFORMATION: This action was reviewed in accordance with Executive Order No. 12291 and Departmental Regulation 1512–1 and is hereby classified as a nonmajor rule because it does not meet the criteria contained therein for a major rule.

This action also was reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.). The effect of the Order upon small entities was discussed in the September 5, 1986, issue of the **Federal Register** (51 FR 31898), and it was determined that the Order would not have a significant effect upon a substantial number of small entities. Many importers may be classified as small entities. This final rule increases the amount of assessments on imported pork and pork products subject to assessment by four- to five-hundredths of a cent per pound, or as expressed in cents per kilogram, nine- to eleven-hundredths of a cent per kilogram. Adjusting the rate of assessments on imported pork and pork products will result in an estimated increase in assessments of $350,000 over a 12-month period. Accordingly, the Administrator of the Agricultural Marketing Service (AMS) has determined that this action will not have a significant economic impact on a substantial number of small entities.

The Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801–4819) approved December 23, 1985, authorized the establishment of a national pork promotion, research and consumer information program. The program is funded by an assessment rate of 0.25 percent of the market value of all porcine animals marketed in the United States and an equivalent amount of assessment on imported porcine animals, pork and pork products. The final Order establishing a pork promotion, research, and consumer information program was published in the September 5, 1986, issue of the **Federal Register** (51 FR 31898; as corrected, at 51 FR 36383 and amended at 53 FR 1909 and 53 FR 30243) and assessments began on November 1, 1986.

The Order requires importers of porcine animals to pay the U.S. Customs Service (USCS), upon importation, the assessment of 0.25 percent of the animal's declared value and importers of pork and pork products to pay to the USCS, upon importation, the assessment of 0.25 percent of the market value of the live porcine animals from which such pork and pork products were produced. This final rule increases the assessments of all of the imported pork and pork products subject to assessment that appears in 7 CFR 1230.110 (October 22, 1990; 55 FR 42554). This increase is consistent with the increase in the annual average price of domestic barrows and gilts at the seven markets for calendar year 1990 as reported by the USDA, AMS, Livestock and Grain Market News Branch (LGMN). This increase in assessments will make the equivalent market value of the live porcine animal from which the imported pork and pork products were derived reflect the recent increase in the market value of domestic porcine animals, thereby promoting comparability between importer and domestic assessments. This final rule does not change the current assessment rate of 0.25 percent of the market value.

The methodology for determining the per-pound amounts for imported pork and pork products was described in the supplementary information accompanying the Order and published in the September 5, 1986, **Federal Register** at 51 FR 31901. The weight of imported pork and pork products is converted to a carcass weight equivalent by utilizing conversion factors which are published in the USDA Statistical Bulletin No. 616 "Conversation Factors and Weights and Measures." These conversion factors take into account the removal of bone, weight lost in cooking or other processing, and the nonpork components of pork products. Secondly, the carcass weight equivalent is converted to a live animal equivalent weight by dividing the carcass weight equivalent by 70 percent, which is the average dressing percentage of porcine animals in the United States. Thirdly, the equivalent value of the live porcine animal is determined by multiplying the live animal equivalent weight by an annual average seven market price for barrows and gilts as reported by the USDA, AMS, LGMN Branch. This average price is published on a yearly basis during the month of January in the LGMN Branch's publication "Livestock, Meat, and Wool Weekly Summary and Statistics." Finally, the equivalent value is multiplied by the applicable assessment rate of 0.25 percent due on imported pork and pork products. The end result is expressed in an amount per pound for each type of pork or pork product. To determine the amount per kilogram for pork and pork products subject to assessment under the Act and Order, the cent-per-pound assessments are multiplied by a metric conversion factor 2.2046 and carried to the sixth decimal.

The formula in the preamble for the Order at 51 FR 31901 contemplated that

it would be necessary to recalculate the equivalent live animal value of imported pork and pork products to reflect changes in the annual average price of domestic barrows and gilts to maintain equity of assessments between domestic porcine animals and imported pork and pork products.

In 1990, the average annual seven market price increased to $54.55, an increase of about 23 percent of the 1989 per hundred weight price of $43.77 which results in an increase in assessment for all the Harmonized Tariff Systems (HTS) numbers listed in the table in section 1230.110 of an amount equal to four- to five-hundredths of a cent per pound, or as expressed in cents per kilogram, nine- to eleven-hundredths of a cent per kilogram. Based on Department of Commerce, Bureau of Census, data on the volume of imported pork and pork products available for the period January 1, 1990, through October 31, 1990, the increases in the assessment amounts would result in an estimated $350,000 increase in assessments over a 12-month period.

On March 19, 1991, AMS published in the **Federal Register** (56 FR 11519) a proposed rule which would increase the per pound assessment on imported pork and pork products consistent with increases in 1990 average prices of domestic barrows and gilts to provide comparability between importer and domestic assessments. The proposal was published with a request for comments by April 18, 1991. No comments were received. Accordingly, this final rule establishes the per pound and per kilogram assessments on imported pork and pork products as proposed.

List of Subjects in 7 CFR Part 1230

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreement, Meat and meat products, Pork and pork products.

For the reasons set forth in the preamble, 7 CFR part 1230 is amended as set forth below:

PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR part 1230 continues to read as follows:

Authority: 7 U.S.C. 4801–4819.

2. Amend subpart B—Rules and Regulations by revising § 1230.110 to read as follows:

§ 1230.110 Assessments on imported pork and pork products.

(a) The following HTS categories of imported live porcine animals are subject to assessment at the rate specified.

Live porcine animals	Assessment
0103.10.00004	0.25 percent Customs Entered Value
0103.91.00006	0.25 percent Customs Entered Value
0103.92.00005	0.25 percent Customs Entered Value

(b) The following HTS categories of imported pork and pork products are subject to assessment at the rates specified.

Pork and pork products	Assessment	
	cents/lb	cents/kg
0203.11.00002	.20	440920
0203.12.10107	.20	440920
0203.12.10205	.20	440920
0203.12.90100	.20	440920
0203.12.90208	.20	440920
0203.19.20108	.23	507058
0203.19.20901	.23	507058
0203.19.40104	.20	440920
0203.19.40907	.20	440920
0203.21.00000	.20	440920
0203.22.10007	.20	440920
0203.22.90000	.20	440920
0203.29.20008	.23	507058
0203.29.40004	.20	440920
0206.30.00006	.20	440920
0206.41.00003	.20	440920
0206.49.00005	.20	440920
0210.11.00101	.20	440920
0210.11.00209	.20	440920
0210.12.00208	.20	440920
0210.12.00404	.20	440920
0210.19.00103	.23	507058
0210.19.00906	.23	507058
1601.00.20105	.27	597009
1601.00.20908	.27	597009
1602.41.20203	.29	639334
1602.41.20409	.29	639334
1602.41.90002	.20	440920
1602.42.20202	.29	639334
1602.42.20408	.29	639334
1602.42.40002	.20	440920
1602.49.20009	.27	597009
1602.49.40005	.23	507058

Done at Washington, DC, on June 4, 1991.

Daniel Haley,

Administrator.

[FR Doc. 91–13703 Filed 6–7–91; 8:45 am]

BILLING CODE 3410–02–M

Rural Telephone Bank

7 CFR Part 1610

Rural Electrification Administration

7 CFR Parts 1735, 1737, 1744

RIN 0572–AA51

Rural Telephone Bank and Telephone Program Loan Policies, Procedures and Requirements

AGENCY: Rural Electrification Administration and Rural Telephone Bank, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Act of 1936 (RE Act) has been amended by the Rural Economic Development Act of 1990 (RED Act), title XXIII of the Farm Bill, Public Law 101–624. In order to make changes in the regulations of the Rural Electrification Administration (REA) and the Rural Telephone Bank (RTB) that are required as a consequence of these amendments, REA hereby amends parts 1610, 1735, 1737, and 1744 in title 7 of the Code of Federal Regulations.

In addition to the changes related to the RED Act, REA adds two additional defined terms, "access line" and "subscriber", to the definitions of parts 1735 and 1737. This action will conform REA usage of these terms to industry practice thereby simplifying reporting requirements.

All Rural Telephone Bank borrowers will be affected by the proposed amendment of part 1610 by spreading out the required purchase of class B stock.

All Telephone Program borrowers will be affected by the amendment of parts 1735, 1737, 1744 in that the obtaining of loans will be simplified.

EFFECTIVE DATE: June 10, 1991.

FOR FURTHER INFORMATION CONTACT: F. Lamont Heppe, Jr., Chief, Telephone Loans and Management Staff, Rural Electrification Administration, room 2250 South Building, U.S. Department of Agriculture, Washington, DC 20250, telephone number (202) 382–8530.

SUPPLEMENTARY INFORMATION: This final rule is issued in conformance with Executive Order 12291. This action will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic

regions; or (3) result in significant adverse effects on competition, employment, investment or productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, this rule has been determined to be "non major."

This action does not fall within the scope of the Regulatory Flexibility Act. REA has concluded that promulgation of this final rule will not represent a major Federal action significantly affecting the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq. (1976)) and therefore does not require an environmental impact statement or an environmental assessment.

This program is listed in the Catalog of Federal Domestic Assistance under no. 10.851, Rural Telephone Loans and Loan Guarantees, and 10.852, Rural Telephone Bank Loans. For the reasons set forth in the final rule (50 FR 47034), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with state and local officials.

This final rule contains no information or recordkeeping requirements which would require approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 et seq.). The existing reporting and recordkeeping requirements have been approved by the Office of Management and Budget (OMB), under control number 0572–0079.

These revisions require the redesignation of several sections and the following distribution table is included:

Old part or section	New part or section
1735.17(b)	Removed
1735.17(c)	1735.17(b)
1735.17(d)	1735.17(c)
1735.42	Removed
1737.20	Removed
1737.22(b)(5)	1737.22(b)(10)
1737.41(b)(1)	1737.41(b)(2)(i)
1737.41(b)(2)	1737.41(b)(2)(ii)
1737.41(b)(3)	1737.41(b)(2)(iii)
1737.70(d)	1737.70(g)
1737.70(e)	1737.70(h)
1737.70(f)	1737.70(i)
1737.70(g)	1737.70(j)
1737.90(a)(4)	Removed
1737.90(a)(5)	1737.90(a)(4)
1737.90(a)(6)	1737.90(a)(5)
1737.90(a)(7)	1737.90(a)(6)
1737.90(a)(8)	Removed

Background

On March 19, 1991, REA published a Proposed Rule in the **Federal Register** (56 FR 11522) to amend 7 CFR parts 1610, 1735, 1737, and 1744, chapter XVII in title 7 of the Code of Federal Regulations. Subtitle F of the Rural Economic Development Act of 1990, title XXIII of the Farm Bill, Public Law 101–624, contains a number of provisions that amend the Rural Electrification Act of 1936 and require changes in the regulations of REA and RTB. The following is a list of revisions resulting from the RED Act:

(1) Section 1610.9, Temporary Waiver of Prepayment Premium, has expired and is replaced with a new section involving the pro rata purchase of Class B stock as set forth by section 2364 of the RED Act. In addition, §§ 1610.5 and 1610.6 are revised to eliminate ambiguities and potential conflicts with § 1610.10, Determination of interest rate on Bank loans.

(2) Sections 1735.2 and 1737.2, Definitions, are revised to incorporate the expanded definition of "telephone service" set out in section 2354 of the RED Act.

(3) Section 1735.10, General, is revised to include the provisions of section 2353 of the RED Act with regards to the level of general funds of a borrower.

(4) Section 1735.17, Facilities Financed, has been changed in accordance with the facilities financed provision of section 2357 of the RED Act.

(5) Section 1735.22, Loan Security, is revised to implement the TIER provision in section 2355 and section 2361 of the RED Act. A borrower will not be required to increase its TIER as a condition for receiving a loan. For a loan made under section 305 of the RE Act, borrowers will be required to have a TIER of at least 1.0. A borrower's TIER will be calculated on an after-tax basis for obtaining a loan and for maintenance purposes.

(6) Section 1735.32, Guaranteed Loans, is revised to indicate that guarantees will only be considered when specifically requested by a borrower as provided for in section 2362 of the RED Act. In addition, language has been added to clearly indicate that borrowers may request that loans guaranteed under this section be made by the Federal Financing Bank.

(7) Section 1735.43, Payment on Loans, is revised to allow borrowers to select loan maturities up to a maximum of 35 years as provided in section 2360 of the RED Act. Under existing regulations the loan maturity period approximated the anticipated economic life of the facilities financed, as recommended in OMB Circular A–129. This provision of the RED Act creates a breach in the Government's loan security because if the loan maturity period is longer than the anticipated economic life of the facilities financed (depreciation period) and the capital recovered through depreciation is not used to replace plant, then the loan could be undercollateralized and the borrower's rate base eroded, thereby jeopardizing the borrower's ability to repay the loan. Therefore, additional provisions have been added to ensure adequate collateralization over the life of the loan and provide assurance of the borrower's ability to repay the loan.

Similar loan maturity requirements for RTB loans were provided in section 2366 of the RED Act. Because the RTB has adopted the regulations of the REA Telephone Program (see 7 CFR 1610.8), the changes made in section 1735.43 will apply to both REA and RTB loans.

(8) Section 1735.47, Rescissions of Loans, is revised to agree with the rescission of loan provisions in section 2357 of the RED Act.

(9) Section 1735.51, Required Findings, is revised to agree with the loan amortization period provisions as provided in sections 2360 and 2366 of the RED Act.

(10) Subpart C of part 1737, The Loan Application, is revised to clarify what constitutes an application package and the procedure for submitting an application.

(11) As a result of the above changes to subpart C of 1737, changes have also been made to subpart E to allow in some cases requests for interim financing without having a "completed application" on file.

(12) Section 1737.70, Description of Feasibility, is revised to agree with the provisions of sections 2355, 2357, and 2361 of the RED Act. These revisions affect the manner in which loan feasibility is determined. In particular, the RED Act requires the following considerations: (a) The use of existing or impending local service rates, (b) the interest rate charged for section 305 loans will vary from 2 to 5 percent, depending on the forecasted TIER, and (c) the use of appropriate depreciation expenses. In addition, the method in which debt service payments are calculated for feasibility purposes has been added to this section. Language was also added to this section in order to ensure REA's ability to project expenses which are representative of the normal operations of the borrower, and to inform borrowers of their options if REA determines that a loan application is not feasible.

(13) Section 1744.66, The Financial Requirement Statement, is revised to include the pro rata purchase of class B stock provision of section 2364 of the RED Act.

Section 1744.68, Order and Method of Advances of Telephone Loan Funds, is presently in agreement with the order of advance provision of section 2357 of the RED Act, consequently no changes are

required. Also, the provision of section 2356 regarding investments made by REA borrowers in rural development projects will be addressed by REA in a future regulation.

As a result of the above changes, several terms have been be added to the regulations that require definition. The term "forecast period" is added to the definition section of parts 1735 and 1737. The terms "composite economic life", "depreciation", "economic life", and "funded reserve" are added to the definition section of part 1735. Due to the expansion of feasibility discussions in part 1737 to include TIER calculations, the definition of "TIER" previously found only in § 1735.2 is added to § 1737.2. The definition of TIER has been revised in both sections to be calculated on an after-tax basis only.

In addition to the changes related to the RED Act, REA has added two additional defined terms, "access line" and "subscriber", to the definition sections of parts 1735 and 1737 for the following reasons.

Consistency and accuracy in "subscriber" data are important to REA in calculating density (as required by section 408(b)(2) of the RE Act), conducting engineering studies, determining loan feasibility and preparing statistical reports.

While REA has traditionally used the term "subscriber" in these applications, REA has never formally defined this term. In years past this was of little concern as the industry generally understood the term. As technology evolved, expanding the range of telecommunication services offered, the term "subscriber" became nebulous in meaning and the term "access line" came into general use. Today, "subscriber;; is a concept used primarily by REA. Many telephone companies maintain data only on access lines and not subscribers. This causes considerable confusion to a number of borrowers and their consulting engineers as to what to report to REA when asked for "subscriber" data.

The terms "subscriber" and "access line" are used somewhat interchangeably in the industry. "Access line" is the preferred term with "subscriber" falling into disuse because of the need to relate to the service provided. "Access line" is defined narrowly in technical terms that are understood industry wide, while "subscriber" is not.

We therefore have added definitions for the terms "subscriber" and "access line" to § 1735.2, Definitions. "Subscriber" for REA purposes will mean the same as access line. "Access line" will mean "a transmission path between user terminal equipment and a switching center that is used for local exchange service." For multiparty service, the number of access lines equals the number of lines/paths terminating on the mainframe of the switching center. This definition is based on the definition used by the National Exchange Carriers Association and the definition proposed by the National Telecommunications and Information Administration.

Density in terms of "subscribes" per mile as used in the RE Act is intended to be a relative measure of the cost of building a telephone system, i.e. a system with one subscriber per mile costs more to construct per "subscriber" than a system having four subscribers per mile. Defining "subscriber" as equal to an "access line" does not change the relativity of this measure. An analysis of the data reported to us by borrowers in 1988 indicates that a number of borrowers are already reporting "access lines" for "subscribers". Since "subscriber" is presently undefined, there is uncertainty as to what the remaining borrowers are reporting as "subscribers". The definition would eliminate this ambiguity and lend accuracy and consistency to the reported figures.

From both the engineering and financial forecasting viewpoints, "access line" is the preferred measure since it is the unit that determines plant capacities and requirements and the unit used for pricing services.

The incorporation of the definition of "access line" into REA regulations will (1) ease borrower reporting requirements by clearly defining a required data element in terms of an accepted industry standard; (2) improve the accuracy and consistency of data reported to REA; and (3) improve the accuracy of studies and statistics derived from the reported data.

Also, part 1737 is further amended as follows: Pursuant to OMB Circular A–129, REA will require borrowers to report any Federal debt delinquency and the reason for the delinquency prior to the approval of an REA loan, see §§ 1737.22(b)(9) and 1737.41(b)(2)(iv). Borrowers must also certify that they have been informed of the collection options the Federal government may use to collect delinquent debt, see § 1737.22(a)(19). Notification shall also be given that REA may obtain commercially available credit reports on borrowers, see § 1737.70(k).

Comments

In the Proposed Rule published in the **Federal Register** on March 19, 1991 (56 FR 11522), the Rural Electrification Administration invited interested parties to file comments on or before April 18, 1991. Comments were received from four trade associations, four borrower associations, two members of Congress, and forty-two individual borrowers. In addition, four other interested parties filed comments past the deadline. However, their concerns have been addressed since the issues raised were similar to those received prior to the deadline. The comments and recommendations are summarized as follows:

Section 1610 RTB Loan Policies

Comment summary. Respondents stated that REA failed to address the issue of "penalty-free prepayment" of RTB loans. It was requested that REA include language in its regulations to make it clear that REA will not require a prepayment premium from RTB borrowers retiring debt prior to maturity. It was also noted that REA was relying on its "Note" which provides for the prepayment premium.

Response. The RTB prepayment premium was not addressed in changes required by the RED Act. In general, RTB's prepayment premium policy has been determined by the RTB Board of Directors. In fact, the original prepayment policy was established by the RTB Board of Directors on February 10, 1972, and later revised on May 3, 1984. The Omnibus Budget Reconciliation Act of 1987 did permit temporary waivers of RTB prepayment premiums from December 22, 1987, through September 30, 1988. Information regarding temporary waivers of prepayment premiums was addressed in § 1610.9; however, since the time period has expired, this language has been removed.

Section 1610.5 Concurrent REA and Bank loans

Section 1610.6 Exclusive Bank financing for current loan needs

Comment summary. Respondents objected to the language "and with prudent operations," stating that there is no definition or standard in the proposed rule establishing "prudent operation." It was requested that this language be deleted from the final rule.

Response. REA has deleted language in this final rule referencing "prudent operations."

Sections 1735.2 and 1737.2 Definitions

Comment summary. One respondent indicated that REA should not revise the definition of subscriber.

Response. REA defined subscriber as an access line because of the numerous

requests by borrowers who are having difficulty maintaining data on subscribers for REA while all other industry organizations are requiring data in the form of access lines. A review of REA borrowers has indicated that equating subscribers to access lines would impact only a small number of the almost 1000 REA borrowers.

Comment summary. Due to wide use of the term "depreciation," it was requested that REA include this term in the definition section of the rule (for the public's benefit).

Response. Although this term is widely used in the telephone industry and REA believes that all parties concerned are already familiar with the definition, REA has complied with this request and defined the term "depreciation" in § 1735.2. This definition is based upon the definition provided in the Federal Communications Commission's (FCC's) Uniform System of Accounts. In addition, REA has replaced the term "useful life" with the term "economic life" to eliminate any confusion when using these terms.

Comment summary. Respondents stated that there was no basis for the use of a "before-tax" TIER. TIER should be calculated only on an "after-tax" basis. All other references to "before-tax" TIER should be eliminated from the final rule.

Response. REA has eliminated any references to "before-tax" TIER will be calculated on an "after-tax" basis.

Section 1735.17(b)(4) Facilities financed

Comment summary. Respondents stated that REA must loan for all RE Act purposes. Objections were made to excluding from financing those facilities that would be fully depreciated within the Forecast period (usually 5 years); and that REA has no authority to exclude such facilities.

Response. § 1735.17(b)(4) regarding facilities which are fully depreciated within the Forecast period has been deleted from the final rule.

Section 1735.22(f) Loan Security.

Comment summary. Respondents requested that the TIER maintenance provisions be removed from the final rule, stating that they place an undue burden on the borrower because there are a number of factors that could cause the borrower's TIER to fall below the maintenance level stated in the borrower's mortgage. Several respondents stated that imposing a TIER maintenance provision could require a borrower to increase its ratio of net income or margins (i.e., through local service revenues), which is contrary to the RED Act. Further, the respondents stated that setting a TIER maintenance level at the projected feasibility TIER (but greater than 1.5) would be unreasonable because of the factors affecting the borrower during the Forecast period in which the system is being constructed and because projected revenues from new subscribers have not yet been achieved. (Other arguments included the possible overestimating of revenues and underestimating of expenses which would give a distorted high TIER.) Objections were also made to the 1.5 TIER requirement on guaranteed loans.

Response. This requirement does not impose a need for the borrower to raise local service rates or to increase TIER. It merely requires the borrowers to maintain the TIER predicted by the projections given to REA by the borrower and on which REA relied on making the loan. The minimum TIER requirement provides some assurance of adequate loan security without placing an additional burden on the borrower. In 1989, ninety-five percent of REA's reporting borrowers has a TIER greater than 1.5. In general, borrowers with a TIER of less than 1.5 have similar financial characteristics to those borrowers with TIERs greater than 1.5 (such as profit or expenses per subscriber and density). These borrowers should not experience any significant difficulty in meeting the minimum TIER requirements. In addition, a minimum TIER of 1.5 is typically required by other lenders that loan to REA borrowers, such as the Rural Telephone Finance Cooperative.

The language has been revised to clearly indicate the borrower's responsibilities and to give assurance that borrowers will not be subject to extraneous requirements. In particular, § 1735.22(f)(1) now contains language indicating that any borrower eligible for an REA loan will be required to maintain a TIER of at least 1.0 during the Forecast period. After the Forecast period, borrowers will be required to maintain a TIER at least equal to the forecasted TIER. This includes existing RTB borrowers (that were previously required to maintain a TIER of 1.5) that are eligible for and receive an REA loan.

In general, TIER calculated on an after-tax basis is more difficult to achieve than TIER calculated on a before-tax basis. Because of the easing of TIER restrictions during the Forecast period for all borrowers and because RTB borrowers receiving an REA loan will not be required to maintain a TIER of 1.5 (if previously required), these amendments reduce the TIER maintenance requirements imposed on borrowers by existing regulations.

Section 1735.22(g) Loan Security.

Comment summary. It was requested that this section be more clearly written to clarify that REA will not require borrowers to increase TIER as a requirement for receiving a loan (using language from the RE Act was suggested). It was further requested that the second sentence in this section which reads "Additional financial, investment, and managerial controls appear in the loan contract and mortgage required by REA" be deleted, stating that REA cannot deny a loan, advance, etc., based on policy that has not been published in the **Federal Register.**

Response. Since TIER is defined in the beginning of part 1735 and the first sentence clearly states that the borrower is not required to raise TIER as a condition to receiving a loan, no further elaboration is deemed necessary. The second sentence in this section was not affected by changes required by the RED Act. The generic loan documents will be published in the near future.

Section 1735.30(b) Insured loans.

Comment summary. Some respondents were concerned that REA had eliminated "hardship" loans established under section 305(b) of the RE Act.

Response. Proposed language was deleted from this section (as well as in § 1737.70(d)) to clearly differentiate between "hardship" loans made under section 305(b) of the RE Act and "variable interest rate" loans made under section 305(d) of the RE Act, as amended by the RED Act.

Section 1735.32(a) Guaranteed loans.

Comment summary. Respondents stated that there is no provision in the RE Act or regulations that provide for making concurrent RTB-guaranteed loans. The respondents requested that if REA allows for such loans, it should be only at the request of the borrower. Objections were also made to language limiting loan guarantees to what REA considers "major" telephone loans and setting a minimum loan amount of $7 million.

Response. Section 306 of the RE Act does not preclude the Administrator from approving concurrent RTB-guaranteed loans. In the last sentence of § 1735.32(a), REA did not intend to delineate between major and minor telephone loans. Reference to loan amounts of $7 million has been eliminated. Also, § 1735.32(a) clearly

states that loan guarantees made under this section will be considered for only those borrowers specifically requesting a guarantee.

Section 1735.42 Extension of advances.

Comment summary. Respondents requested further explanation of why this section was deleted, stating that it was done so without explanation.

Response. This section was replaced by § 1735.43(b). As a result of this revision, borrowers are now permitted to draw down loan funds over the life of the loan and without the need to execute new loan documents. The provision regarding the limitation of two advances per year (after 5 years from the date of the note) has been removed.

Section 1735.43 Payments on loans.

Comment summary. Respondents objected to the options provided by REA in order to allow for loan maturity periods of up to 35 years. General objections include:

(1) REA has adequate security instruments in place and does not need further loan security measures imposed by the funded reserve option or the net plant to long-term debt ratio option (historical "no default" argument noted). It was also noted that these options would be burdensome to the borrower, force them to choose shorter amortization periods, and divert the borrowers use of general funds.

(2) Long-term financing is necessary and commonplace in the telecommunications industry. The respondents requested that REA allow borrowers to elect a loan maturity period of up to 35 years without further burden or conditions.

Response. If the loan maturity exceeds the composite economic life of the facilities to be financed, and REA-financed plant is retired and replaced by new plant before the REA loan is repaid, earnings from this new plant will be channelled back to repay the debt on the retired plant plus repay any new debt incurred for the replacement facilities. REA not only relies on the value of the facilities financed for collateral but also depends on the revenues produced by these facilities to repay its loans. When the loan period is longer than the depreciation period, and the capital recovered through depreciation is not used to replace plant, serious problems could result such as undercollateralization and rate base erosion.

Section 201 of the RE Act states that loans "shall not be made unless the Administrator finds and certifies that in his judgement the security therefor is reasonably adequate and such loan will be repaid within the time agreed * * *" (similar language is also contained in section 408 of the RE Act). The RED Act permits borrowers to select a loan amortization period up to a maximum of 35 years. REA has clearly stated that borrowers shall, at the time the loan application is submitted, select a loan maturity up to a maximum of thirty-five years. In order to comply with sections 201 and 408 of the RE Act, REA has provided two options for the borrower to choose if the loan maturity is extended past the composite economic life of the facilities financed by the loan (see § 1735.43(a)(1) and § 1735.43(a)(2)). These options are intended to allow the borrower the flexibility of extending loan maturity while allowing the government to maintain adequate security for its loans.

Respondents also stated that borrowers who were not able to maintain a net plant to secured-debt ratio of 1.2 would be excluded from receiving long-term financing, noting that forty-four percent of the borrowers reporting in 1989 had a net plant to long-term debt ratio of less than 1.2. In fact, further analysis by REA shows that twenty-three percent of REA's borrowers had a net plant to long-term debt ratio of less than 1.0 for the same period. REA believes that this situation could signify potential loan security problems and indicates a possible undercollateralization problem. However, these borrowers would not be excluded from long-term financing. Borrowers in this category could elect the funded reserve option provided by REA if they wish to extend loan maturity past the composite economic life of the facilities financed, plus 3 years.

Respondents were also concerned about actions taken by REA if a borrower, under the ratio option, has a net plant to secured debt ratio that falls below 1.2. Where possible, REA will assist the borrower in correcting this situation. (This issue will be addressed in more detail in the proposed revision to 7 CFR part 1744, to be published for public comment in the near future.) Further, language has been added to this section to state that borrowers choosing the ratio option must achieve this ratio beginning 1 year after the date of the first advance of loan funds.

It is common practice for lenders to set the amortization period of loans for capital assets equal to the expected economic life of the facilities financed. REA is establishing neither a unique or burdensome requirement. Moreover, when the term for REA loans was originally established at 35 years, the expected economic life of typical telephone facilities closely approximated this period. Revising this section simply acknowledges the technological changes in the telephone industry that have resulted in shorter economic lives for many types of equipment.

Comment summary. One respondent stated that the definition of "funded reserve" is deficient because it does not include cash.

Response. In an effort to clarify the meaning of "funded reserve," REA has elaborated on the definition to include cash and other securities as approved by REA. REA's primary concern was that the funded reserve should consist of marketable securities that are liquid and earn interest.

Section 1735.47 Rescissions of loans.

Comment summary. Respondents requested that the provisions listed in this section which condition a borrower's voluntary rescission of loan funds be removed. Other respondents requested that language be added to state that "REA may only initiate a rescission * * *".

Response. This section establishes the specific conditions under which borrowers can request a rescission of loan funds (§ 1735.47 (a) and (b)). These conditions have not been changed from existing regulations. These conditions were established to insure that the main objectives of the RE Act (i.e., provide service to the widest practical number of rural subscribers) will be carried out by the recipients of REA telephone loans. As for REA's ability to rescind loan funds, the language used in § 1735.47(b) has been restated to more concisely reflect the requirements provided for in the RED Act.

Section 1735.51 Required findings.

Comment summary. One respondent requested the language "in excess of operating expenditures (including maintenance and replacement)" be removed because the TIER calculation assures that there will be adequate revenues to repay the loan.

Response. The TIER calculation will only measure the borrower's ability to meet normal operating and interest expenses. This calculation does not consider plant replacement or extraordinary occurrences.

Section 1737.21 The completed loan application.

Comment summary. In reference to returning an incomplete application to a borrower after 90 working days, it was requested that REA include language in this section to make it clear that the

application is being returned without prejudice and that the borrower may resubmit the completed application.

Response. REA has added language to indicate that any application returned is done so without prejudice and that the borrower may resubmit the completed application.

Section 1737.22 Supplementary information.

Comment summary. With regards to what actions the government is authorized to take if a borrower becomes delinquent, respondents requested a further explanation of what constitutes a "delinquent debt or account," stating that such an explanation should be included in the definition section.

Response. This section has been revised to clarify the meaning of "delinquency" according to OMB Circular A–129. Information concerning delinquent debt or accounts and other pertinent financial details is contained in the borrower's mortgage and loan contract, and will be addressed in more detail in the proposed revision to 7 CFR part 1744 (to be published for comment in the near future).

Comment summary. One respondent wanted to limit the concept of approved depreciation rates to those of state regulatory bodies.

Response. It is possible that other regulatory bodies, such as the FCC, could in some instances have authority in approving depreciation rates. Consequently, the language regarding the approval of depreciation rates has remained unchanged.

Section 1737.70(d) Description of feasibility.

Comment summary. Respondents objected to the "one-way variable" interest rate provision and stated that there was no provision allowing for a downward adjustment in the interest rate if the borrower's financial condition further deteriorates. Several respondents commented that a "variable" interest rate could make long-term financial planning difficult as well as complicate regulatory matters. It was also stated that REA was placing an undue burden on its own staff and its borrowers with regards to the annual studies used to monitor the borrower's financial condition and make adjustments in the interest rate if necessary. The respondents requested the deletion of this provision.

Response. Through the provisions of section 305(d) of the RE Act, as amended, REA is making available loans bearing interest at less than 5 percent, but not less than 2 percent, to borrowers who are unable to qualify for financing from REA under the requirements of § 1735.22(f) at the standard loan interest rate of 5 percent. REA's intent is to provide borrowers with the financing necessary to provide modern telephone service to the widest practical number of rural subscribers. REA does not believe that the "variable" interest rate will impose any significant financial planning problems for borrowers. The maximum interest rate that a loan could be adjusted to is 5 percent; and the borrower is made aware of this before any loan funds have been advanced (i.e. through this regulation and the loan documents). Interest rate adjustments will only be made if it is determined by the Administrator that the borrower has the ability to meet its debt service obligations. In addition, variable interest rates are not uncommon to the REA lending programs. Since 1988, REA has been processing adjustable interest rate RTB loans with no adverse impact on RTB borrowers (FFB loans may also have variable interest rates).

REA believes that the additional time involved in the financial analysis of these borrowers is necessary in order to provide assistance to the borrower for establishing a sound financial position. Language has been added to this section to allow downward adjustments in the interest rate to a minimum equal to the borrower's original feasibility interest rate. Downward and upward adjustments in the interest rate will be rounded down to the nearest one-half or whole percent. Language has also been added to this section to clearly indicate that the variable interest rate provisions apply to only those loans made under this section at an interest rate of less than 5 percent.

Proposed language was also deleted from this section to clearly differentiate between "hardship" loans made under section 305(b) of the RE Act and "variable interest rate" loans made under section 305(d) of the RE Act, as amended by the RED Act.

Section 1737.70(e) Description of feasibility.

Comment summary. Respondents requested the use of the word "or" instead of "and" when applying depreciation rates to be used in determining feasibility.

Response. The choice of the word "and" is technically correct and is used in the same context in the RED Act (that is, in instances where some of the items to be financed have commission-approved depreciation rates and some do not, a combination of commission-approved and REA-median rates will be used).

Section 1737.70(h) Description of feasibility.

Comment summary. One respondent stated that the language in this section (which states—if operating experience is not adequate, etc., REA will base estimates on state and regional standards) should be removed, stating that it "seeks to confer agency discretion."

Response. These types of estimates are necessary for REA to use, particularly if the loan applicant is a newly created organization with no previous operating history, has never received an REA loan, or is replacing older telecommunications equipment with state-of-the-art facilities. These estimates are critical because the borrowers may have limited or no operating experience, or are replacing current facilities new to the borrower's system. For example, a borrower's maintenance expense could be inaccurate if a borrower is replacing aerial copper with buried facilities or is replacing analog switching with digital.

Section 1737.70(l) Description of feasibility.

Comment summary. With regards to returning an application to a borrower if it is determined that the loan is not feasible, the respondents stated that there was no justification for REA imposing a 90 working day deadline for the borrower to make adjustments, etc., and return the application to REA before it is canceled.

Response. This deadline is not onerous and is necessary to ensure efficient management of REA's manpower resources while maintaining timely review and approval of REA's loan applications. The 90-day time period should be more than ample.

Section 1737.80(a) Description of characteristics letter.

Comment summary: Objections were made with regards to REA requiring concurrence from the borrower to the terms stated in the letter when REA is not committed to approve the loan. It was suggested that the borrower's response to the letter should state that it has noted the terms and will seek to complete the agreement with REA. It was also suggested that a "borrower should be able to provide additional data to REA before signing the loan documents and perhaps gain better terms." One respondent proposed replacing the characteristics letter with a loan commitment letter that is binding

by the REA if accepted by the borrower. It was further requested that the term "other prerequisites" be defined.

Response: The language in § 1737.80(a) is structured to provide flexibility to the borrower regarding modifications to and/or agreement with any aspect of the characteristics letter. Borrowers have the opportunity to change the loan amortization period and to suggest other changes to any of the conditions or terms proposed by REA. Since REA believes the language as stated is appropriate, it will remain unchanged.

Section 1744.66 The financial requirement statement (FRS).

Although no comments were received concerning the need for borrowers to report any Federal debt delinquency prior to the approval of an advance of loan funds, REA has determined that this requirement in unnecessary and has deleted this language from the final rule.

Effective Date

Pursuant to U.S.C. 553, it is found and determined that good cause exists for not postponing the effective date of this final rule for 30 days after publication in the **Federal Register**, and for making the revision effective upon publication in the **Federal Register**. The amendments to the RE Act made by the Farm Bill gave REA until May 27, 1991 (180 days from November 28, 1990) to promulgate these regulations. REA has put forth every effort to publish, as soon as possible, regulations encompassing the complicated issues raised by these amendments.

REA has been unable to continue its telephone loan program pending the implementation of these regulations. Unless this final rule is made effective immediately, REA may be unable to process and approve loan applications in sufficient numbers and amounts to meet loan levels mandated by Congress for the REA telephone loan program in fiscal year 1991. These circumstances would prevent REA from meeting Congressional goals. An additional delay of 30 days would cause great difficulty to many REA borrowers that might not receive loans this year. Funding delays would also result in delays in service and higher construction costs. Delaying the implementation of this final rule would create uncertainty about the requirements borrowers must satisfy to obtain REA financing and further inhibit REA's ability to assist borrowers seeking REA loans.

Although the revision takes effect upon publication, REA will review and consider all comments received by July 10, 1991.

List of Subjects

7 CFR Part 1610

Loan programs—communications, Rural areas, Telephone.

7 CFR Parts 1735 and 1737

Reporting and recordkeeping requirements, Rural areas, Loan programs—communications, Telephone.

7CFR Part 1744

Accounting, Loan programs—communications, Reporting and recordkeeping requirements, Rural areas, Telephone. Therefore, REA amends 7 CFR chapters XVI and XVII as follows:

Chapter XVI—[Amended]

PART 1610—[AMENDED]

1. The authority citation for 7 CFR part 1610 is revised to read as follows:

Authority: 7 U.S.C. 941 et seq.

2. Section 1610.5 is revised to read as follows:

§ 1610.5 Concurrent REA and Bank loans.

The Bank will consider making a loan concurrently with REA when REA has requested the applicant, pursuant to section 307 of the Act, to obtain a loan for part of its credit needs from a credit source other than REA, and the Governor finds that the applicant could, consistent with achieving the objectives of the Act, produce a TIER of 1.5, as determined by the feasibility study prepared in connection with these loans, on all its outstanding and proposed loans, including a loan from REA at its standard interest rate of 5 percent for enough of its current loan needs to qualify the applicant for a loan from the Bank in accordance with § 1610.11 for the balance of such current loan needs, as determined by the Governor. The interest rate on the Bank loan shall be determined as provided in § 1610.10.

3. Section 1610.6 is revised to read as follows:

§ 1610.6 Exclusive Bank financing for current loan needs.

The Bank will consider making a loan for the applicant's total current needs as determined by the Governor when the Governor finds that the applicant could, consistent with achieving the objectives of the Act, produce a TIER of 1.5, as determined by the feasibility study prepared in connection with this loan, on all its outstanding and proposed loans, including an annual interest rate on the loan for the current needs as provided for in § 1610.11. The actual interest rate on the loan shall be determined as provided in § 1610.10.

4. Section 1610.9 is revised to read as follows:

§ 1610.9 Class B stock.

Borrowers receiving loans from the Bank shall be required to invest in class B stock at 5 percent of the total amount of loan funds advanced. Borrowers may purchase class B stock by:

(1) Paying an amount (using their own general funds) equal to 5 percent of the amount, exclusive of the amount for class B stock, of each loan advance, at the time of such advance; or

(2) Requesting that funds for the purchase of class B stock be included in the loan. If funds for class B stock are included in a loan, the funds for class B stock shall be advanced in an amount equal to 5 percent of the amount, exclusive of the amount for class B stock, of each loan fund advance, at the time of such advance.

Chapter XVII—[Amended]

PART 1735—[AMENDED]

5. The authority citation for part 1735 continues to read as follows:

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

6. In subpart A, § 1735.2, the paragraph designations at the beginning of the definitions are removed, the definitions for "Times Interest Earned Ratio" and "Telephone Service" are revised; and the remaining following definitions are added alphabetically to read as follows:

§ 1735.2 Definitions.

* * * * *

Access line means a transmission path between user terminal equipment and a switching center that is used for local exchange service. For multiparty service, the number of access lines equals the number of lines/paths terminating on the mainframe of the switching center.

* * * * *

Composite economic life as applied to facilities financed by loan funds means the weighted (by dollar amount of each class of facility in the loan) average economic life of all classes of facilities in the loan.

* * * * *

Depreciation means the loss not restored by current maintenance, incurred in connection with the consumption or prospective retirement of telecommunications plant in the course of service from causes which are

known to be in current operation, against which the company is not protected by insurance, and the effect of which can be forecast to a reasonable approach to accuracy.

Economic life as applied to facilities financed by loan funds, means the number of years resulting from dividing 100 percent by the depreciation rate (expressed as a percent) approved by the regulatory body with jurisdiction over the telephone service provided by the borrower for the class of facility involved or, if no approved rate exists, by the median depreciation rate expressed as a percent as published by REA in its Statistical Report, Rural Telephone Borrowers for all REA and RTB borrowers for that class of facility.

* * * * *

Forecast period means the time period beginning on the date (base date) of the borrower's balance sheet used in preparing the feasibility study and ending on a date equal to the base date plus the number of years estimated in the feasibility study for completion of the project. Feasibility projections are usually for 5 years, see § 1737.70(a) of this chapter. For example, the forecast period for a loan based on a December 31, 1990 balance sheet and having a 5-year estimated project completion time is the period from December 31, 1990 to December 31, 1995.

Funded reserve means a separate asset account, approved by REA, consisting of any or all of the following:

(1) Federal government securities purchased in the name of the borrower;

(2) Other securities issued by an institution whose senior unsecured debt obligations are rated in any of the top three categories by a nationally recognized rating organization; or

(3) Cash.

* * * * *

Subscriber means the same as access line.

* * * * *

Telephone service means any communication service for the transmission or reception of voice, data, sounds, signals, pictures, writing, or signs of all kinds by wire, fiber, radio, light, or other visual or electromagnetic means and includes all telephone lines, facilities and systems to render such service. It does not mean:

(1) Message telegram service;

(2) Community antenna television system services or facilities other than those intended exclusively for educational purposes; or

(3) Radio broadcasting services or facilities within the meaning of section 3(o) of the Communications Act of 1934, as amended.

Times Interest Earned Ratio (TIER) means the ratio of a borrower's net income (after taxes) plus interest expense, all divided by interest expense. For the purpose of this calculation, all amounts will be annual figures and interest expense will include only interest on debt with a maturity greater than one year.

7–8. In subpart B, § 1735.10 is amended by revising the first two sentences and adding a new sentence after the second sentence to read as follows:

§ 1735.10 General.

The Rural Electrification Administration (REA) makes loans for the purpose of financing the improvement, expansion, construction, acquisition, and operation of telephone lines, facilities, or systems to furnish and improve telephone service in rural areas. Loans made or guaranteed by the Administrator of REA will be made in conformance with the Rural Electrification Act of 1936 (RE Act), as amended (7 U.S.C. 901 et seq.), and 7 CFR chapter XVII. REA will not deny or reduce a loan or an advance of loan funds based on a borrower's level of general funds. * * *

9. In § 1735.17, paragraph (b) is removed and paragraphs (c) and (d) are redesignated as paragraphs (b) and (c) respectively; in addition, newly designated paragraph (b)(1) is revised to read as follows:

§ 1735.17 Facilities financed.

* * * * *

(b) * * *

(1) Station apparatus, except for that owned by the borrower, and any associated inside wiring.

* * * * *

10. In § 1735.22, paragraphs (f) and (g) are revised to read as follows:

§ 1735.22 Loan security.

* * * * *

(f) To obtain a loan after November 29, 1990, a borrower shall meet the following Times Interest Earned Ratio (TIER) requirements.

(1) For a 100 percent insured loan, that is, a loan made solely under section 305 of the RE Act, a borrower must have a TIER of at least 1.0 on all of its outstanding and proposed loans from REA and all other lenders as determined by the feasibility study prepared in connection with the loan. The mortgage will contain a provision requiring the borrower to maintain a TIER of at least 1.0 during the Forecast period. At the end of the Forecast period, the borrower will be required to maintain at a minimum a TIER at least equal to the projected TIER determined by the feasibility study prepared in connection with the loan, but not greater than 1.5.

(2) For a loan guaranteed by REA or made concurrently by REA and the Rural Telephone Bank (RTB) (and for a 100 percent RTB loan), a borrower must have a TIER of at least 1.5 on all of its outstanding and proposed loans from REA and all other lenders as determined by the feasibility study prepared in connection with the loan. The mortgage will contain a provision requiring the borrower to maintain at a minimum a TIER equal to the borrowers prior loan TIER maintenance level, if any, stated in its mortgage but not less than 1.0. At the end of the Forecast period, the borrower will be required to maintain at a minimum a TIER of 1.5.

(g) A borrower will not be required to raise its TIER as a condition for receiving a loan. Additional financial, investment, and managerial controls appear in the loan contract and mortgage required by REA.

11. In § 1735.30, paragraph (a)(2) is revised to read as follows:

§ 1735.30 Insured loans.

(a) * * *

(2) Cannot, in accordance with generally accepted management and accounting principals and without increasing rates to its subscribers, provide service consistent with objectives of the RE Act.

* * * * *

12. In § 1735.32, paragraph (a) and the first sentence of paragraph (d) are revised to read as follows:

§ 1735.32 Guaranteed loans.

(a) *General.* Loan guarantees under this section will be considered for only those borrowers specifically requesting a guarantee. Borrowers may also specify that the loan to be guaranteed shall be made by the Federal Financing Bank (FFB). REA provides loan guarantees pursuant to section 306 of the RE Act to enable borrowers to secure telephone loans from non-REA sources. Guaranteed loans may be made concurrently with insured loans or RTB loans. REA will consider guaranteeing a loan if the borrower meets all requirements set forth in regulations applicable to a loan made by REA. No fees or charges are assessed for any guarantee of a loan provided by REA. In view of the Government's guarantee, REA generally obtains a first lien on all assets of the borrower; see 7 CFR 1735.46.

* * * * *

(d) *Rederal Register notice.* After REA has reviewed an application and

determined that it shall consider guaranteeing a loan for the proposed project and if the borrower has not specified that the loan be made from the FFB, REA shall publish a notice in the Federal Register.* * *

* * * * *

§ 1735.42 [Reserved]

13. Section 1735.42 is removed and reserved.

14. Section 1735.43 is revised to read as follows:

§ 1735.43 Payments on loans.

(a) Borrowers shall, at the time a loan application is submitted, select a loan maturity up to a maximum of 35 years. If the maturity selected exceeds the composite economic life of the facilities to be financed by the loan by a period of more than three years, release of funds included in the loan shall be conditioned upon the borrower electing to either:

(1) Establish and maintain, pursuant to a plan approved by REA, a funded reserve in such an amount that the balance of the reserve plus the value of the facilities less depreciation shall at all times be at least equal to the remaining principal payments on the loan; or

(2) Maintain a net plant to secured debt ratio of at least 1.2. Secured debt shall mean the total of long term debt and current maturities of long term debt (whether owed to REA, RTB, or some other creditor) and capital leases.

The loan documents prepared by REA for the loan will contain the appropriate condition as selected by the borrower. If the funded reserve option is selected, funding of the reserve must begin within one year of approval of release of funds and must continue regularly over the composite economic life of the facilities financed. If net plant to secured debt ratio option is selected, this ratio must be achieved one year following the first advance of loan funds and must be shown in REA's analysis of the borrower's operating report.

(b) Principal and interest will be repaid in accordance with the terms of the notes. Generally, interest is payable each month as it accrues. Principal payments on each note generally are scheduled to begin 2 years after the date of the note. After this deferral period, interest and principal payments on all funds advanced during this 2-year period are scheduled in equal monthly installments. Principal payments on funds advanced 2 years or more after the date of the note will begin with the first billing after the advance. The interest and principal payments on each of these advances will be scheduled in equal monthly installments. This CFR part supersedes those portions of REA Bulletin 320-12, "Loan Payments and Statements" with which it is in conflict.

15. Section 1735.47 is revised to read as follows:

§ 1735.47 Rescissions of loans.

(a) Rescission of a loan may be requested by a borrower at any time. To rescind a loan, the borrower must demonstrate to REA that:

(1) The purposes of the loan being rescinded have been completed;

(2) Sufficient funds are available from sources other than REA, RTB or FFB to complete the purposes of the loan being rescinded; or

(3) The purposes of the loan are no longer required to extend or improve telephone service in rural areas.

(b) Borrowers submitting loan applications containing purposes previously covered by a loan that has been rescinded shall include in the application an explanation, satisfactory to REA, of the change of conditions since the rescission that re-establishes the need for those purposes.

(c) REA shall not initiate the rescission of a loan unless all of the purposes for which telephone loans have been made to the borrower under the Act have been accomplished with funds provided under the Act.

16. In § 1735.51, paragraph (a)(1) is revised to read as follows:

§ 1735.51 Required findings.

(a) * * *

(1) Self-liquidation of the loan within the loan amortization period; this requires that there be sufficient revenues from the borrower's system, in excess of operating expenditures (including maintenance and replacement), to repay the loan with interest.

* * * * *

PART 1737—[AMENDED]

17. The authority citation for part 1737 continues to read as follows:

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

18. In subpart A, § 1737.2 the paragraph designations are removed; the definition "Telephone Service" is revised; and the following remaining definitions are added alphabetically to read as follows:

§ 1737.2 Definitions.

* * * * *

Access line means a transmission path between user terminal equipment and a switching center that is used for local exchange service. For multiparty service, the number of access lines equals the number of lines/paths terminating on the mainframe of the switching center.

* * * * *

Forecast period means the time period beginning on the date (base date) of the borrower's balance sheet used in preparing the feasibility study and ending on a date equal to the base date plus the number of years estimated in the feasibility study for the completion of the project. Feasibility projections are usually for 5 years, see § 1737.70(a). For example, the forecast period for a loan based on a December 31, 1990 balance sheet and having a 5-year estimated project completion time is the period from December 31, 1990 to December 31, 1995.

* * * * *

Subscriber means the same as access line.

* * * * *

Telephone service means any communication service for the transmission or reception of voice, data, sounds, signals, pictures, writing, or signs of all kinds by wire, fiber, radio, light, or other visual or electromagnetic means and includes all telephone lines, facilities and systems to render such service. It does not mean:

(1) Message telegram service;

(2) Community antenna television system services or facilities other than those intended exclusively for educational purposes; or

(3) Radio broadcasting services or facilities within the meaning of section 3(o) of the Communications Act of 1934, as amended.

Times Interest Earned Ratio (TIER) means the ratio of a borrower's net income (after taxes) plus interest expense, all divided by interest expense. For the purpose of this calculation, all amounts will be annual figures and interest expense will include only interest on debt with a maturity greater than one year.

§ 1737.20 [Reserved]

19-20. Section 1737.20 is removed and reserved.

21. In § 1737.21, a sentence is added at the end of paragraph (b), and paragraph (c) is added to read as follows:

§ 1737.21 The completed loan application.

* * * * *

(b) * * * Borrowers are to submit all information in paragraph (a) of this section to their REA field representatives, who will review and then forward the packages to REA headquarters.

(c) REA will make a determination of completeness of the application package and will notify the borrower of this determination within 10 working days of receipt of the information at REA headquarters. If the application package is not complete, REA will notify the borrower of what information is needed in order to complete the application package. If the information required to complete the application package is not received by REA within 90 working days from the date the borrower was notified of the information needed, REA may return the application package to the borrower. Returned applications are without prejudice and borrowers may resubmit the completed application.

* * * * *

22. In § 1737.22, the introductory text is revised, new paragraphs (a)(17), (a)(18), and (a)(19) are added, paragraph (b)(5) is redesignated as paragraph (b)(10), and new paragraphs (b)(5) through (b)(9) are added to read as follows:

§ 1737.22 Supplementary information.

REA requires additional information in support of the loan application form. The information listed in paragraphs (a), (b), and (c) of this section must be submitted as part of the loan application as specified in 7 CFR 1737.21.

(a) * * *

(17) A sketch or map showing the existing and proposed service areas.

(18) Executed assurance that the borrower will comply with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (see 49 CFR 24.4).

(19) A certification (which is included on REA Form 490, "Application for Telephone Loan or Guarantee") that the borrower has been informed of the collection options listed below that the Federal government may use to collect delinquent debt. REA and other government agencies are authorized to take any or all of the following actions in the event that a borrower's loan payments become delinquent or the borrower defaults (OMB Circular A–129 defines "delinquency" for direct or guaranteed loans as debt more than 31 days past due on a scheduled payment):

(i) Report the borrower's delinquent account to a credit bureau.

(ii) Assess additional interest and penalty charges for the period of time that payment is not made.

(iii) Assess charges to cover additional administrative costs incurred by the Government to service the borrower's account.

(iv) Offset amounts owed to the borrower under other Federal programs.

(v) Refer the borrower's debt to the Internal Revenue Service for offset against any amount owed to the borrower as an income tax refund.

(vi) Refer the borrower's account to a private collection agency to collect the amount due.

(vii) Refer the borrower's account to the Department of Justice for litigation in the courts.

All of the actions in paragraph (a)(19) of this section can and will be used to recover any debts owed when it is determined to be in the interest of the Government to do so. The notification and the required form of certification in paragraph (a)(19) of this section are included on REA Form 490, Application for Telephone Loan or Guarantee.

(b) * * *

(5) A "Certification Regarding Lobbying" for loans, or a "Statement for Loan Guarantees and Loan Insurance" for loan guarantees, and when required, an executed Standard Form LLL, "Disclosure of Lobbying Activities," (see section 319, Public Law 101–121 (31 U.S.C. 1352)).

(6) Executed copy of Form AD–1047, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions" (see appendix A to 7 CFR part 3017).

(7) Borrower's determination of loan maturity, including information noted in § 1735.43(a) of this chapter as required.

(8) Approved depreciation rates for items under regulatory authority jurisdiction.

(9) A statement that the borrower is or is not delinquent on any Federal debt, such as income tax obligations or a loan or loan guarantee from another Federal agency. If delinquent, the reasons for the delinquency must be explained and REA will take such explanation into consideration in deciding whether to approve the loan. REA Form 490, "Application for Telephone Loan or Guarantee," contains a section for providing the required statement and any appropriate explanation.

* * * * * *

23. In § 1737.41, the parenthetical phrase at the end of paragraph (a) is transferred to the end of the section and paragraph (b) is revised to read as follows:

§ 1737.41 Procedure for obtaining approval.

* * * * * *

(b) REA will not approve interim financing until it has reviewed and found acceptable:

(1) All of the information required under § 1737.21 or with REA approval.

(2) The following documents:

(i) The loan application (REA Form 490) clearly marked "in support of interim financing request."

(ii) The Loan Design (LD), or the portion thereof that covers the proposed construction if the completed LD is not available. See 7 CFR 1737.32.

(iii) Evidence that the borrower has satisfied the requirements of 7 CFR part 1794 applying to the proposed interim construction.

(iv) A statement that the borrower is or is not delinquent on any Federal debt, such as income tax obligations or a loan guarantee from another Federal agency. If delinquent, the reasons for the delinquency must be explained and REA will take such explanation into consideration in deciding whether to approve the interim financing, see 7 CFR 1737.22(b)(9).

(v) A "Certification Regarding Lobbying" for loans, or a "Statement for Loan Guarantees and Loan Insurance" for loan guarantees, and when required, an executed Standard Form LLL, "Disclosure of Lobbying Activities," (see section 319, Pub. L. 101–121 (31 U.S.C. 1352)).

(vi) Executed copy of Form AD–1047, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions" (see appendix A to 7 CFR part 3017).

(vii) Any other supporting data required by the Administrator.

* * * * * *

24. In § 1737.70, paragraphs (d) through (g) are redesignated as paragraphs (g) through (j); paragraph (a), the last sentence of paragraph (b), newly designated paragraph (g), and the first sentence of newly designated paragraph (h) are all revised; and new paragraphs (d), (e), (f), (k) and (l) are added to read as follows:

§ 1737.70 Description of feasibility study.

(a) In connection with each loan REA shall prepare a feasibility study that includes sections on consolidated loan estimates, operating statistics, projected telecommunications, plant, projected retirement computations, and projected revenue and expense estimates (including detailed estimates of depreciation and amortization expense, scheduled debt service payments, toll and access charge revenues, and local service revenues). Normally, projections will be for a 5-year period and used to determine the ability of the borrower to repay its loans in accordance with the terms thereof. REA will not require borrowers to raise local service rates. Local service revenue projections will be based on the borrower's existing

local service rates or regulatory body approved rates not yet in effect but to be implemented within the Forecast period. In the latter case, if a borrower is not required to obtain regulatory body approval for the implementation of such rates, REA will require a resolution of the board of directors indicating when those rates will be in effect.

(b) * * * REA shall consider the factors discussed in paragraphs (c) through (j) of this section in determining feasibility.

* * * * * *

(d) REA may make a loan at an interest rate lower than 5 percent but not less than 2 percent. For borrowers that qualify for a loan made at an interest rate of less than 5 percent but not less than 2 percent, a feasibility study will be prepared using the highest interest rate at which the borrower would be capable of producing a TIER of 1.0. If a loan is approved, the interest rate for the loan will be fixed, at the rate used in determining feasibility, from the date the loan is approved until the end of the Forecast period. At the end of the Forecast period, the interest rate for the loan may be annually adjusted by the Administrator upward to a rate not greater than 5 percent, or downward to a rate not less than the rate determined in the feasibility study on which the loan was based, based on the borrower's ability to pay debt service and maintain a minimum TIER of 1.0. Downward and upward adjustments will be rounded down to the nearest one-half or whole percent. To make this adjustment, projections set forth in the loan feasibility study will be revised annually (beginning within four months after the end of the Forecast period) to reflect updated revenue and expense factors based on the borrower's current operating condition. Any such adjustment will be effective on July 1 of the year in which the adjustment was determined. If the Administrator determines that the borrower is capable of meeting the minimum TIER requirements of § 1735.22(f) at a loan interest rate of 5 percent on a loan or loans made under this section, then the loan interest rate shall be fixed, for the remainder of the loan repayment period, at the standard interest rate of 5 percent. In instances where a borrower has more than one loan made under this section with interest rates less than 5 percent adjustments to the interest rates will begin with the oldest applicable loan.

(e) Depreciation expense will be determined using depreciation rates appropriate to the normal operation of the borrower, based on:

(1) The borrowers regulatory body approved depreciation rates; and

(2) Where such rates as described in paragraph (e)(1) of this section do not exist for items which the borrower is seeking financing, the most recent median depreciation rates published by REA for all borrowers. REA will publish such depreciation rates annually in REA's "Statistical Report, Rural Telephone Borrowers."

(f) Projected scheduled debt service payments will generally be based on all of the borrower's outstanding and proposed loans from REA and all other lenders as of the end of the feasibility Forecast period (i.e. for a 5-year Forecast period, the amount of debt outstanding in year 5).

(g) The financial and statistical data are derived from REA Form 479, "Financial and Statistical Data for Telephone Borrowers," or for initial loans, the data may be obtained from the borrower's financial statements and other reports, and from other information supplied with the completed loan applications (see 7 CFR 1737.21 and 1737.22).

(h) When, in REA's opinion, the borrower's operating experience is not adequate or the borrower's current operations are not representative, the estimates in the feasibility study normally will be developed from state and regional standards based on the experience of REA borrowers. * * *

* * * * *

(k) REA may obtain and review commercially available credit reports on applicants for a loan or loan guarantee to verify income, assets, and credit history, and to determine whether there are any outstanding delinquent Federal or other debts. Such reports will also be reviewed for parties that are or propose to be joint owners of a project with a borrower.

(l) If it is determined that loan feasibility cannot be proven as described in this section, the loan application will be returned to the borrower with an explanation. A borrower whose application has been returned will have 90 working days, from the date the application was returned, to revise and resubmit its application. If a revised application is not received by REA within the 90-day period described above, the application will be canceled and a new application will need to be submitted if the borrower wishes further consideration.

25. In § 1737.80, paragraph (a) is revised to read as follows:

§ 1737.80 Description of characteristics letter.

(a) After all of the studies and exhibits for the proposed loan have been prepared, but before the loan is recommended, REA shall inform the borrower, in writing, of the characteristics of the proposed loan. The purpose of the characteristics letter is to inform the borrower and obtain its concurrence, before further consideration by REA of the loan approval and the preparation of legal documents relating to the loan, in such matters as the amount of the proposed loan, its purposes, rate of interest, loan security requirements, and other prerequisites to the advance of loan funds. The letter, whether or not concurred in by the borrower, does not commit REA to approve the loan on these or any other terms.

* * * * *

§ 1737.90 [Amended]

26. In § 1737.90, paragraphs (a)(4) and (a)(8) are removed and paragraphs (a)(5) through (a)(7) are redesignated as paragraphs (a)(4) through (a)(6) respectively.

PART 1744-[AMENDED]

27. The authority citation for part 1744 continues to read as follows:

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

28. In § 1744.66, paragraph (b)(4)(iv) is revised to read as follows:

§ 1744.66 The financial requirement statement (FRS).

* * * * *

(b) * * *

(4) * * *

(iv) *Bank stock.* Based on the requirements for purchase of class B Rural Telephone Bank stock established in the loan. Funds for class B stock will be advanced in an amount equal to 5 percent of the amount, exclusive of the amount for class B stock, of each loan advance, at the time of such advance.

* * * * *

Dated: May 15, 1991.

Gary C. Byrne,

Administrator, Rural Electrification Administration Governor, Rural Telephone Bank.

[FR Doc. 91-13516 Filed 6-7-91; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-227-AD; Amdt. 39-7033; AD 91-13-02]

Airworthiness Directives; Airbus Industrie Model A310-200 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A310-200 series airplanes, which requires repetitive visual inspections to detect cracks in the cabin floor structure between Frame 40 and Frame 46, and replacement of the affected part or modification of the corresponding area, if necessary. This amendment also provides for terminating action for the repetitive inspections. This amendment is prompted by full-scale fatigue testing by the manufacturer, which identified cracks in the attachment angles on longitudinal beams and shear plates in the area of Frame 45 and Frame 46, and rivet head failures at the floor cross beams attached to the longitudinal beams in the area of Frame 43 and Frame 44. This condition, if not corrected, could result in reduced structural integrity of the cabin floor structure.

EFFECTIVE DATE: July 15, 1991.

ADDRESSES: The applicable service information may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Standardization Branch, ANM-113; telephone (206) 227-2140. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain Airbus Industrie Model A310-200 series airplanes, which requires repetitive visual inspections to detect cracks in the cabin floor structure between Frame 40 and Frame 46, and replacement of the affected part or modification of the corresponding area, if necessary; and eventual reinforcement of the cabin floor structure in this area; was published in the **Federal Register** on December 20, 1990 (55 FR 52176).

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

One commenter supported the rule but noted that the applicability statement of the AD should apply to Model A310-200 series airplanes, serial numbers 162 through 357, inclusive, since the first manufacturer's serial number was 162. The FAA concurs. The applicability statement has been changed accordingly.

Two commenters objected to mandating the modification addressed in Airbus Industrie Service Bulletin A310-53-2013 and suggested that the proposed requirement to install the modification be deleted. The commenters stated that the inspections specified in Service Bulletins A310-53-2054 and A310-53-2056 are adequate to ensure the continued structural airworthiness of the airplanes. Furthermore, the commenters stated that cracking had occurred only during fatigue testing and has not occurred on in-service airplanes.

The commenters further noted that the affected beam brackets and clips in Frames 40 and 46 are secondary structure, not primary airworthiness structure. One of these commenters, Airbus Industrie, stated that, in view of the ease of inspecting this area, any damage that might occur would be easily detected. The FAA concurs. Upon further review of the proposed inspection criteria and intervals, the FAA has determined that the structural integrity of the airplane can be assured with the continued inspection of the cabin floor structure because:

(1) The inspections are easily performed, (2) the area is easily accessible, and (3) the required inspections will likely detect damage in a timely manner, before failure could occur. The final rule continues to provide for the optional modification of the cabin floor structure between Frame 40 and Frame 46; once this is accomplished, the required repetitive inspections may be terminated.

Paragraph D. of the final rule has been revised to specify the current procedure for submitting requests for approval of alternative methods of compliance.

The economic analysis paragraph, below, has been revised to reflect only the cost for the repetitive inspections. Since the proposed mandatory modification requirement has been deleted from the final rule, related parts costs have also been deleted from the economic analysis.

The economic analysis paragraph has also been revised to increase the specified hourly labor rate from $40 per manhour (as was cited in the preamble to the Notice) to $55 per manhour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD activity to account for various inflationary costs in the airline industry.

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

It is estimated that 7 airplanes of U.S. registry will be affected by this AD, that it will take approximately 100 manhours per airplane to accomplish the required actions, and that the average labor cost will be $55 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $38,500.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

91–13–02. Airbus Industrie: Amendment 39–7033. Docket No. 90–NM–227–AD.

Applicability: Model A310–200 series airplanes, serial numbers 162 through 378, inclusive; on which Modification 4942 has not been incorporated (reference Airbus Industrie Service Bulletin A310–53–2013, Revision 1, dated April 17, 1986); certificated in any category.

Compliance: Required as indicated, unless previously accomplished. To prevent reduced structural integrity of the fuselage, accomplish the following:

A. Prior to the accumulation of 12,000 landings, or within 6 months after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 3,000 landings, perform a visual inspection of the cabin floor structure between Frame 40 and Frame 46, in accordance with Airbus Industrie Service Bulletin A310–53–2056, dated April 18, 1990.

B. If cracks are found, prior to further flight, replace the affected part or modify the corresponding area in accordance with Airbus Industrie Service Bulletin A310–53–2013, Revision 1, dated April 17, 1986. The modified area no longer needs to be inspected in accordance with paragraph A. of this AD. Unmodified areas must be inspected at intervals not to exceed 3,000 landings.

C. Modification of the cabin floor structure between Frame 40 and Frame 46, in accordance with Airbus Industrie Service Bulletin A310–53–2013, Revision 1, dated April 17, 1986, constitutes terminating action for the repetitive visual inspections required by paragraphs A. and B. of this AD.

D. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

This amendment (39–7033, AD 91–13–02) becomes effective July 15, 1991.

Issued in Renton, Washington, on May 30, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–13646 Filed 6–7–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–NM–217–AD; Amdt. 39–7032; AD 91–13–01]

Airworthiness Directives; Airbus Industrie Model A310–200 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A310–200 series airplanes, which requires repetitive visual inspections to detect cracks in a certain frame reinforcement angle runout; and repair, if necessary. This amendment also provides for terminating action for the repetitive inspections. This amendment is prompted by full scale fatigue testing by the manufacturer which revealed cracks in Frame 46 between Stringer 21 and Stringer 22. This condition, if not corrected, could result in reduced structural integrity of the fuselage.

EFFECTIVE DATE: July 15, 1991.

ADDRESSES: The applicable service information may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Standardization Branch, ANM–113; telephone (206) 227–2140. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain Airbus Industrie Model A310–200 series airplanes, which requires repetitive visual inspections to detect cracks in a certain frame reinforcement angle runout; repair, if necessary; and reinforcement of the angle runout; was published in the **Federal Register** on December 20, 1990 (55 FR 52177).

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

One commenter noted that the applicability statement of the AD should apply to Model A310–200 series airplanes with serial numbers 162 through 357, inclusive, since the first manufacturer's serial number was 162. The FAA concurs. The applicability statement has been changed accordingly.

Two commenters objected to mandating the modification addressed in Airbus Industrie Service Bulletin A310–53–2019, and suggested that the proposed requirement to install the modification be deleted. The commenters stated that the inspections specified in Service Bulletin A310–53–2054 are adequate to ensure the continued structural airworthiness of the airplanes. Furthermore, the commenters stated that cracking had occurred only during fatigue testing and has not occurred on in-service airplanes. The commenters further noted that milling required to accomplish the modification has a very high risk factor; and that there would be a high probability that the reinforcement angle runout would be damaged and would require extensive repair or replacement. One of these commenters, Airbus Industrie, stated that, in view of the ease of inspecting this area, any damage that might occur would be easily detected. The FAA concurs. Upon further review of the proposed inspection criteria and interval, the FAA has determined that the structural integrity of the airplane can be assured with the continued inspection of the frame reinforcement angle runout because (1) the inspections are easily performed, (2) the area is easily accessible, and (3) the required inspections will likely detect damage in a timely manner, before failure could occur. Therefore, the final rule has been revised to delete the modification requirement. The final rule continues to provide for the optional modification of the reinforcement angle runout by tapering the angle and reducing the thickness; once this is accomplished, the required repetitive inspections may be terminated.

The economic analysis paragraph below has been revised to reflect only the cost for the repetitive inspections. Since the proposed mandatory modification requirement has been deleted from the final rule, related parts cost have also been deleted from the economic analysis.

The economic analysis paragraph has also been revised to increase the specified hourly labor rate from $40 per manhour (as was cited in the preamble to the Notice) to $55 per manhour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD activity to account for various inflationary costs in the airline industry.

Paragraph C. of the final rule has been revised to specify the current procedure for submitting requests for approval of alternative methods compliance.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes noted above. These changes will neither significantly increase the economic burden on affected operators nor increase the scope of the final rule.

It is estimated that 7 airplanes of U.S. registry will be affected by this AD, that it will take approximately 22 manhours per airplane to accomplish the required actions, and that the average labor cost will be $55 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $8,470.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

91–13–01. Airbus Industrie: Amendment 39–7032. Docket No. 90–NM–217–AD.

Applicability: Model A310–200 series airplanes, Serial Numbers 162 through 357, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent reduced structural integrity of the fuselage, accomplish the following:

A. Prior to the accumulation of 12,000 landings, or within 2,000 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 3,000 landings, perform a visual inspection of Frame 46 at the level of the frame reinforcement angle runout between Stringer 21 and Stringer 22 (left and right), in accordance with Airbus Industrie Service Bulletin A310–53–2054, Revision 2, dated May 22, 1990. If cracks are found, prior to further flight, repair in accordance with the service bulletin.

B. Modification of the reinforcement angle runout by tapering the angle and reducing the thickness, in accordance with Airbus Industrie Service Bulletin A310–53–2019, Revision 2, dated May 22, 1990, constitutes terminating action for the repetitive inspections required by paragraph A. of this AD.

C. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue S.W., Renton, Washington.

This amendment (39–7032 , AD 91–13–01) becomes effective July 15, 1991.

Issued in Renton, Washington, on May 30, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–13647 Filed 6–7–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–NM–286–AD; Amdt. 39–7036; AD 91–13–05]

Airworthiness Directives; British Aerospace Model ATP Series Airplanes Equipped With Lucas Starter Motors Part Numbers C5114–04, C5114–05, C5114–07, and C5114–08

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model ATP series airplanes, which requires repetitive detailed visual inspections for damaged or loose securing nuts and locking tab washers used to secure the engine starter motor section to the starter motor clutch housing, and repair, if necessary; and eventual modification of the starter motors. This amendment is prompted by a report of the separation of the motor section from the clutch housing due to loose or damaged securing nuts and locking tab washers. This condition, if not corrected, could result in loss of engine oil and damage to the engine.

EFFECTIVE DATE: July 15, 1991.

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

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain British Aerospace Model ATP series airplanes, which requires repetitive detailed visual inspections for damaged or loose securing nuts and

locking tab washers used to secure the engine starter motor section to the starter motor clutch housing, and repair, if necessary, was published in the **Federal Register** on February 11, 1991 (56 FR 5370).

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

The commenter supported the rule. The commenter also requested that, since the Model ATP series airplane is young in its service life, the FAA must ensure that each of the items pertinent to this model that are found to be defective or to fail at a "greater than projected rate" are placed in an appropriate repetitive maintenance program or that terminating action is provided. The FAA responds to this request by stating that its highest priority is the continued operational safety of aircraft. The FAA constantly monitors all available information on the continued airworthiness of the products under its purview; when it identifies an unsafe condition and confirms that the condition may exist in other products of the same type design in service, it promulgates AD rulemaking to require that corrective action essential to ensure safety is undertaken. Such corrective action may take the form of repetitive inspections or special procedures, and may involve a terminating modification or repair. Further, it is FAA's policy that long term continued operational safety will be better assured by actual modification of the airframe to remove the source of the problem, rather than by repetitive inspections or special procedures. The requirements of this AD action are in consonance with that policy.

Paragraph C. of the final rule has been revised to specify the current procedure for submitting requests for approval of alternative methods of compliance.

The economic analysis paragraph, below, has been revised to increase the specified hourly labor rate from $40 per manhour (as was cited in the preamble to the Notice) to $55 per manhour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD activity to account for various inflationary costs in the airline industry.

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

It is estimated that 5 airplanes of U.S. registry will be affected by this AD, that it will take approximately two manhours per airplane to accomplish the required actions, and that the average labor cost will be $55 per manhour. The required parts will be provided by the manufacturer to operators at no cost. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $550.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(9) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

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

91–13–05. British Aerospace: Amendment 39–7036. Docket No. 90–NM–286–AD.

Applicability: Model ATP series airplanes; equipped with Lucas starter motors, Part Numbers C5114–04, C5114–05, C5114–07, and C5114–08; certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent loss of engine oil and damage to the engine, accomplish the following:

A. Within 30 days after the effective date of this AD, and thereafter at intervals not to exceed 250 hours time-in-service, perform a detailed visual inspection of the securing nuts and locking tab washers used to secure the motor section to the clutch housing, in accordance with British Aerospace Service Bulletin ATP–80–3, dated September 10, 1990. If any parts are damaged or loose, prior to further flight, repair in accordance with the service bulletin.

Note: The British Aerospace Service Bulletin references Lucas Service Bulletins C5114–80–8 and C5114–80–9 for additional information.

B. Within 150 days after the effective date of this AD, replace existing studs 80220185, tab washers SP42C, and nuts A24CP, with new bolts N137210–14 and washers AS12943, and lock new bolts with tie wire, in accordance with British Aerospace Service Bulletin ATP–80–4, dated November 23, 1990. This modification constitutes terminating action for the repetitive inspections required by paragraph A. of this AD.

Note: The British Aerospace Service Bulletin references Lucas Service Bulletin C5114–80–A9 for additional information.

C. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

This amendment (39–7036 , AD 91–13–05) becomes effective July 15, 1991.

Issued in Renton, Washington, on May 31, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–13649 Filed 6–7–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 91-NM-12-AD; Amdt. 39-7030; AD 91-12-18]

Airworthiness Directives; British Aerospace Model BAe 146-100A, -200A, and -300A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146-100A, -200A, and -300A series airplanes, which requires repetitive visual inspections to detect chafing under the wing-to-fuselage rear fairings, and repair, if necessary. This amendment is prompted by reports of chafing of the fuselage skin and reinforcing plates under the wing-to-fuselage rear fairings. This condition, if not corrected, could result in reduced structural integrity of the fuselage.

EFFECTIVE DATE: July 15, 1991.

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

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain British Aerospace Model BAe 146-100A, -200A, and -300A series airplanes, which requires repetitive visual inspections to detect chafing under the wing-to-fuselage rear fairings, was published in the **Federal Register** on February 25, 1991 (56 FR 7619).

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

Paragraph D. of the final rule has been revised to specify the current procedure for submitting requests for approval of alternative methods of compliance.

The economic analysis paragraph, below, has been revised to increase the specified hourly labor rate from $40 per manhour (as was cited in the preamble to the Notice) to $55 per manhour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD activity to account for various inflationary costs in the airline industry.

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

It is estimated that 74 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost will be $55 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $8,140.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

91-12-18. British Aerospace: Amendment 39-7030. Docket No. 91-NM-12-AD.

Applicability: Model BAe 146-100A, -200A, and -300A series airplanes, which are post-modification HCM00301 A or B and pre-modification HCM01037A, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent reduced structural integrity of the fuselage, accomplish the following:

A. Prior to the accumulation of 1,000 landings, or within 30 days after the effective date of this AD, whichever occurs later, perform a visual inspection of the fuselage skin between Frames 25 and 33 (100A series), Frames 25 and 33B (200A and 300A series) in the area of the fairing panel rubbing strips, including the reinforcing plates at Frames 26 and 29, in accordance with the Accomplishment Instructions of British Aerospace Service Bulletin 53-67, Revision 1, dated February 16, 1990.

1. Chafing damage found up to a maximum depth of 0.010 inch and no more than 6 inches in length, must be repaired prior to further flight, in accordance with paragraph 2.A.(2)(a) of the service bulletin.

2. Chafing damage found in excess of 0.010 inch in depth and more than 6 inches in length, must be repaired prior to further flight, in accordance with Structural Repair Manual (SRM) 53-00-12, or in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

B. Repeat the inspection required paragraph A. of this AD at the following intervals:

1. For airplanes without rubbing strip installed: At intervals not to exceed 3,000 landings.

2. For airplanes with rubbing strips installed: At intervals not to exceed 9,000 landings.

C. Accomplishment of Modification No. HCM01037A, the installation of a new silicone rubber seal with a metal insert, in accordance with British Aerospace Service Bulletin 53-67-01037A, dated October 17, 1989, constitutes terminating action for the repetitive inspections required by paragraph B. of this AD.

D. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to

operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

This amendment (39–7030, AD 91–12–18) becomes effective July 15, 1991.

Issued in Renton, Washington, on May 28, 1991.

Jim Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–13652 Filed 6–7–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–27–AD; Amdt. 39–7038; AD 91–13–07]

Airworthiness Directives; British Aerospace Model BAe 146–100A, –200A, and –300A Series Airplanes, Pre-Modifications HCM0115A and HCM00967A

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146–100A, –200A, and –300 series airplanes, which requires modification of the parking brake selector assembly by installation of a special washer. This amendment is prompted by reports of failure of the hook end of the spring on the parking brake quadrant due to fatigue. This can result in the inadvertent engagement of the parking brake, and the resultant inability of the flight crew to release the parking brake. This condition, if not corrected, could result in reduced controllability of the airplane during takeoff or landing.

EFFECTIVE DATE: July 15, 1991.

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

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM–113; telephone (206) 227–2138. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain British Aerospace Model BAe 146–100A, –200A, and –300A series airplanes, which requires modification of the parking brake selector assembly by installation of a special washer, was published in the **Federal Register** on March 14, 1991 (56 FR 10841).

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

The commenter supported the rule.

Paragraph B. of the final rule has been revised to specify the current procedure for submitting requests for approval of alternative methods of compliance.

The economic analysis paragraph, below, has been revised to increase the specified hourly labor rate from $40 per manhour (as was cited in the preamble to the Notice) to $55 per manhour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD activity to account for various inflationary costs in the airline industry.

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

It is estimated that 74 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 manhours per airplane to accomplish the required actions, and that the average labor cost will be $55 per manhour. The estimated cost for required parts is $100 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $31,820.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

91–13–07. British Aerospace: Amendment 39–7038. Docket No. 91–NM–27–AD.

Applicablilty: Model BAe 146–100A, –200A, and –300A series airplanes, pre-modifications HCM01159A and HCM00967A, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent inadvertent application of the parking brake, and subsequent reduced controllability of the airplane during takeoff or landing, accomplish the following:

A. Within 90 days after the effective date of this AD, install a new washer in the parking brake selector assembly, in accordance with British Aerospace Service Bulletin 32–104–01159A, dated October 1, 1990 (Modification No. HCM01159A).

B. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer

may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

This Amendment (39-7038, AD 91-13-07) becomes effective July 15, 1991.

Issued in Renton, Washington, on May 31, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-13650 Filed 6-7-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-280-AD; Amdt. 39-7029; AD 91-12-17]

Airworthiness Directives; McDonnell Douglas Model DC-9-15F, -32F, -33F, -34F, and C-9 (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9 series airplanes, which requires inspection and replacement of the cargo door latch spool fitting attach bolts. This amendment is prompted by a report of broken latch spool fitting attach bolts found on a Model DC-9 series freighter airplane. This condition, if not corrected, could result in inadvertent opening of the main cargo door in flight, and subsequently lead to loss of pressurization and reduced controllability of the airplane.

EFFECTIVE DATE: July 15, 1991.

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

FOR FURTHER INFORMATION CONTACT: Mr. Mike Lee, Aerospace Engineer, Los Angeles Aircraft Certification Office, ANM-122L, FAA, Northwest Mountain Region, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5325.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to certain McDonnell Douglas Model DC-9 series airplanes, which requires magnetic particle inspections of the cargo door latch spool fitting attach bolts and replacement of non-Inconel bolts with Inconel bolts, was published in the Federal Register on January 23, 1991 (56 FR 3058).

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

One commenter suggested that the magnetic particle inspection interval specified in the proposed rule be extended from four months to twelve months. Such an extension would provide operators with the option of replacing H-11 bolts with Inconel bolts on a more cost effective basis in conjunction with normally scheduled maintenance. The FAA does not totally agree. The FAA notes that it is only the initial inspection that is required within 4 months; repetitive inspections are required at 12-month intervals thereafter. In developing an appropriate initial compliance time for this AD action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the practical aspect of incorporating the required inspections into affected operators' maintenance schedules in a timely manner. In light of these factors, the FAA considers an initial compliance time of 4 months to be warranted.

Another commenter requested that the wording in paragraph C. of the proposed rule be changed to reflect the service bulletin "Phase" identification differences between the original issue of Alert Service Bulletin A52-174 and Revision 1, dated December 4, 1990, in order to provide operators with a ready means of showing AD compliance regardless of which issue of the service bulletin is utilized. The FAA agrees. Since issuance of the NPRM, the FAA has reviewed and approved Revision 1 of the Alert Service Bulletin. This revision adds Phase 3 which provides for an inspection/replacement to be accomplished 12 months after the magnetic particle inspection of Phase 2. The final rule has been revised to include Revision 1 as an alternative source of appropriate service information.

Paragraph E. of the final rule has been revised to specify the current procedure for submitting requests for approval of alternative means of compliance.

The economic analysis paragraph, below, has been revised to increase the specified hourly labor rate from $40 per manhour (as cited in the preamble to the Notice) to $55 per manhour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD activity to account for various inflationary costs in the airline industry.

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

There are approximately 95 McDonnell Douglas Model DC-9 series airplanes of the affected design in the worldwide fleet. It is estimated that 83 airplanes of U.S. registry will be affected by this AD, that it will take approximately 47 manhours per airplane to accomplish the required actions, and that the average labor cost will be $55 per manhour. The cost of parts required to accomplish the terminating action is estimated to be $1,716 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $356,983.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

91–12–17. McDonnell Douglas: Amendment 39–7029. Docket No. 90–NM–280–AD.

Applicability: All McDonnell Douglas Model DC–9–15F, –32F, –33F, –34F, and C–9 (military) series airplanes, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent inadvertent opening of the forward upper cargo door in flight, a condition which could result in loss of pressurization and reduced controllability of the aircraft, accomplish the following:

A. Within four months after the effective date of this AD, and thereafter at intervals not to exceed one year, perform magnetic particle inspections on the cargo door latch spool fitting attach bolts or replace the non-Inconel cargo door latch spool fitting attach bolts with new bolts, in accordance with the Accomplishment Instructions for Phase 2 of McDonnell Douglas DC–9 Alert Service Bulletin A52–174, dated August 7, 1990, or Revision 1, dated December 14, 1990.

1. If a bolt does not pass the magnetic particle inspection, prior to further flight, replace it with a new bolt and seal in accordance with the service bulletin.

2. If a bolt passes the magnetic particle inspection, prior to further flight, reinstall the bolt and seal in accordance with the service bulletin.

B. The inspections required by paragraph A. of this AD are not required for Inconel bolts, part numbers RA21026–7–28, 77711–7–28, and 3D0031–7–28.

C. Within two years after the effective date of this AD, replace all non-Inconel cargo door latch spool fitting attach bolts with Inconel bolts, part numbers RA21026–7–28, 77711–7–28, or 3D0031–7–28, in accordance with the Accomplishment Instructions of Phase 3 of McDonnell Douglas DC–9 Alert Service Bulletin A52–174, dated August 7, 1990; or Phase 4 of McDonnell Douglas DC–9 Alert Service Bulletin A52–174, Revision 1, dated December 14, 1990. Installation of Inconel bolts constitutes terminating action for the requirements of paragraph A. of this AD.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes unpressurized to a base for the accomplishment of the requirements of this AD.

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846–0001, Attention: Business Unit Manager, Technical Publications, C1–HCW (54–60). These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

This amendment becomes effective July 15, 1991.

Issued in Renton, Washington, on May 28, 1991.

Jim Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–13848 Filed 6–7–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–NM–290–AD; Amdt. 39–7015; AD 91–12–04]

Airworthiness Directives; General Dynamics Models 240, T–29, and C–131A (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to General Dynamics Models 240, T–29, and C–131A (Military) series airplanes, which requires an inspection for missing or worn elevator hinge pins, and replacement, if necessary. This amendment is prompted by reports of binding and worn elevator hinge pins, and the determination that an elevator hinge pin was missing from an aircraft which was involved in an accident. This condition, if not corrected, could result in reduced controllability of the airplane.

DATES: Effective July 25, 1991. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 25, 1991.

ADDRESSES: The applicable service information may be obtained from General Dynamics, Convair Division, P.O. Box 85377, San Diego, California 92138. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Edwards, Aerospace Engineer, Los Angeles Aircraft Certification Office, ANM–120L, FAA, Northwest Mountain Region, 3229 East Spring Street, Long Beach, California 90806; telephone (213) 988–5237.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to General Dynamics Models 240, T–29 and C–131A (Military) series airplanes which requires inspection for missing or worn elevator hinge pins, and replacement or rework, if necessary, was published in the **Federal Register** on February 11, 1991 (56 FR 5372).

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

Paragraph E. of the final rule has been revised to specify the current procedures for submitting requests for approval of alternative methods of compliance.

The economic analysis paragraph, below, has been revised to increase the specified hourly labor rate from $40 per manhour (as cited in the preamble to the Notice) to $56 per manhour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD activity to account for various inflationary costs in the airline industry.

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

There are approximately 100 General Dynamics Models 240, T–29, and C–131A (Military) series airplanes in the worldwide fleet. It is estimated that 50 airplanes of U.S. registry would be affected by this AD, that it would take approximately 100 manhours per airplane to accomplish the required actions, and that the average labor cost

would be $55 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $275,000.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

91-12-04. General Dynamics (Convair): Amendment 39-7015. Docket No. 90-NM-290-AD.

Applicability: Model 240, T-29, and C-131A (Military) series airplanes, including all airplanes converted to turbopropeller power, certificated in any category.

Compliance: Required as indicated, unless previously accomplished. To prevent loss of the elevator hinge pins, accomplish the following:

A. Within 50 hours time-in-service or 60 days after the effective date of this AD, whichever occurs first, remove the elevator and conduct a visual inspection of the elevator hinge pins and bearings, in accordance with Part I of the Accomplishment Instructions of General Dynamics, Convair Division Service Bulletin 600 (240D) 55-4, dated September 21, 1990 (hereinafter referred to as "SB 55-4").

Note: Inspections previously accomplished in accordance with the Accomplishment Instructions of Alert Service Bulletin 600 (240D) 55-A4, dated March 1, 1990, are considered to comply with the requirements of this AD.

B. Any hinge pins, bushings, or tapered bushings found which do not conform to the dimensional limitations specified in Part I of SB 55-4, must be replaced prior to further flight.

C. Any cracked bearing plate assemblies or nut assemblies, and any loose, chattering, dry, or seized bearings, P/N AN201KP10A, must be replaced prior to further flight.

D. When the elevator is reinstalled, determine if proper mating of the tapered bushing and pin surfaces exists, in accordance with Part I of SB 55-4. If proper mating does not exist, the pin must be reworked prior to further flight, in accordance with Part II of SB 55-4.

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

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

The inspection and repair requirements shall be done in accordance with General Dynamics, Convair Division Service Bulletin 600 (240D) 55-4, dated September 21, 1990. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from General Dynamics, Convair Division, P.O. Box 85377, San Diego, California 92138, Attention: Chief, Aircraft Logistical Support, Mail Zone 92-2920. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

This amendment (39-7015, AD 91-12-04) becomes effective July 25, 1991.

Issued in Renton, Washington, on May 20, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-13644 Filed 6-7-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-NM-289-AD; Amt. 39-7016; AD 91-12-05]

Airworthiness Directives; General Dynamics Models 340, 440, and C-131 B, C, D, E, and F (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to General Dynamics Models 340, 440, and C-131 (Military) series airplanes, which requires an inspection for missing or worn elevator hinge pins, and replacement, if necessary. This amendment is prompted by reports of binding and worn elevator hinge pins, and the determination that an elevator hinge pin was missing from an aircraft which was involved in an accident. This condition, if not corrected, could result in reduced controllability of the airplane.

DATES: Effective July 25, 1991.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 25, 1991.

ADDRESSES: The applicable service information may be obtained from General Dynamics, Convair Division, P.O. Box 85377, San Diego, California 92138. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Edwards, Aerospace Engineer, Los Angeles Aircraft Certification Office, ANM-120L, FAA, Northwest Mountain Region, 3229 East Spring Street, Long Beach, California 90806; telephone (213) 988-5237.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to General Dynamics Models 340, 440, and C-131 (Military) series airplanes which requires inspection for missing or worn elevator hinge pins, and replacement or rework, if necessary, was published in the **Federal Register** on February 11, 1991 (56 FR 5374).

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

Paragraph E. of the final rule has been revised to specify the current procedures for submitting requests for approval of alternative methods of compliance.

The economic analysis paragraph, below, has been revised to increase the specified hourly labor rate from $40 per manhour (as cited in the preamble to the Notice) to $55 per manhour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD activity to account for various inflationary costs in the airline industry.

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

There are approximately 350 General Dynamics Models 340, 440, and C–131 (Military) series airplanes in the worldwide fleet. It is estimated that 200 airplanes of U.S. registry would be affected by this AD, that it would take approximately 100 manhours per airplane to accomplish the required actions, and that the average labor cost would be $55 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,100,000.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

91–12–05. General Dynamics (Convair): Amendment 39–7016. Docket No. 90–NM–289–AD.

Applicability: Model 340, 440, and C131, B, C, D, E, and F (Military) series airplanes, including all airplanes converted to turbopropeller power, certificated in any category.

Compliance: Required as indicated, unless previously accomplished. To prevent loss of the elevator hinge pins, accomplish the following:

A. Within 50 hours time-in-service or 60 days after the effective date of this AD, whichever occurs first, remove the elevator and conduct a visual inspection of the elevator hinge pins and bearings, in accordance with Part I of the Accomplishment Instructions of General Dynamics, Convair Division Service Bulletin 640 (340D) 55–5, dated September 21, 1990 (hereinafter referred to as "SB 55–5").

Note: Inspections previously accomplished in accordance with the Accomplishment Instructions of Alert Service Bulletin 640 (340D) 55–A5, dated March 1, 1990, are considered to comply with the requirements of this AD.

B. Any hinge pins, bushings, or tapered bushings found which do not conform to the dimensional limitations specified in Part I of SB 55–5, must be replaced prior to further flight.

C. Any cracked bearing plate assemblies or nut assemblies, and any loose, chattering, dry, or seized bearings, P/N AN201KP10A, must be replaced prior to further flight.

D. When the elevator is reinstalled, determine if proper mating of the tapered bushing and pin surfaces exists, in accordance with Part I of SB 55–5. If proper mating does not exist, the pin must be reworked prior to further flight, in accordance with Part II of SB 55–5.

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

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

The inspection and repair requirements shall be done in accordance with General Dynamics, Convair Division Service Bulletin 640 (340D) 55–5, dated September 21, 1990. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from General Dynamics, Convair Division, P.O. Box 85377, San Diego, California 92138, Attention: Chief, Aircraft Logistical Support, Mail Zone 92–2920. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

This amendment (39–7016, AD 91–12–05) becomes effective July 25, 1991.

Issued in Renton, Washington, on May 20, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–13643 Filed 6–7–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–94–AD; Amdt. 39–7031; AD 91–08–51]

Airworthiness Directives; Honeywell Flight Management System (FMS) One Million Word (1M or 700K) Data Bases (9104 Cycle or Earlier), as Installed in, but Not Limited to, McDonnell Douglas Model MD–11 Airplanes, and Boeing Model 747–400, 757, and 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting Airworthiness Directive (AD) T91–08–51, which was previously made effective as to all known U.S. owners and operators of McDonnell Douglas Model MD–11 airplanes, and Boeing Model 747–400, 757, and 767 series airplanes, by individual telegrams. This AD requires a revision to the FAA-approved Airplane Flight Manual (AFM) and installation of a placard to prohibit Nondirectional Beacon (NDB) approaches. This action is prompted by a report of an erroneous course display that occurred when a

NDB approach was activated from the Honeywell FMS data base. This condition, if not corrected, could result in an airplane deviating from the published approach to the runway, which could lead to premature ground contact before reaching the runway.

EFFECTIVE DATE: June 24, 1991, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T91–08–51, issued on April 5, 1991, which contained this amendment.

FOR FURTHER INFORMATION CONTACT: (for McDonnell Douglas airplanes) Ms. Natalie Phan-Tran, Aerospace Engineer, ANM–133L, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California, telephone (213) 988–5343; or (for Boeing airplanes) Mr. Steve Paasch, Aerospace Engineer, ANM–130S, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington, telephone (206) 227–2794.

SUPPLEMENTARY INFORMATION: On April 5, 1991, the FAA issued telegraphic AD T91–08–51, applicable to Honeywell Flight Management System (FMS) one million word (1M or 700K) data bases (9104 cycle or earlier) as installed in, but not limited to McDonnell Douglas Model MD–11 airplanes, and Boeing 747–400, 757, and 767 series airplanes. That AD requires a revision to the FAA-approved Airplane Flight Manual (AFM) and installation of a placard to prohibit the use of Nondirectional Beacon (NDB) approaches for landing.

That action was prompted by a report of an erroneous course display on the navigation display map on a Boeing Model 747–400 series airplane when a NDB approach was activated from the Honeywell FMS one million word data base. This condition is attributed to an anomaly in the FMS software. This condition, if not corrected, could result in an airplane deviating from the published approach to the runway, which could lead to premature ground contact before reaching the runway.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual telegrams issued on April 5, 1991, to all known U.S. owners and operators of McDonnell Douglas Model MD–11 airplanes, and Boeing Model 747–400, 757, and 767 series airplanes. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to § 39.13 of part 39 of the Federal Aviation Regulations (FAR) to make it effective as to all persons.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Subsequent to the issuance of telegraphic AD T91–08–51, the FAA received inquiries from several affected operators as to whether installation of the placard required by paragraph (b) of the rule would continue to be required if one million word data bases 9105 cycle and subsequent are installed on the airplane. In clarification of this point, the FAA notes that, as delineated in the applicability portion of the AD, the placard requirement is only applicable to airplanes with data base 9104 cycle or earlier installed. Therefore, the placard may be removed upon the installation of data bases 9105 cycle and subsequent. Honeywell has advised the FAA that it has removed the selection of the NDB approach from the data base for the 9105 cycle. As a matter of information, Honeywell has indicated that future versions of the FMS data base also will not include the selections of the NDB approach until a modification of the FMS system is developed that will correct the initially identified associated unsafe condition.

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

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

91–08–51. Honeywell: Amendment 39–7031; Docket No. 91–NM–94–AD.

Applicability: Honeywell Flight Management System (FMS) one million word (1M or 700K) data bases (9104 cycle or earlier), as installed in, but not limited to, McDonnell Douglas Model MD–11 airplanes, and Boeing Model 747–400, 757, and 767 series airplanes, certificated in any category.

Compliance: Required within 72 hours after the effective date of this AD, unless previously accomplished.

To prevent improper navigation guidance during landing, accomplish the following:

(a) Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD into the AFM.

"Do not use NDB approaches in the FMS nav data base. Nondirectional Beacons may be used as waypoints to build a manual NDB approach."

(b) Install a placard, visible to both pilots, adjacent to the Control Display Unit, stating:

"Do not use NDB approaches in the FMS nav data base."

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

Note: The request should be forwarded through an FAA Principal Avionics Inspector, who may concur or comment and then send it to the Manger, Los Angeles ACO or Seattle ACO, as appropriate.

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

This amendment (39–7031, AD 91–08–51) becomes effective June 24, 1991, as to all persons, except those persons to whom it was made immediately effective by

telegraphic AD T91-08-51, issued on April 5, 1991, which contained this amendment.

Issued in Renton, Washington, on May 30, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-13651 Filed 6-7-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-ASW-04; Amdt. 39-7012; AD 91-12-01]

Airworthiness Directives; Sikorsky Model S-61 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that supersedes a priority letter AD applicable to Sikorsky Model S-61 series helicopters. The new AD incorporates an alternative method of compliance providing for the teardown and inspection of the sleeve and spindle assembly. This condition, if not corrected, could result in failure of the main rotor spindle, and subsequently, the loss of the helicopter.

DATES: *Effective Date:* July 8, 1991.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 8, 1991.

ADDRESSES: The applicable service bulletin may be obtained from: Sikorsky Aircraft, 6900 Main Street, Stratford, Connecticut 0661-1380, Attention: Commercial Customer Support, or may be examined in the Rules Docket, Office of the Assistant Chief Council, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Bldg. 3B, room 158, Fort Worth, Texas 76193.

FOR FURTHER INFORMATION CONTACT: Mr. Donald F. Thompson, Boston Aircraft Certification Office, ANE-152, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7113.

SUPPLEMENTARY INFORMATION: Priority Letter AD 91-04-01, issued on February 6, 1991, currently requires a one-time visual inspection for the condition of sealing compound between the spacer and the spindle of the sleeve and spindle assembly on Sikorsky S-61 series helicopters. If the sealing compound is found missing or has voids, gaps or pores between the spacer and the spindle assembly, the AD requires initial and repetitive ultrasonic inspections for cracks and flaws in the spindle and, if cracks or flaws are found, removal and replacement of the sleeve and spindle assembly prior to further flight.

After issuing Priority Letter AD 91-04-01, the FAA determined that an alternate method of compliance with the AD that is listed in Part 3 of the Sikorsky Alert Service Bulletin is acceptable. Therefore, the FAA is superseding AD 91-04-01, incorporating the requirements of AD 91-04-01, and providing a new paragraph (h) that contains an alternate method of compliance with paragraphs (a) through (g) on Sikorsky S-61 series helicopters.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure thereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, and Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

AD 91-12-01 Sikorsky Aircraft: Amendment 39-7012, Docket No. 91-ASW-04, Supersedes AD 91-04-01.

Applicability: All Model S-61 series helicopters, certificated in any category, on main rotor head assemblies equipped with sleeve and spindle assemblies, P/N S6110-23350-041, that were manufactured or overhauled prior to February 6, 1991.

Compliance: Required as indicated, unless already accomplished.

To prevent the failure of a main rotor blade spindle, which could cause loss of the main rotor blade and subsequent loss of the helicopter, accomplish the following:

(a) Within the next 10 hours' time in service after receipt of this AD, visually inspect all sleeve and spindle assemblies for evidence of proper application of sealing compound between the spacer, P/N S6112-23055-101, and the spindle assembly, P/N S6112-23027-041, on main rotor head assemblies equipped with sleeve and spindle assemblies, P/N S6110-23350-041, that have 6 months or 500 hours' or more time in service on the effective date of this AD since new or the last overhaul. Visually inspect in accordance with paragraph (c) of this AD.

(b) For main rotor head assemblies equipped with sleeve and spindle assemblies, P/N S6110-23350-041, that do not have 6 months or 500 hours' time in service since new or overhaul, visually inspect the spindle assemblies for evidence of proper application of sealing compound between the spacer, P/N S6112-23055-101, and the spindle assembly, S6112-23027-041, on main rotor head assemblies equipped with sleeve and spindle assemblies, P/N S6110-23350-041, in accordance with paragraph (c) of this AD. Conduct this inspection within 10 hours' time in service after reaching 6 months or 500 hours' time in service since new or overhaul, whichever comes first.

Note: Two configurations of spacers exist. One has two puller slots spaced 180 degrees apart. The second has no puller slots. The spacers, P/N S6112-23055-101, affected by this AD have slots.

(c) Utilizing an inspection mirror and flashlight, visually inspect all 5 rotor head sleeve and spindle assemblies for evidence of proper sealing compound application in the spacer slot area.

(d) If the sealing compound is not present in the spacer slot, or if the sealant has voids, gaps, or pores, before further flight, inspect each suspect spindle, P/N S6112–23027–041, for crack or flaws in accordance with Sikorsky Aircraft Alert Service Bulletin (ASB) No. 61B10–48, dated January 18, 1991, using the ultrasonic inspection method.

(e) If a crack or flaw indication is found in the spindle (from the inspections of paragraph (d)), replace the sleeve and spindle assembly prior to further flight with an airworthy component using standard maintenance instructions.

(f) If no indication of cracks or flaws are found from the inspections of paragraph (d), return the sleeve and spindle assembly to service using ASB No. 61B10–48 and standard maintenance instructions and, thereafter, conduct repetitive ultrasonic inspections in accordance with paragraph (d) at intervals not to exceed 50 hours' time in service.

(g) For slotted sleeve and spindle assemblies that have the sealing compound intact in the slot area (i.e., that did not require ultrasonic inspection in accordance with paragraph (d) of this AD), conduct a one-time ultrasonic inspection of the spindle in accordance with ASB No. 61B10–48 within the next 200 hours' time in service after the initial visual inspection required in either paragraph (a) or (b) of this AD.

(h) An alternate method of compliance with the inspections and rework of paragraph (a) through (g) can be accomplished by tearing down the sleeve and spindle assembly as specified in Part 3 of ASB No. 61B10–48 and inspecting the spindle radius area for corrosion. If corrosion is found in the spindle radius area, replace the spindle assembly with an airworthy component. If no corrosion is found, reassemble and reseal the sleeve and spindle in accordance with part 3 and reinstall on the rotor head in accordance with the maintenance manual. Sleeve and spindle assemblies that have been torn down, inspected, and resealed in accordance with Part 3 of ASB 61B10–48, are no longer required to comply with paragraphs (a), (b), (c), (d), (e), (f), or (g) above.

(i) Record compliance with paragraphs (e), (f), (g) or (h) by part number, serial number and blade location in the aircraft logbook/maintenance records.

(j) An alternate method of compliance or adjustment of the compliance times which provides an equivalent level of safety, may be used if approved by the Manager, Boston Aircraft Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, MA 01803.

(k) In accordance with FAR 21.197 and 21.199, the helicopter may be flown to a base where the ultrasonic inspections required by this AD may be accomplished.

The ultrasonic inspections and sleeve and spindle disassembly and the inspection for corrosion shall be done in accordance with pages 1 through 33 of Sikorsky Aircraft Alert Service Bulletin No. 61B10–48, dated January 18, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Sikorsky Aircraft, 6900 Main Street, Stratford, Connecticut 06601–1380, Attn: Commercial Customer Support. Copies may be inspected at the Rules Docket, Office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Building 3B, room 158, Fort Worth, Texas 66193, or at the Office of the Federal Register, 1100 L Street, Room 8401, Washington, DC.

Amendment 39–7012 supersedes Priority Letter AD 91–04–01, issued February 6, 1991.

Amendment 39–7012 becomes effective July 8, 1991.

Issued in Fort Worth, Texas, on May 16, 1991.

Larry M. Kelly,

Acting manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 91–13645 Filed 6–7–91; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 14

Advisory Committees; Establishment and Termination; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the advisory committee regulations to correct errors that were inadvertently introduced into § 14.100 (21 CFR 14.100) on December 13, 1990 (55 FR 51281). This document amends the regulations to indicate the complete functions of the Medical Devices Advisory Committee.

EFFECTIVE DATE: June 10, 1991.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2765.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 13, 1990 (55 FR 51281), FDA published a document announcing the establishment of the Commissioner of Food and Drugs of the Medical Devices Advisory Committee (the Committee). In § 14.100(d)(1)(i) the first word "Data" should have read "Date", and in paragraph (d)(1)(ii) which provides for the functions of the Committee, the words "the safety and effectiveness of" were inadvertently omitted following the phrase "reviews and evaluates data on." This document corrects those errors.

List of Subjects in 21 CFR Part 14

Administrative practice and procedure, Advisory committees, Color additives, Drugs, Radiation protection.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 14 is amended as follows:

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

1. The authority citation for 21 CFR part 14 continues to read as follows:

Authority: Secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–393); 21 U.S.C. 41–50, 141–149, 467f, 679, 821, 1034; secs. 2, 351, 354–360F, 361 of the Public Health Service Act (42 U.S.C. 201, 262, 263b–263n, 264); secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 5 U.S.C. App. 2; 28 U.S.C. 2112.

2. Section 14.100 is amended by revising paragraphs (d)(1)(i) and (d)(1)(ii) to read as follows:

§ 14.100 Listing of standing advisory committees.

* * * * *

(d) * * *

(1) * * *

(i) *Date established:* October 27, 1990.

(ii) *Function:* Reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation.

* * * * *

Dated: June 3, 1991.

Gary Dykstra,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 91–13639 Filed 6–7–91; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Parts 286i and 295

[DMAINST 5400.7]

Defense Mapping Agency (DMA) Freedom of Information Act Program

AGENCY: Defense Mapping Agency, DOD.

ACTION: Final rule.

SUMMARY: The Department of Defense issues its regulation on the Freedom of Information Act Program. This document implements DoD 5400.7–R and updates the Defense Mapping Agency's current policies.

EFFECTIVE DATE: July 10, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. David L. Black, Director, Public Affairs, Defense Mapping Agency, (703) 285–9138.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Parts 286i and 295

Freedom of Information.

Accordingly, 32 CFR, chapter I, subchapter P, under the authority of 5 U.S.C. 552 is amended as follows:

PART 295—[REMOVED]

1. Part 295 is removed.

2. A new part 286i is added as follows:

PART 286i—DEFENSE MAPPING AGENCY (DMA) FREEDOM OF INFORMATION ACT PROGRAM

Sec.

Authority: 5 U.S.C. 552.

§ 286i.1 Purpose.

(a) To prescribe Defense Mapping Agency (DMA) policy and procedures for handling requests under the Freedom of Information Act (FOIA).

(b) To implement 5 U.S.C. 552, and 32 CFR part 285.

§ 286i.2 Applicability.

The provisions of this part apply to all elements of DMA.

§ 286i.3 Scope.

This part does not apply to requests from members of Congress, who are governed by DoD Directive 5400.4 [1] or from the General Accounting Office, which is governed by DoD Directive 7650.1.[2]

§ 286i.4 Definitions.

(a) *FOIA record.* (1) The products of data compilation, such as all books, papers, maps, and photographs, machine readable materials or other documentary materials, regardless of physical form or characteristics, made or received by DMA in connection with the transaction of public business and in DMA's possession and control at the time of the FOIA request, are considered agency records. For items not considered an agency record, see paragraph 1–402 of DoD 5400.7–R.[3]

(2) Normally, computer software, including source code, object code, and listings of source and object codes, regardless of medium are not agency records. (See paragraph 1–402 of DoD 5400.7–R for a complete definition of an agency record.)

(3) If unaltered publications and processed documents, such as regulations, manuals, maps, charts and related geophysical materials, are available to the public through an established distribution system with or without charge, the provisions of 5 U.S.C. 552(a)(3) normally do not apply, and they need not be processed under the FOIA. Normally, documents disclosed to the public by publication in the **Federal Register** also require no processing under the FOIA. In such cases, the requester should be directed to the appropriate source to obtain the record.

(b) *FOIA request.* A FOIA request is a written request for DMA records, made by any person, including a member of the public (U.S. or foreign citizen), an organization, or a business, but not including a Federal agency or a fugitive from law, that either explicitly or implicitly invokes the FOIA, DoD Directive 5400.7,[4] DoD 5400.7–R, or this part.

(c) *Pertinent records.* For the purpose of this part, records shall be considered pertinent if they concern either an individual who is, or foreseeably may become, involved in litigation involving the United States or a matter which is, or foreseeably may become, the subject of litigation involving the United States.

§ 286i.5 Policy.

(a) *Creating a record.* A record must exist and be in the possession and control of DMA at the time of a request to be charged for providing the existing record. (See paragraph 1–506 of DoD 5400.7–R.)

(b) *Public requests.* It is DMA policy to make available to the public the maximum amount of information concerning its operations and activities. Exemptions to this policy are stated in 5 U.S.C. 552 and DoD 5400.7–R. However, exempt records may be released to the public when their disclosure would not be inconsistent with the Privacy Act, DMA Instruction 5400.11,[5] or any other statutory requirements, and when no legitimate government purpose would be served by withholding them. DoD 5400.7–R provides additional policy guidance regarding the release of DMA records.

(c) *News media requests.* Requests from news media for records that would not be withheld under FOIA shall be released promptly in order to provide timely information to the public and eliminate the need to invoke the provisions of FOIA.

(d) *Contract requests.* Guidance for the release of information received from a non-U.S. Government source is contained in paragraph 5–207 of DoD 5400.7–R.

(e) *Classified records.* If classified records are requested, see additional guidance outlined in Chapter VII, DMA Manual 5200.1.[6]

(f) *FOUO records.* (1) Information that has not been given a security classification pursuant to the criteria of an Executive order, but which may be withheld from the public for one or more of the reasons cited in FOIA Exemptions 2 through 9 shall be considered as being for official use only. No other material shall be considered or marked FOR OFFICIAL USE ONLY (FOUO), and FOUO is not authorized as an anemic form of classification to protect national security interests.

(2) The prior application of FOUO markings is not a conclusive basis for withholding a record that is requested under FOIA. When such a record is requested, the information in it shall be evaluated to determine whether under current circumstances, FOIA exemptions apply in withholding the record or portions of it. If any exemption(s) apply, the record may be released when it is determined that no governmental interest will be jeopardized by its release.

(g) *Historical papers.* Records such as notes, working papers, and drafts retained as historical evidence of DoD component actions enjoy no special status apart from the exemptions under the FOIA.

(h) *Fees.* Chapter VI, DoD 5400.7–R, should be consulted before fees are

[1] Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161

[2] See footnote 1 to § 286i.3

[3] See footnote 1 to § 286i.3

[4] See footnote 1 to § 286i.3

[5] Copies may be obtained by written request to the Defense Mapping Agency, Attn: AO (Stop A–2) 8613 Lee Highway, Fairfax, VA 22031–2138

[6] See footnote 5 to § 286i.5(b)

assessed. Fee application is discussed in paragraph 6–101, fee restrictions in paragraph 6–102, fee waivers in paragraph 6–103 and fee assessment in paragraph 6–104.

§ 286i.6 Responsibilities.

(a) The Director, Public Affairs (DMA(PA)), is designated Freedom of Information Officer (FOIO) and is responsible for administering the FOIA program within DMA. The DMA(PA) is also denial authority for "no record" FOIAs. HQ DMA(PA) will:

(1) Receive, log, and determine administrative action required on all FOIA requests received at HQ DMA. If a record is held by DMA, the FOIO will forward a copy of the FOIA request to the custodian of the record for comments regarding releasability of the requested record. Following receipt of the custodian's comments and a copy of the requested documents, FOIO will review the comments, make a preliminary releasability determination, and prepare the initial response with coordination by HQ DMA(GC). If it is apparent to the custodian that the material will be released, two copies of the requested record will be forwarded to HQ DMA(PA) (one for release and one for record keeping).

(2) Prepare DD Form 2564, "Annual Report—Freedom of Information Act," and forward it to the Office of the Assistant Secretary of Defense (Public Affairs) (OASD(PA)), as directed.

(b) The Chief of Staff, the Deputy General Counsel and the DMA Freedom of Information of Information Act Officer (DMA(PA)) are delegated authority to initially deny release of DMA records. This denial authority is also delegated to Component Directors and Associate General Counsels (AGC) as follows:

(1) AGC AC for the DMA Aerospace Center (DMAAC).

(2) AGC HTC for the DMA Hydrographic/Topographic Center (DMAHTC), DMA Combat Support Center (DMACSC), and the Defense Mapping School (DMS).

(3) AGC SC—for the DMA Reston Center (DMARC), DMA Systems Center (DMASC), and DMA Technical Services Center (DMATSC).

(4) AGC(KL) (DMA Contract Law Office) for contract related issues.

This authority may not be redelegated. A copy of all Component denial letters will be forwarded to HQ DMA(GC).

(c) General Counsel:

(1) HQ DMA(GC) is responsible for all appeals to FOIA actions and will provide HQ DMA(PA) with a copy of the initial appeal letter and DMA's response to it. The DMA Deputy Director (DD) and HQ DMA(GC) are delegated authority to make final determinations on appeals in accordance with the provisions of section 3, chapter V of DoD 5400.7–R.

(2) Coordination with Department of Justice:

(i) HQ DMA(GC) will notify the appropriate United States Attorney prior to the release of any FOIA request for records which are pertinent to pending litigation against the United States.

(ii) The office holding records sought under the FOIA shall notify the FOIO whether such records are pertinent to pending or potential litigation involving the United States. The records holder may request the assistance of Counsel in making a determination. The record holder shall advise the FOIO, in writing, whether any of the requested records have been determined to be pertinent to such litigation. Prior to release of such records, HQ DMA(PA) shall notify HQ DMA(GC) of the request. Component FOIOs shall notify the appropriate Associate General Counsel who will notify the United States Attorney, and shall coordinate the release of such records with HQ DMA(GC) and the Department of Justice.

(d) The DMA Director of Human Resources Management (HR) will establish and implement appropriate procedures for responding to any corrective actions recommended by the Office of Personnel Management in cases involving arbitrary or capricious withholding of records by DMA officials pursuant to section 4, chapter V, DoD 5400.7–R. HQ DMA(HR) and HQ DMA(PA) shall implement training and information requirements as outlined in chapter VII, DoD 5400.7–R.

(e) Component PAs will serve as FOIO at the Component level. Components without PAs will appoint a FOIO. Component FOIOs will:

(1) Receive, log, and determine administrative action required for all FOIA requests received at the Component, except those concerning DMA contracts. (See 286i.6(e)(2)). If a record is held by the Component, the FOIO will forward a copy of the FOIA request to the custodian of the record for comments regarding releasability of the requested record. Following receipt of the custodian's comments and a copy of the requested documents, the FOIO will review the comments, make a preliminary releasability determination, and prepare the initial response for coordination by the appropriate Associate General Counsel as identified in § 286i.6(b). If it is apparent to the records custodian that the material will be released two copies of the requested record will be forwarded to HQ DMA(PA) (one for release and one for record keeping).

(2) Refer all FOIA requests concerning DMA contracts not held at the Component level to DMAHTC(PA), which has the responsibility for processing such requests and for interfacing with the DMA Directorate for Acquisition, Installations and Logistics HQ DMA(AQ) and the DMA Contract Law Office (KL) located at DMAHTC.

(3) Submit DD Form 22564, "Annual Report—Freedom of Information Act" to HQ DMA(PA) by January 15 each year. (See chapter VII of DoD 5400.7–R for guidance.)

(f) All DMA organizations will:

(1) Upon receipt of correspondence which either explicitly or implicitly invokes the FOIA immediately forward such correspondence to HQ DMA(PA) or the Component FOIO.

(2) The record holder will, upon receipt of a FOIA action, immediately review the requested records to determine the releasability or denial under the nine FOIA exemptions contained in 5 U.S.C. 552, as amended. Written comments regarding the releasability of records must be provided to the FOIO forwarding the action within the timeframes specified. Consultation with the FOIO, HQ DMA(GC), and Component AGCs as appropriate, is recommended.

§ 286i.7 Procedures.

(a) *Mandatory expeditious handling.*—(1) *Record released.* The initial determination of whether to release a record upon request will normally be made and a decision reported to the requester within 10 working days. The record requested will be forwarded promptly, usually with the initial response, provided the requester has met the criteria for release. A sample letter is shown at appendix A to this part 286i.

(2) *Interim response.* If the requested record cannot be made available within 10 working days, an interim response will be forwarded. Any delay beyond the initial 10 working days may not exceed 10 additional working days and will be authorized only for the reasons described in section 2, chapter V, DoD 5400.7–R. A sample letter is shown at appendix B to this part 286i.

(3) *No record.* When providing a "no record" response in answer to a request, the requester must be advised that such a response may be considered to be adverse, and if so interpreted, may be

appealed using normal appeal procedures (see § 286i.7(a)(4)). An additional records search shall be conducted based on the receipt of an appeal to a "no record" response as part of the appellate process.

(4) *Record denied.* If a request for a record is denied, in whole or in part, the requester will be given a written explanation for such a determination by an official designated in § 286i.6. The requester will also be advised of his/her right to appeal the denial to the HQ DMA(GC) within 60 calendar days from the date of the denial letter. The letter will also include the name and address of the official responsible for the denial. A sample letter is at appendix C to this part 286i. All denials must have benefit of a legal review prior to signature.

(5) *Request appealed.* Final determination on appeals will normally be made within 20 working days of receipt by the Deputy Director or General Counsel. If, due to unusual circumstances, additional time is needed to decide the appeal, the final determination may be delayed for the number of working days, not to exceed 10, which were not used as additional time for responding to the initial request. Final denials to provide a requested record will be made in writing by the Deputy Director or General Counsel in accordance with the appeal procedures prescribed in section 3, chapter V, DoD 5400.7–R.

(6) *Request referred.* If the record requested was originated by another agency or Component, it will be referred promptly to the originating agency or Component for disposition. The period allowed for responding to a request misdirected by the requester will not begin until it is received by the referral. A sample letter is shown at appendix D to this part 286i.

(b) *Facilities for inspection and copying records.* (1) The handling of all requests from the public to inspect and copy records will be in strict accordance with the procedures prescribed in DoD 5400.7–R. Subject to exemptions contained in 5 U.S.C. 552, as amended, DMA will ensure easy access by the public for inspection and copying of records described in 5 U.S.C. 552, unless such records have been published and copies offered for sale. This inspection and copying will take place in appropriate rooms designated by HQ DMA(PA) and Components.

(2) HQ DMA and Components will make available current indexes which identify material described in paragraph (a)(2) of 5 U.S.C. 552, as amended.

(3) Use of DMA inspection and copying facilities by the public will be made by appointment only. Appointments will normally be requested by letter to FOIA officers or those acting in that capacity.

§ 286i.8 Information requirements.

Reporting requirements prescribed by this part have been assigned Report Control Symbol DD–PA(A)1365. (See chapter VII, DoD 5400.7–R.)

Appendix A to Part 286i—Sample Letter Complying With Request

Dear _____:

This is in response to your letter of _____ in which you requested _____ under the Freedom of Information Act, 5 U.S.C. 552, as amended.

After careful review and consideration of your request, we have determined that the record(s) you seek is(are) releasable and is(are) enclosed. Search and duplication costs have been waived. (See Chapter VI, DoD 5400–7–R for guidance on fee assessment.)

Sincerely,

(Signed)

(Signature block of authorized official)

Enclosure.

As stated.

Appendix B to Part 286i—Sample Letter Notifying Requester of Extension of Time

Dear _____:

This is in response to your letter of _____ in which you requested _____ under the Freedom of Information Act, 5 U.S.C. 552, as amended.

In order to process your request for _____ under FOIA, an extension of time will be necessary because of (use one of the following explanations):

a. The need to search for, collect, and properly examine a voluminous amount of separate and distinct records covered by your request;

b. The need to search for and collect the requested records from geographically separated elements within the Defense Mapping Agency;

c. The need for consultation, which will be conducted with all practicable speed, with another agency or geographically separated element of the Defense Mapping Agency having a substantial interest in the determination of your request;

d. Other.

A determination regarding your request will be made by (date) _____.

Sincerely,

(Signed)

(Signature block of authorized official)

Note: Specify a date that will not result in an extension of time more than the authorized 10 working days.

Appendix C to Part 286i—Sample Letter Denying Request or Partial Denial for Access to or for Obtaining Copy of Records

Dear _____:

This is in response to your letter of _____ in which you requested _____ under the Freedom of Information Act, 5 U.S.C. 552, as amended.

After careful review and consideration of your request, we have determined that (the) (a portion of) document(s) you seek is (are) exempt from disclosure under FOIA. It is not releasable because it contains information that a (copy or paraphrase the applicable exemption set forth in DoD 5400.7–R.

The decision to withhold release of this (these) record(s) may be appealed in writing to the General Counsel, Defense Mapping Agency, within 60 calendar days from the date of this letter. You should include in your appeal any reasons for reconsideration you wish to present. A copy of this letter should be enclosed with your appeal, and forwarded to the Defense Mapping Agency, ATTN: GC (A–7), 8613 Lee Highway, Fairfax, VA 22031–2137.

Note: If this is a partial denial, add the paragraph below if copies of releasable records are to be sent to the requester.

Copies of the releasable portion of the requested record(s) (are enclosed) (will be sent promptly under separate cover).

Sincerely,

(Signed)

(Signature block of authorized denial authority)

Note: Any deletions made in the records should be justified on the grounds of the exemptions provided in DoD 5400.7–R. This format should be varied to fit the situation.

Appendix D to Part 286i—Sample Letter Notifying Requester of Misdirected Request

Dear _____:

This is in response to your letter of _____ in which you requested _____ under the Freedom of Information Act, 5 U.S.C., section 552, as amended.

Your letter was misdirected to this Agency. We have forwarded same to (activity or agency to which the request was referred). You may expect to hear from them shortly.

For future reference, any other requests for similar records should be addressed to (name and address of agency).

Sincerely,

(Signed)

(Signature block of authorized authority)

Dated: June 3, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–13444 Filed 6–7–91; 8:45 am]

BILLING CODE 3810–01–M

FEDERAL COMMUNICATION COMMISSIONS

47 CFR Part 2

[General Docket No. 89–349; FCC 91–145]

Importation of Radio Frequency Devices

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, through this action, amends its rules to facilitate conversion from a paper-based filing of required import declarations to an electronic filing process requested by the U.S. Customs Service and further amends the import rules to update certain provisions to be more applicable to the types of radio frequency devices available as a result of advances in technology. The updated rules and the change to electronic filing will reduce the number of declarations required to be filed by importers by an estimated 40% and will facilitate the filing process providing an overall reduction in the administrative burden placed on filers. These changes will also enhance the ability of the FCC to enforce the rules pertaining to importation of radio frequency devices. Enforcement personnel will be able to review filings by specific companies, filings by device type, filings by FCC ID number and numerous combinations of these and other data fields. Once electronic filing is implemented and the increased ability and activity of FCC enforcement efforts is known, compliance with the importation rules is expected to increase and the number of imported non-compliant RF devices is expected to decrease.

EFFECTIVE DATE: July 15, 1991.

FOR FURTHER INFORMATION CONTACT: Dan S. Emrick, Telephone: (202) 632-6345.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order in General Docket Number 89-349, adopted May 1, 1991 and released June 4, 1991. The full text of this Commission action is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this action may also be purchased from the Commission's copy contractor, Downtown Copy Center at (202) 452-1422, 1919 M Street, NW., room 246, Washington, DC 20554.

The rules pertaining to the importation of radio frequency devices were established in December of 1975 in cooperation with Customs. The rules are intended to keep imported devices which do not comply with FCC technical requirements from being distributed within the United States, thereby reducing the potential for harmful interference being caused to authorized radio communications users.

On July 25, 1989, the Commission adopted a notice of proposed rule making in General Docket 89-349, FCC 89-244, 54 FR 32830 (August 10, 1989), that proposed changes to part 2 of the Commission's rules. The intent of the proposed rule modifications was to update the rules, eliminate burdensome and duplicative government information filing requirements, facilitate the collection of required information through an electronic filing system administered by the U.S. Customs Service (Customs) and to more closely match the Commission's rules with the separate requirements of the Telecommunications Trade Act of 1988, Public Law 100-418, 102 Stat. 1216 (1988), 19 U.S.C. 3101 et seq.

Commission experience in administering these rules over the last fifteen years has pointed out areas in which the rules could be relaxed or clarified. Changes were also needed to facilitate the reporting requirement placed on Customs under the Telecommunications Trade Act of 1988. Finally, Customs informally requested Commission assistance in the implementation of the Customs paperless importation system. In return Customs agreed to gather FCC specified information and to make the information available to the Commission. These rule changes facilitate the conversion to the electronic filing of FCC Form 740 information.

The new rules are structured to accommodate both the existing paper system and the future electronic filing system. To facilitate the conversion to electronic filing, the new rules permit electronic filing at any and all points of entry where the Customs electronic system is or may become available.

This rule change recognizes the industry use of the term "subassembly" and specifically deletes components and subassemblies of radio frequency devices from the import rules. When the original rules were adopted devices were being imported that, for all intents and purposes, were operational and capable of causing interference as imported. Only minor, primarily cosmetic, final touches were required before marketing these "subassemblies." With advances in technology, especially in microprocessor and digital design, the electronics industry now uses the term subassembly to describe integral portions of devices that, until they are integrated with other such devices, cannot be operated. Completed devices, not subassemblies, are capable of being energized and becoming sources of radio frequency energy. Completed devices, whether manufactured with U.S. or non-U.S. produced components and subassemblies, are subject to the radiated and conducted emissions limits in part 15 of the Commission's rules and are subject to certain marketing constraints contained in subpart I of part 2 of the rules. The FCC will continue to rely on a marketing enforcement program to detect and curtail the assembly (manufacture), sale and use of non-compliant devices, whether manufactured from U.S. produced or from non-U.S. produced (imported) subassemblies. Deletion of the filing requirement for subassemblies will reduce the burden of both government and industry by an estimated 40% without increasing the potential for radio frequency interference. Importers do not have to file Form 740 or Form 740 information for importation of components and subassemblies of radio frequency devices so long as the devices do not constitute essentially completed devices, i.e., devices that are capable of operation without additional assembly or manufacture. Form 740 information must be submitted for computer circuit boards that are actually peripheral devices as defined in § 15.3(r) of the rules and for all devices that, by themselves, are subject to FCC marketing rules.

The number of devices exempted from the Form 740 filing requirements has been expanded. The expansion recognizes that devices that are acceptable for marketing and use in the United States should not have to undergo additional scrutiny if they are shipped out of the country and brought back into the country without modification. The modified rules also allow entry of devices for export, provided they are never marketed for use in the U.S.A.

As a practical matter, import brokers, not importers or ultimate consignees, prepare and submit most of the required declarations. A rule change has been adopted to recognize this common industry practice by specifically allowing brokers to submit the required information.

To reduce the filing requirements and thereby facilitate the entry process while still encouraging compliance with the import rules, the modified rules require that importers, brokers or ultimate consignees, maintain records of how they determine an imported radio frequency device to be in compliance with Commission technical standards for a one-year period following the date of entry. The new rule requires importers, consignees or brokers to retain documentation of their compliance procedures for each device for at least one year from date of entry in order to respond to Commission requests to review those procedures for

any specific entry. Upon request for documentation, the Commission will allow 30 days for reply.

After Customs' electronic filing system is implemented, importers will file the required FCC declarations electronically with Customs. Importers filing electronically with Customs will not be required to file paper Form 740 documents with the FCC. If an importer is unable to participate in the electronic filing system, declarations may be filed with the Commission on the FCC Form 740. Much of the Form 740 information is already required for Customs purposes. Additional information to be submitted electronically will specifically include the import condition, FCC identifier (if appropriate), a count of the number of devices imported and a commercial product description. All of these items are required on the existing Form 740. The revised rule requires three elements in the product description; trade name, model/type name or number, and additional descriptive information to help identify the device.

The newly adopted rules prohibit importation of radio frequency devices while a grant of equipment authorization is pending. Commenters opposing this change asserted that requiring companies to wait for a grant from the Commission before bringing a new product into the country would create an unfair competitive disadvantage against them. They argued that they would no longer be able to "pre-position" production runs of devices at distributor or retail levels while waiting for an FCC grant. Previous rules allowed import pending FCC grant of authorization. In practice such devices actually reached distribution and retail outlets, and were sold, prior to grant. This occurred because the devices were released from Customs bond once duties were paid, regardless of equipment authorization status. The high volume of imports in general prevents Customs from maintaining RF devices under bond pending FCC grant of equipment authorization. Under these circumstances, devices that do not comply with FCC equipment standards too easily entered into the marketplace once they are imported. Experience with enforcing marketing rules has shown that many companies consider the potential for economic gain by selling non-compliant devices to far outweigh the risk of monetary forfeiture or other enforcement action once the devices gain entry, especially when faced with the cost and inconvenience of modifying the products or returning them to the point of origin. Requiring grant of the necessary of equipment authorization prior to entry will prevent this unacceptable practice.

The proposed rules delete all FCC requirements for import bonds. FCC experience over the last fifteen years has shown that import bonds on radio frequency devices have not been used except by Customs for Customs purposes. This action does away with an unnecessary requirement in the rules.

The new rules continue to allow certain devices to be imported in limited quantities for test, evaluation or demonstration purposes. The purpose of the rule is to allow importation of a sufficient number of units so that a new device or a new model of a device may be evaluated for FCC compliance (through testing) or for marketability (i.e. trade show displays or marketing studies). The adopted rule sets the upper limit of "limited quantities" to be ten devices unless prior written approval is received from the FCC.

Under the modified rules up to three unintentional radiators (ex. computers and computer peripherals) may be imported for the importer's or consignee's personal use. The previous rule specifically allowed only receivers. This change updates the rules to be more consistent with current technology. Personal use continues to mean that the devices imported under this rule will not be offered for sale or otherwise marketed in the United States.

The existing practice of making all Form 740 information available to the public will continue as we migrate to Customs' electronic filing system. An importer who desires information withheld from public inspection can apply for protection under § 0.459 of the Commission's rules.

A recommendation from one commenter was establishment of a blanket filing process for imports. The Commission decided that such a blanket filing approach is not appropriate. Ultimately electronic filing will eliminate the need for all but a few Form 740 documents. Most import data will then be submitted to Customs electronically. A blanket approval would require that both FCC and Customs maintain blanket lists submitted by each company or importer. This would potentially require maintenance of hundreds of lists. To be effective the lists would have to be updated continuously—a task neither Customs nor the FCC is staffed or funded to do. In addition, for electronic filing to be useful, the products described on the numerous blanket lists would have to be entered into the FCC imports database. The benefits of such an undertaking can be realized in the proposed electronic filing system at much less cost in the terms of staffing, funding and time delays. A blanket Form 740 for all items on an entry accompanied by a list of devices in the entry poses the same cross-referencing burden and is not readily adaptable for key entry into the electronic filing system. In view of the benefits of electronic filing and the extra burden of the blanket approach presented, such a blanket approach was not adopted.

A commenter's proposal for "self-certification" is essentially what is done in filing Form 740 information. The importer, consignee or broker issues a declaration identifying the category of the covered devices on the entry. Follow-up action by the Commission will provide quality control and review. The commenter also recommended the creation of a Certified Importer's License. The benefits suggested by the creation of such a license will be recognized once electronic filing becomes a reality. Neither the "self-certification" proposal nor the creation of an Importer's License provide improvement over the electronic filing goal of the modified rules adopted.

Part of the effect of these rule modifications will be to reduce the filing burden on the import industry at large, to require some potentially new record keeping by importers and to significantly reduce the time and effort required for importers to make the required filings. The estimated 40% reduction in filings due to the elimination of filing requirements for components and subassemblies will benefit almost all parties involved. The requirement to maintain documentation of methods of determining FCC compliance of imported devices may impose an additional burden. There were no comments filed challenging this requirement or indicating that it would impose a substantial burden. Electronic filing is expected to reduce workload and increase productivity, with respect to Form 740 information processing. This improvement will be primarily to the benefits of automation and to the fact that much of the FCC required data is already collected by Customs for Customs purposes. The change to electronic filing will remove the need for importers to file duplicative information with two government agencies. Overall, both industry and government will experience a reduction in workload and an improvement in efficiency.

List of Subjects in 47 CFR Part 2

Imports, reporting and recordkeeping.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

Part 2 of title 47 of the CFR is amended as follows:

1. The authority citation for part 2 is revised to read as follows:

Authority: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 154(i), 302, 303, 303(r), and 307, unless otherwise noted.

2. Section 2.1201 is amended by revising paragraph (b), removing the note following paragraph (b), and removing paragraph (c) to read as follows:

§ 2.1201 Purpose.

* * * * *

(b) The rules in this section set out the conditions under which radio frequency devices as defined in § 2.801 that are capable of causing harmful interference to radio communications may be imported into the U.S.A.

3. Section 2.1202 is revised in its entirety to read as follows:

§ 2.1202 Exclusions.

The provisions of this section do not apply to the importation of:

(a) Cameras, musical greeting cards, quartz watches and clocks, modules of quartz watches and clocks, hand-held calculators and electronic games, and other similar unintentional radiators which utilize low level battery power and which do not contain provisions for operation while connected to AC power lines.

(b) Unintentional radiators which are exempted from technical standards and other requirements as specified in § 15.103 of this chapter.

(c) Radio frequency devices manufactured and assembled in the U.S.A. that meet applicable FCC technical standards and which have not been modified or received further assembly.

(d) Radio frequency devices previously properly imported that have been exported for repair and re-imported for use.

(e) Subassemblies, parts, or components of radio frequency devices unless they constitute an essentially completed device which requires only the addition of cabinets, knobs, speakers, or similar minor attachments before marketing or use. Form 740 information will be required to be submitted for computer circuit boards that are actually peripheral devices as defined in § 15.3(r) of this chapter and all devices that, by themselves, are subject to FCC marketing rules.

4. Section 2.1203 is revised in its entirety to read as follows:

§ 2.1203 General requirement for entry into the U.S.A.

(a) No radio frequency device may be imported into the Customs territory of the United States unless the importer or ultimate consignee, or their designated customs broker, declares that the device meets one of the conditions for entry set out in this section.

(b) A separate declaration shall be used for each line item in the entry or entry summary containing an RF device, or for each different radio frequency device within a line item when the elements of the declaration are not identical.

(c) Failure to properly declare the importation category for an entry of radio frequency devices may result in refused entry, refused withdrawal for consumption, required redelivery to the Customs port, and other administrative, civil and criminal remedies provided by law.

(d) Whoever makes a declaration pursuant to § 1.1203(a) must provide, upon request made within one year of the date of entry, documentation on how an imported radio frequency device was determined to be in compliance with Commission requirements.

5. Section 2.1204 is added to read as follows:

§ 2.1204 Import conditions.

(a) Radio frequency devices may be imported only if one or more of these conditions are met:

(1) The radio frequency device has been issued an equipment authorization by the FCC.

(2) The radio frequency device is not required to have an equipment authorization and the device complies with FCC technical administrative regulations.

(3) The radio frequency device is being imported in limited quantities for testing and evaluation to determine compliance with the FCC rules and regulations or suitability for marketing. The device will not be offered for sale or marketed. The phrase *limited quantities* means ten or fewer units. Prior to importation of more than ten units, written approval must be obtained from the Chief, Enforcement Division, Field Operations Bureau, FCC.

(4) The radio frequency device is being imported in limited quantities for demonstration at industry trade shows and the device will not be offered for sale or marketed.

(5) The radio frequency device is being imported solely for export. The device will not be marketed or offered for sale for use in the U.S.

(6) The radio frequency device is being imported for use exclusively by the U.S. Government.

(7) Three or fewer radio receivers, computers, or other unintentional radiators as defined in part 15 of this chapter, are being imported for the individual's personal use and are not intended for sale.

(8) The radio frequency device is being imported for repair and will not be offered for sale or marketed.

(b) The ultimate consignee must be able to document compliance with the selected import condition and the basis for determining the import condition applied.

6. Section 2.1205 is revised in its entirety to read as follows:

§ 2.1205 Filing of required declaration.

Note: The U.S. Customs Service is implementing a paperless entry system. Until the Customs electronic system is operational, submit the required declaration following the guidelines in paragraph (a) of this section. When the Customs system is implemented, follow the guidelines in paragraph (b) of this section.

(a) For points of entry where electronic filing with Customs has not been implemented, use FCC Form 740 to provide the needed information and declarations.

(1) Mail the original of FCC Form 740 to: FCC, Washington, DC 20554, Attention: Imports, on or before the date the Customs entry papers are filed.

(2) Attach a copy of FCC Form 740 to the Customs entry papers.

(b)(1) For points of entry where electronic filing with Customs is available, submit the following information to Customs when filing the entry documentation and the entry summary documentation electronically. Follow procedures established by Customs for electronic filing.

(i) The terms under which the device is being imported, as indicated by citing the import condition number specified in § 2.1204(a).

(ii) The FCC identifier as specified in § 2.925, if the device has been granted an equipment authorization;

(iii) The quantity of devices being imported, regardless of what unit is specified in the Harmonized Tariff Schedule of the United States; and

(iv) A commercial product description which is to include the trade name, a model/type number (or model/type name) and other descriptive information about the device being imported.

(2) For importers unable to participate in the electronic filing process with

Customs for good cause, declarations are to be made in accordance with paragraph (a) of this section.

7. Section 2.1207 is revised in its entirety to read as follows:

§ 2.1207 Examination of imported equipment.

In order to determine compliance with its regulations, Commission representatives may examine or test any radio frequency device that is imported. If such radio frequency device has already entered the U.S., the ultimate consignee or subsequent owners of that device must, upon request, made within one year of the date of entry, make that device available for examination or testing by the Commission.

§§ 2.1209, 2.1211, 2.1213, 2.1215 and 2.1219 [Removed].

8. Sections 2.1209, 2.1211, 2.1213, 2.1215 and 2.1219 are removed.

[FR Doc. 91–13712 Filed 6–7–91; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

RIN 1018–AA71

Refuge-Specific Hunting Regulations; Correction

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: The U.S. Fish and Wildlife Service corrects an error in the amendatory language of the **Federal Register** publication of October 26, 1990 (55 FR 43133) regarding refuge-specific hunting regulations, in order to correctly designate paragraphs under 50 CFR § 32.12.

EFFECTIVE DATE: June 10, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy Marx, Division of Refuges, 703–358–2043.

SUPPLEMENTARY INFORMATION: In **Federal Register** document 90–25256 in the issue of Friday, October 26, 1990, at 55 FR 43135, third column, in the amendatory language for number 2 § 32.12, "redesignating paragraph (y)(1) as (y)(2), adding new paragraph (y)(1)"; this is corrected to read "redesignating paragraph (y)(1) and (y)(2) as paragraphs (y)(2) and (y)(3) respectively and adding new paragraph (y)(1)."

Dated: May 28, 1991.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 91–13587 Filed 6–7–91; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 90119–1021]

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Notice of closure.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the secondary allowance of Pacific halibut for the domestic annual processing (DAP) rock sole fishery in the Bering Sea and Aleutian Islands management area (BSAI) has been caught. Therefore, the Secretary of Commerce (Secretary) is closing the entire BSAI to vessels engaging in directed fishing for rock sole. This action is necessary to prevent the secondary allowance of halibut for the rock sole fishery from being exceeded before the end of the fishing year. The intent of this action is to implement regulatory measures controlling the bycatch of prohibited species in the trawl fisheries for groundfish.

EFFECTIVE DATES: 12 noon, Alaska local time (A.l.t.), June 6, 1991, through midnight, December 31, 1991.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, Resource Management Specialist, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Islands Area (FMP) governs the groundfish fishery in the exclusive economic zone within the BSAI under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council and is implemented by regulations appearing at 50 CFR 611.93 and parts 620 and 675.

The final rule for Amendment 16 to the FMP (56 FR 2700, January 24, 1991) established prohibited species catch (PSC) limits for Pacific halibut throughout the BSAI area. Under § 675.21(a)(5), the secondary PSC limit of Pacific halibut while conducting any U.S. trawl fishery for groundfish in the BSAI during any fishing year is 5,333 metric tons (mt). Further, § 675.21(b)(1) provides that the PSC limit of Pacific halibut be further apportioned into bycatch allowances, one of which is assigned to the DAP rock sole fishery under § 675.21(b)(4). The final notice of initial specifications of BSAI groundfish for 1991 (56 FR 6290, February 15, 1991) established the 1991 secondary Pacific halibut allowance for the DAP rock sole fishery at 1,100 mt.

Under § 675.21(c)(1)(iv), if the Regional Director determines that U.S. fishing vessels using trawl gear will catch the secondary PSC allowance or seasonal apportionment of the PSC allowance of Pacific halibut in the BSAI area while participating in the DAP rock sole fishery as defined in § 675.21(b)(4)(ii), the Secretary will publish a notice in the **Federal Register** closing the entire BSAI area to vessels engaging in that directed fishery for the remainder of the fishing year or for the remainder of the fishing season.

The Regional Director has determined that the secondary PSC allowance of Pacific halibut for the rock sole fishery will be reached by June 6, 1991. The Secretary is closing the entire BSAI area to vessels engaging in the DAP rock sole directed fishery for the remainder of the fishing year, from 12 noon, A.l.t., June 6, 1991, through midnight, December 31, 1991. In accordance with § 675.20(h) (1) and (6), the amount of rock sole retained at any time during a trip must be less than 20 percent of the aggregate catch of the other fish retained at the same time during the same trip, calculated in round weight equivalents.

Classification

This action is taken under §§ 675.20 and 675.21 and complies with Executive Order 12291.

List of Subjects in 50 CFR 675

Fish, Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 5, 1991.

David S. Crestin,

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

[FR Doc. 91–13734 Filed 6–5–91; 4:14 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 56, No. 111
Monday, June 10, 1991

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-96-AD]

Airworthiness Directives; Airbus Industrie Model A300 B2-1C, B2K-3C, and B2-203 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to all Airbus Industrie Model A300 B2 series airplanes, which currently requires a one-time visual and ultrasonic inspection to detect cracks in the wing front spar webs, and repair, if necessary. This action would require a visual inspection and repetitive ultrasonic inspections to detect cracks in the front face of the front spar of both wings between ribs 10 and 11, and repair, if necessary. This proposal is prompted by a report of a crack found on an in-service airplane in the wing front spar web between ribs 10 and 11. This condition, if not corrected, could result in reduced structural integrity of the wing front spar.

DATES: Comments must be received no later than July 31, 1991.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 91-NM-96-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Standardization Branch, ANM-113; telephone (206) 227-2140. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91-NM-96-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On July 16, 1987, the FAA issued AD 87-15-09, Amendment 39-5685 (52 FR 28135, July 28, 1987), to require a one-time visual inspection and an ultrasonic inspection to detect cracks in the wing front spar webs on Airbus Model A300 B2 series airplanes, and repair, if necessary. That action was prompted by a report of a crack found on the right-hand wing front spar. This condition, if not corrected, could result in a failure of the front wing spar.

Since issuance of that AD, there has been a report of a crack found on an in-service Model B2 series airplane in the wing front spar web between ribs 10 and 11. The appearance of such cracking indicates that more frequent repetitive inspections in an expanded area are required to detect cracks in this area. This condition, if not corrected, could result in reduced structural integrity of the wing front spar.

Airbus Industrie has issued Service Bulletin A300-57-151, Revision 1, dated October 5, 1990, which describes procedures for a visual inspection to detect cracks in the front face of the front spar of both wings between ribs 10 and 11, and repetitive ultrasonic inspections to detect cracks in the bottom boom attachment holes in the front spar of both wings, and repair, if necessary. The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority of France, has classified this service bulletin as mandatory, and has issued French Airworthiness Directive 87-065-079(B)R2 addressing this subject.

This airplane model is manufactured in France and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilaterial airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would supersede AD 87-15-09 with a new airworthiness directive that would require a visual inspection to detect cracks in the front face of the front spar of both wings between ribs 10 and 11; repetitive ultrasonic inspections to detect cracks in the bottom boom attachment holes in the front spar of both wings; and repair, if necessary; in accordance with the service bulletin previously described.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

It is estimated that 13 airplanes of U.S. registry would be affected by this AD, that it would take approximately 27 manhours per airplane to accomplish the required actions, and that the average labor cost would be $55 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $19,305.

The regulations proposed herein would not have substantial direct effects of the States, on the relationship between the national government and

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39–5685 (52 FR 28135, July 29, 1987), AD 87–15–09, with the following new airworthiness directive:

Airbus Industrie: Docket No. 91–NM–96–AD. Supersedes AD 87–15–09.

Applicability: All Model A300 B2–1C, B2K–3C, and B2–203 series airplanes, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent reduced structural integrity of the wing front spar, accomplish the following:

(a) Prior to the accumulation of 8,000 landings since new, or prior to the accumulation of 1,500 landings since the last inspection in accordance with AD87–15–09, Amendment 39–5685 [ref: Airbus Industrie All Operators Telex (AOT) 57/87/01, Issue 2, dated April 22, 1987], or within 100 landings after the effective date of this AD, whichever occurs later, perform a visual inspection to detect cracks in the front face of the front spar (left and right wing) between ribs 10 and 11, in accordance with the Accomplishment Instructions of Airbus Industrie Service Bulletin A300–57–151, Revision 1, dated October 5, 1990.

(1) If cracks are found, prior to further flight, repair in accordance with the service bulletin.

(2) Following repair, repeat the visual inspections at an interval approved by the Manager, Standardization Branch, ANM–113, Transport Airplane Directorate.

(b) Prior to the accumulation of 8,000 landings since new, or prior to the accumulation of 1,500 landings since the last inspection in accordance with AD 87–15–09, Amendment 39–5685 [ref: Airbus Industrie AOT 57/87/01, Issue 2, dated April 22, 1987], or within 100 landings after the effective date of this AD, whichever occurs latest, perform an ultrasonic inspection to detect cracks in the bottom boom attachment holes of the front spar (left and right wing), in accordance with the Accomplishment Instructions of Airbus Industrie Service Bulletin A300–57–151, Revision 1, dated October 5, 1990.

(1) If no cracks are found, repeat the ultrasonic inspection at intervals not to exceed 1,500 landings.

(2) If cracks are found, prior to further flight, remove bolts from affected holes and perform an eddy current inspection to determine length and direction of crack(s), and repair in accordance with the service bulletin.

(3) Following repair, repeat the ultrasonic inspections at an interval approved by the Manager, Standardization Branch, ANM–113, Transport Airplane Directorate.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. These documents may be examined at the FAA Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on May 31, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–13655 Filed 6–7–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 91–NM–105–AD]

Airworthiness Directives; Boeing Model 707/720, 727–100C, and 727–200F Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to Boeing Model 707/720 series airplanes with a main cargo door, Model 727–100C, and Model 727–200F series airplanes, which would require the use of certain special operating procedures for the main cargo door, and the inspection, necessary repair, and eventual replacement of the main cargo door latch cams, latch cam bellcranks, and pressure relief door hinge fittings. This proposal is prompted by reports of worn latch cams and worn pressure relief door hinge fittings, and a report of a main cargo door that opened in flight. This condition, if not corrected, could result in an improperly latched and locked cargo door; an erroneous door locked indication; the opening of the door during flight; and subsequent rapid decompression of the airplane.

DATES: Comments must be received no later than July 31, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 91–NM–105–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Pliny C. Brestel, Seattle Aircraft Certification Office, Airframe Branch, ANM–120S; telephone (206) 227–2783. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number

and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed , stamped post card on which the following statement is made: "Comments to Docket Number 91–NM–105–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

Several operators of Boeing Model 707/720 airplanes with a main cargo door, Model 727–100C (cargo), and Model 727–200F (freighter) airplanes have reported wear of the main cargo door latch cams and pressure relief door hinge fittings. Excessively worn hinge fittings or worn latch cams will not restrain the pressure relief doors from closing when the latches are not in the fully latched closed position. This condition would result in false visual indications that the cargo door is secure, i.e., the pressure relief doors are closed and all warning lights are extinguished. Pressurization of the airplane with an insecure cargo door could result in the opening of the cargo door in flight and rapid decompression of the airplane.

In one instance, a main cargo door opened in flight, which resulted in a rapid decompression of the airplane. Investigation has revealed that worn latch cams and pressure relief door hinge fittings could have been caused by an incorrect operation sequence of the hydraulic system, which resulted from wear of hydraulic components, or by the hydraulic system being improperly adjusted. This condition, if not corrected, could result in an erroneous indication of an improperly latched and locked main cargo door, the door opening in flight, and subsequent rapid decompression of the airplane.

The FAA has reviewed and approved Boeing Service Bulletin 3477, dated July 26, 1990, for Model 707/720 series airplanes; and Boeing Service Bulletin 727–52–0142, dated July 26, 1990, for Model 727 series airplanes; which describe procedures for inspection and replacement of pressure relief door hinge fittings, latch cam bellcranks, and latch cams of the main cargo door. The service bulletins also specify testing of the operation, control, and warning system of the cargo door.

Since this condition is likely to exist or develop on other airplanes of these same type designs, an AD is proposed which would require the use of certain special operating procedures for the main cargo door; inspection of the main cargo door latch cams and pressure relief door hinge fittings, and repair, if necessary; eventual replacement with modified latch cams, latch cam bellcranks, and hinge fittings; and testing of the door operation, control, and warning system. The procedures for inspection, repair, replacement, and testing would be required to be accomplished in accordance with the service bulletins previously described.

The special operating procedures required by this proposal would not significantly increase the burden on operators since the Airplane Flight Manual currently requires that the latches must be visually checked prior to each flight to ensure that they are locked. Once the inspection and repair, if necessary, has been completed [in accordance with proposed paragraph (b)] the special operating procedures are no longer necessary and may be terminated.

There are approximately 260 Model 707/720 series airplanes, and approximately 169 Model 727 series airplanes of the affected design in the worldwide fleet. It is estimated that 48 Model 707/720 airplanes and 144 Model 727 airplanes of U.S. registry would be affected by this AD. It would take approximately 1 manhour to accomplish the inspection and 34 manhours per airplane to accomplish the required terminating actions, and the average labor cost would be $55 per manhour. Required parts are estimated at $12,264 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $2,724,288.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Docket No. 91–NM–105–AD

Applicability: Model 707/720 series airplanes with a main cargo door, listed in Boeing Service Bulletin 3477, dated July 26, 1990; and Models 727–100C and 727–200F series airplanes, listed in Boeing Service Bulletin 727–52–0142, dated July 26, 1990; certificated in any category.

Compliance: Required as indicated, unless: (1) Previously accomplished or (2) the main cargo door has been deactivated in accordance with Boeing Service Bulletin 3311, dated May 26, 1978, for Model 707/720 series airplanes, or Boeing Service Bulletin 727–29–0053, dated July 8, 1977, for Model 727 series airplanes.

To prevent inadvertent opening of the main cargo door, accomplish the following:

(a) Within the next 30 days after the effective date of this AD, change the operating procedures for the main cargo door to include the following requirements, and thereafter comply with those revised procedures until the inspection required by paragraph (b) of this AD has been accomplished: Prior to takeoff following each operation of the door, conduct a visual verification, through the external viewports, to ensure proper engagement of the latching cams to ensure that the door is fully latched

closed. This information must be relayed to and acknowledged by the flight crew.

(1) The procedures required by this paragraph must be accomplished by a qualified and trained mechanic or flight officer, and the training program must be approved by the FAA Principal Maintenance Inspector (PMI).

(2) Documentation of compliance with these procedures is required and the method of documentation must be approved by the FAA PMI.

(b) Within the next 18 months after the effective date of this AD, perform a visual inspection for wear of the mating surfaces of the pressure relief door hinge fittings and latch cams of the main cargo door, in accordance with Section III, Part I, of Boeing Service Bulletin 3477, dated July 26, 1990 (for Model 707/720 series airplanes), or Boeing Service Bulletin 727–52–0142, dated July 26, 1990 (for Model 727 series airplanes).

(1) If wear exceeds the limits specified in the applicable service bulletin: Prior to further flight, replace worn parts, as follows. Do not intermix original configuration parts with modified parts in the same door.

(i) Replace worn parts with modified parts in accordance with Section III, Part II, of the applicable service bulletin; or

(ii) Replace worn parts with airworthy parts of the original configuration in accordance with FAA-approved procedures.

(2) The inspection and replacement of parts, if necessary, in accordance with this paragraph constitutes terminating action for the special operating procedures required by paragraph (a) of this AD.

(c) Within 36 months after the effective date of this AD, accomplish the following in accordance with Section III, Part II, of Boeing Service Bulletin 3477, dated July 26, 1990 (for Model 707/720 series airplanes), or Boeing Service Bulletin 727–52–0142, dated July 26, 1990 (for Model 727 series airplanes):

(1) Replace the latch cams,

(2) Replace the latch cam bellcranks,

(3) Replace the pressure relief door hinge fittings, and

(4) Perform the operation, control, and door warning system tests.

(d) For airplanes on which the main cargo door has been deactivated:

(1) Prior to reactivating the main cargo door, accomplish the inspection required by paragraph (b) of this AD.

(2) Within the next 18 months after reactivation, or within 36 months after the effective date of this AD, whichever is later, accomplish the requirements of paragraph (c) of this AD.

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

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on May 31, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–13654 Filed 6–7–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–110–AD]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to all British Aerospace Model BAC 1–11 200 and 400 series airplanes, which would require repetitive visual inspections to detect cracks in the skin of the fuselage pressure floor panel and supporting cleats, and repair, if necessary; and eventual installation of modified cleats. This proposal is prompted by recent reports of cracks discovered in the skin of the fuselage pressure floor panel and the supporting cleats. This condition, if not corrected, could result in loss of cabin pressurization.

DATES: Comments must be received no later than July 31, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 91–NM–110–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and the submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91–NM–110–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The United Kingdom Civil Aviation Authority (CAA), in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on all British Aerospace Model BAC 1–11 200 and 400 series airplanes. There have been recent reports of cracks discovered in the skin of the fuselage pressure floor panel and the supporting cleats. The initial failure occurred in the cleats, subsequently resulting in skin cracks. This condition, if not corrected, could result in loss of cabin pressurization.

British Aerospace has issued Alert Service Bulletin 53–A–PM5990, Issue 1, dated January 7, 1991, which describes procedures for repetitive visual inspections to detect cracks in the skin of the fuselage pressure floor panel and supporting cleats, and repair, if necessary; and eventual installation of modified cleats. The United Kingdom CAA has classified this service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require repetitive visual inspections to detect cracks in the skin of the fuselage pressure floor panel and supporting cleats, and repair, if necessary; and eventual installation of modified cleats; in accordance with the service bulletin previously described.

It is estimated that 70 airplanes of U.S. registry would be affected by this AD, that it would take approximately 21 manhours per airplane to accomplish the required actions, and that the average labor cost would be $55 per manhour. The estimated cost for required parts is $500 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $115,850.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291, (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

British Aerospace: Docket No. 91-NM-110-AD.

Applicability: All Model BAC 1-11 200 and 400 series airplanes, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent loss of cabin pressurization, accomplish the following:

(a) For airplanes operated to a maximum of 7.5 pounds per square inch (psi) cabin pressure differential: Prior to the accumulation of 24,000 landings, or within 3,000 landings after the effective date of this AD, whichever occurs later; and thereafter at intervals not to exceed 3,200 landings; perform a visual inspection of the skin and cleats at the front and rear extremities of the twelve stiffeners to detect cracks, in accordance with British Aerospace Alert Service Bulletin 53-A-PM5990, Issue 1, dated January 7, 1991.

(b) For airplanes modified for operation to a maximum of 8.2 psi cabin pressure differential: Prior to the accumulation of 16,000 landings, or within 2,000 landings after the effective date of this AD, whichever occurs later; and thereafter at intervals not to exceed 2,400 landings; perform a visual inspection of the skin and cleats at the front and rear extremities of the twelve stiffeners to detect cracks, in accordance with the British Aerospace Alert Service Bulletin 53-A-PM5990, Issue 1, dated January 7, 1991.

(c) If skin cracks are found, prior to further flight, repair in accordance with a procedure approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. If cleat cracks are found, prior to further flight, replace cracked cleats by installing a new part having post-Modification PM5629 Part (a) configuration.

(d) For all airplanes: Prior to the accumulation of 85,000 landings, install Modification PM5629 Part (a) in accordance with British Aerospace Alert Service Bulletin 53-A-PM5990, Issue 1, dated January 7, 1991.

(e) Installation of Modification PM5629 Part (a), in accordance with British Aerospace Alert Services Bulletin 53-A-PM5990, Issue 1, dated January 7, 1991, constitutes terminating action for the repetitive inspections required by paragraphs (a) and (b) of this AD.

(f) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletin, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on May 31, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-13653 Filed 6-7-91; 8:45 am]

BILLING CODE 4710-13-M

14 CFR Part 71

[Airspace Docket No. 91-ANM-1]

Proposed Establishment of Transition Area; Anaconda, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a 700-foot transition area at Anaconda, Montana to provide controlled airspace for aircraft executing a new instrument approach procedure to the Anaconda, Montana Airport, utilizing the Whitehall and Coppertown VOR's as navigational aids. The intent of this proposal is to accurately define controlled airspace for pilot reference. The airspace would be depicted on aeronautical charts enabling pilots to determine when instrument flight rules may be required.

DATES: Comments must be received on or before August 1, 1991.

ADDRESSES: Send comments on the proposal to: Manager, System Management Branch, ANM-530, Federal Aviation Administration, Docket No. 91-ANM-1, 1601 Lind Avenue SW., Renton, Washington 98055-4056, Telephone: (206) 227-2537.

The official docket may be examined at the same address.

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

FOR FURTHER INFORMATION CONTACT: James Riley, ANM-537, Federal Aviation

Administration, Docket No. 91–ANM–1, 1601 Lind Avenue SW., Renton, Washington 98055–4056, Telephone: (206) 227–2537.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted to the address listed above.

Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–ANM–1." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Federal Aviation Administration, System Management Branch, ANM–530, 1601 Lind Avenue, SW. Renton, Washington 98055–4056.

Communications must identify the notice number of this NRPM. Persons interested in being placed on mailing list for future NRPM's should also request a copy of Advisory Circular No. 11–2 which best describes the application procedure.

The Proposal

The FAA proposes an amendment to section 71.181 of part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot transition area at Anaconda, Montana to provide controlled airspace for aircraft executing a new instrument approach procedure to Anaconda Airport, Montana. The new instrument approach procedure would utilize the Whitehall and Coppertown VHF omnidirectional range (VOR) navigational aids. The proposal would establish the Anaconda Transition Area adjacent to the Butte, Montana, Transition Area.

Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

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

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Anaconda, Montana, 700 Foot Transition Area (new). Starting at lat. 46°20'30"—long. 112°48'30" to lat. 46°10'30"—long. 113°07'00" to lat. 45°57'05"—long. 112°47'40" to lat. 45°51'20"—long. 112°27'30" to lat. 46°03'20"—long. 112°20'00" to lat. 46°05'00"—long. 112°25'45" to lat. 46°16'30"—long. 112°30'30" to lat. 46°17'10"—long. 112°41'40".

Thence to point of beginning, excluding that portion within the Butte, Montana 700 foot Transition Area.

Issued in Seattle, Washington, on May 15, 1991.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division.

[FR Doc. 91–13657 Filed 6–7–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 91–ASO–1]

Proposed Designation of VOR Federal Airways; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate Federal Airways V–509 and V–511 located in southern Florida. These new airways would improve the north/south flow of traffic. These airways would be designated in areas where aircraft are normally given radar vectors to shorten their departure/arrival time in the Miami, FL, area. This action would save fuel and expedite traffic in that area.

DATES: Comments must be received on or before July 25, 1991.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO–500, Docket No. 91–ASO–1, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–ASO–1. The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to designate VOR Federal Airways V–509 and V–511 in southern Florida. These new airways would improve the north/south flow of air traffic. These airways would be designated in areas where air traffic is radar-vectored to shorten their routes and eliminate en route delays in the Miami, FL, area. This action would save fuel, expedite traffic, and reduce controller workload. Section 71.123 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

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

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

The Proposed Amendment

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

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

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

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

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V–509 [New]

From St. Petersburg, FL; to INT St. Petersburg 111°T(110°M) and Lakeland, FL 141°T(140°M) radials.

V–511 [New]

From Lakeland, FL; INT Lakeland 141°T(140°M) and Biscayne Bay, FL, 329°T(333°M) radials; to Biscayne Bay.

Issued in Washington, DC, on May 30, 1991.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 91–13656 Filed 6–7–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 75

[Airspace Docket No. 91–AEA–5]

Proposed Alteration of Jet Route J–162

AGENCY: Federal Aviation Administraion (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of Jet Route J–162 between the States of Ohio and West Virginia. This proposal would modify J–162 by realigning the route between the Bellaire, OH, and the Morgantown, WV, very high frequency omnidirectional radio range and tactical air navigational aid (VORTAC). This action is necessary to simplify routing and make better use of the airspace in that area.

DATES: Comments must be received on or before July 25, 1991.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AEA–500, Docket No. 91–AEA–5, Federal Aviation Administration, JFK International Airport, The Fitzgerald Federal Building, Jamaica, NY 11430.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects, of the proposal. Communications should

identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–AEA–5." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 75 of the Federal Aviation Regulations (14 CFR part 75) to alter the description of Jet Route J–162. This action would realign J–162 between the Bellaire, OH, and the Morgantown, WV, VORTAC's and eliminate a dog-leg segment of the route structure. Fuel conservation measures would be enhanced for aircraft navigating along the proposed route by eliminating the dog-leg segment of that route. Modifying this route would simplify routing and make better use of the airspace in that area. Section 75.100 of part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

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

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 75 of the Federal Aviation Regulations (14 CFR part 75) as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for part 75 continues to read as follows:

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

§ 75.100 [Amended]

2. Section 75.100 is amended as follows:

J–162 [Revised]

From DRYER, OH, via Bellaire, OH; Morgantown, WV; to Martinsburg, WV.

Issued in Washington, DC., on June 3, 1991.

Jerry W. Ball

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 91–13658 Filed 6–7–91; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Parts 905, 965

[Docket No. R–91–1535; FR–2984–P–01]

RIN 2577–AA92

Termination of Consolidated Supply Program

AGENCY: .Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Proposed rule.

SUMMARY: HUD is proposing to terminate the Consolidated Supply Program (CSP), currently set out at 24 CFR part 965, subpart G, and 24 CFR 905.175(f). Under the CSP, HUD furnishes technical assistance to public housing agencies and Indian housing authorities in purchasing certain supplies, material, equipment, and services necessary for the development, operation and maintenance of low-income housing. The purpose of the rule is to terminate a program that HUD has found, after thorough analysis, to be structurally flawed and not cost effective.

DATES: Comment due date: August 9, 1991.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying from 7:30 a.m. to 5:30 p.m. weekdays in the Office of the Rules Docket Clerk at the above address. As a convenience to commenters, the Rules Docket Clerk will accept brief public comments transmitted by facsimile ("FAX") machine. The telephone number of the FAX receiver is (202) 708–4337. (This is not a toll free number.) Only public comments of six or fewer total pages will be accepted via FAX transmittal. This limitation is necessary in order to assure reasonable access to the equipment. Comments sent by FAX in excess of six pages will not be acknowledged, except that the sender may request confirmation of receipt by calling the Rules Docket Clerk (202) 708–2084. (This is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Janice D. Rattley, Director, Office of Construction, Rehabilitation and Maintenance, room 4136, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–1800. Hearing- or speech-impaired individuals may call the TDD number for the Office of Public and Indian Housing, (202) 708–0850. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background of the CSP

HUD's regulations at 24 CFR part 965, subpart G, and 24 CFR 905.175(f), govern the operation of the Consolidated Supply Program (CSP). (The CSP regulations also are referenced in HUD's Acquisition Regulation at 48 CFR 2401.601–70 and 2402.101.) The CSP was

established to assist public housing agencies (PHAs), and Indian housing authorities (IHAs) (PHAs and IHAs are collectively referred to as PHAs), to assure the low income character of public housing, as required under sections 6(a) and 9(a) of the United States Housing Act of 1937, by providing technical assistance in the procurement process.

Under the CSP, HUD enters into competitive open-end contracts with suppliers of products (supplies, material, equipment and services) commonly used by PHAs in the development, operation and maintenance of low-income housing. HUD prepares the technical specifications, and undertakes the solicitation, procurement and contracting functions. Contracts are awarded to all responsive and responsible bidders whose prices are at or below the average of the bids received (not just the low bidder). The CSP contracts generally are of 15 month duration, and are indefinite quantity contracts with no guarantee to the CSP suppliers of any specific, or minimum volume of business under the contracts.

The final stage in this CSP contractor solicitation process is the publication of a catalog which lists all CSP product items, including the product specifications, corresponding prices and other contract terms of each product; and the name, address and telephone number and assigned contract number of each CSP contractor. The CSP allows PHAs to contract directly with CSP contractors, but for only the items listed in the catalog. The CSP requires CSP contractors to honor their prices for the term of their contracts, and to adhere to the specifications listed in the catalog. Any deviation from these specifications makes the purchase a non-CSP procurement, and, consequently any Federal, State or local requirements governing competitive purchases apply. Participation in the CSP is voluntary on the part of PHAs, and is not a public housing program requirement.

The objective of the CSP is to provide PHAs with the price benefits of competition, while reducing the administrative costs that would otherwise be incurred by each PHA in preparing individual contract specifications, and in soliciting for bids. The CSP operates on the premises that: (1) CSP contractors offer their best prices to the program—that is prices that are equal to or better than prices available to PHAs through open competition; and (2) CSP installed item specifications, including authorized options, add-ons, and deletions, are sufficient to satisfy the job needs of PHAs. The Department has found, through an audit of the CSP, that these operating premises were inaccurate.

Problems with the CSP

The HUD Office of the Inspector General (IG) conducted audits of the CSP in 1981 and 1984. Those audits questioned the cost effectiveness of the program and recommended better internal controls for operating the program. Recently, the IG conducted a multi-region audit of the program, and continued to raise a number of serious problems with the program. The latest audit was performed between October 1988 and February 1990, and generally covered 1988 and 1989 CSP activities. The audit included CSP activities in the Atlanta, Boston, Philadelphia and San Francisco regions. The objectives of the IG's audit were to determine: the cost effectiveness of the program; the extent of PHA participation; and adherence to program requirements by participating PHAs and contractors.

With reference to cost-effectiveness, the IG's audit showed that, although the CSP is successful in reducing some of the administrative costs of procurement, participating PHAs do not realize the significant savings in product costs anticipated, and intended, by the program. The audit found that PHAs audited were paying prices averaging 18 percent higher than prices secured through the normal competitive process. (IHAs were excluded from the IG's audit.)

The audit attributed the CSP higher prices to the indefiniteness and generality of CSP product offerings and contract terms, features which constitute the basic framework of the program. Because of CSP is designed to serve a maximum number of PHAs for a variety of contracting jobs, CSP contractors are subject to contracts which involve extended terms, unknown quantities, and generalized specifications. The audit showed that the generality and uncertainty of these terms produced higher product pricing. For example, because a CSP contract is an indefinite quantity contract, a CSP contractor's price must be high enough to cover expenses, even if limited quantities are ordered. In contrast, a competitive bid solicitation can reflect a price discount for defined volume purchases. Additionally, because a CSP contract generally is for a period of 15 months or longer, a CSP contractor must factor in anticipated price increases. A competitive bid, however, would reflect current product costs.

The audit also found that the generalized installed item specifications, presented in a CSP catalog, were often inadequate to address all the work variables of a specific PHA job. This inadequacy caused PHAs and contractors to deviate from specifications, such as adding work to CSP contracts. These deviations are in violation of the program requirements, and, often, in violation of Federal, State and local procurement policies.

With reference to PHA participation, the audit reported that the use of the CSP by PHAs was small ($102 million for the 1988/1989 period) compared to overall PHA procurement of more than $3 billion.

With reference to adherence to program requirements, the audit provided evidence of frequent abuse of the program by PHAs and contractors. Out of the PHAs reviewed, contract irregularities were found in 97% of them. Additionally, 152 CSP violations were found during the audit. Examples of abuse included contractors misrepresenting their authority by selling items outside of their CSP contracts, while representing them as CSP items; using expired or false CSP contractor numbers; and selling unauthorized "add-ons" as a way of significantly expanding the scope of the contract. Other CSP irregularities identified by the audit included the practice among contractors of: (1) Installing inferior products, in lieu of products that were contracted (a practice referred to as "bait & switch"); and (2) selling unauthorized "add-ons"—items which are added to the contract improperly to supplement the original work item which was advertised for bid.

Reassessment of the CSP

On August 10, 1990, the Assistant Secretary of Public and Indian Housing, in response to the IG's audit, invited interested CSP participants to a meeting to discuss the audit findings and the issue of continuation of the program. Participants at the meeting included representatives from the National Association of Housing and Redevelopment Officials (NAHRO); the Public Housing Authority Directors' Association (PHADA); various CSP contracting participants, auditors, and others generally interested in the program. At the meeting, each participant presented candid views on the problems and benefits of the CSP.

Following that meeting, HUD took an additional step in its evaluation of the CSP, and engaged an outside consultant, one familiar with all aspects of procurement, to review the CSP and to make recommendations to HUD. The consultant previously served as

Chairman of the Public Contract Law Section of the American Bar Association; Vice Chairman of the Procurement Roundtable; General Counsel at NASA; and General Counsel at the General Accounting Office (GAO). The consultant completed the review and made recommendations to HUD on September 7, 1990.

Findings of Material Weakness and Intention to Terminate the CSP

As a result of the consultant's recommendations, the discussions with interest groups, and the review of many letters from the public, HUD was able to make an objective assessment of the program.

From that assessment, HUD concluded that there are four identifiable benefits to the program: standardization of specifications; standardization of products; saving of time in procurement; and the possibility of significant participation by minority contractors. (With respect to minority participation, the CSP offers the opportunity of greater involvement by minority and women's businesses enterprises due, in addition to other possible factors, to the fact that contracts awarded by HUD are not based upon the lowest bid, but rather any bid which is at or below the average.) However, outweighing the program's benefits are the program's problems (as identified by the audit and HUD's overall reassessment of the CSP)—structural and inherent flaws so serious that the corrective measures required to make the CSP cost effective, for both PHAs and HUD, would far exceed available resources, and outweigh any potential program benefits. These problems include widespread abuse of program requirements by PHAs and CSP contractors, as evidenced by unauthorized add-ons, overcharges, and false advertising. Accordingly, given these problems and their relationship to the inherent structure of the program, HUD proposes, through this rule, to terminate the CSP.

Intention to Continue with CSP for Current Participants

During the rule making process, HUD will continue to extend existing CSP contracts so that participating PHAs may continue to use the program. Generally, HUD expects the average length of contract extensions to be six to nine months. However, no new solicitations will be issued during this period of rule making.

Intention to Continue with Procurement Technical Assistance

Although HUD proposes to terminate the CSP, HUD also proposes to continue to offer to PHAs certain procurement technical assistance. Specifically, HUD intends to make available to PHAs guide specifications for many of the products which currently can be obtained under the CSP. On a voluntary basis, PHAs could use these specifications to develop bid documents for individual solicitations. These specifications will continue to be updated by HUD through continued communications with the industry, governmental agencies and contractors. This effort on the part of HUD would allow PHAs to use the HUD expertise to standardize products which currently are performing soundly under the conditions associated with public housing.

PHAs, even small PHAs, already procure from non-CSP sources. Consequently, PHAs already possess technical procurement capability, and will not have to establish an entirely new procurement system to purchase products currently offered under the CSP. The time required for these purchases should not be more than the time involved for other procurement. Moreover, PHA procurement under the CSP is a small part of these agencies overall procurement activities. In addition, HUD intends to establish a task force to explore ways to maximize minority participation in PHA procurement. HUD's procurement assistance to PHAs is being increased by making procurement training and sample procurement policies available. Finally, HUD will seek the passage of legislation to make the General Services Administration (GSA) schedule available to PHAs, in an effort to provide an additional source from which to procure products.

Other Matters

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certified that this rule does not have a significant economic impact on a substantial number of small entities. This rule merely reduces HUD's involvement in PHA and IHA purchasing of certain supplies commonly used in the development, operation and maintenance of public housing.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50, which implements 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 during regular business hours in the Office of the General Counsel, Rules Docket Clerk, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

This rule was listed in the Department's Semiannual Agenda of Regulations published on April 22, 1991 (56 FR 17407) under Executive Order 12291 and the Regulatory Flexibility Act.

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 proposed rule do not have Federalism implications and, thus, are not subject to review under the Order. No programmatic or policy changes would result from this rule's promulgation which would affect existing relationships between the Federal Government and State and local governments.

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. No significant changes in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

Lists of Subjects

24 CFR Part 905

Grant programs—Indians, Low and moderate income housing, Aged, Grant programs—housing and community development, Handicapped, Indians,

Loan programs—housing and community development, Loan programs—Indians, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 965

Energy conservation, Government procurement, Grant programs—housing and community development, Lead poisoning, Loan programs—housing and community development, Public housing, Reporting and recordkeeping requirements, Utilities.

Accordingly, 24 CFR part 905, and 24 CFR part 965, subpart G, are proposed to be amended as follows:

PART 905—INDIAN HOUSING PROGRAMS

1. The authority citation for part 905 would continue to read as follows:

Authority: Secs. 201, 202, 203, 205, United States Housing Act of 1937 (42 U.S.C. 1437aa, 1437bb, 1437cc, 1437ee); sec. 7(b), Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 905.175 [Amended]

2. Paragraph (f) of § 905.175 is proposed to be removed.

PART 965—PHA—OWNED OR LEASED PROJECTS—MAINTENANCE AND OPERATION

Subpart G—Consolidated Supply Program

3. The authority citation for part 965 would continue to read as follows:

Authority: Secs. 2, 3, 6, and 9, United States Housing Act of 1937 (42 U.S.C. 1437, 1437a, 1437d, and 1437g); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)). Subpart H is also issued under Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846).

§§ 965.601–965.605 (Subpart G)—[Removed and Reserved]

4. Subpart G, consisting of §§ 965.601 through 965.605, is proposed to be removed and reserved.

Dated: April 18, 1991.

Joseph G. Schiff,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 91–13633 Filed 6–7–91; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 156

[IA–7–88]

RIN 1545–AL47

Excise Tax Relating to Gain or Other Income Realized By Any Person on Receipt of Greenmail

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document provides proposed regulations relating to the manner and method of reporting and paying the nondeductible 50 percent excise tax imposed with respect to the receipt of greenmail. This excise tax was added to the Internal Revenue Code of 1986 by the Revenue Act of 1987, as amended by the Technical and Miscellaneous Revenue Act of 1988. The proposed regulations provide recipients of greenmail with the guidance necessary to comply with the reporting requirements for this new excise tax.

DATES: Written comments and requests for a public hearing must be received by August 9, 1991.

ADDRESSES: Send comments and requests for a public hearing to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attention: CC:CORP:T:R (IA–7–88), room 5228, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Warren Joseph, 202–566–4430 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collections of information contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comments on these collections of information should be sent to the Office of Management and Budget, Attention: Desk Officer for Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attention: IRS Reports Clearance Officer, T:FP, Washington, DC 20224.

The collections of information in this proposed regulation are in §§ 156.6001–1, 156.6011–1, and 156.6081–1, and 156.6161–1. This information is required by the Internal Revenue Service to verify that the excise tax imposed under section 5881 of the Code is properly reported on Form 8725 and timely paid and will be used for that purpose. The likely respondents/recordkeepers are individuals and businesses.

The estimated average annual burden per respondent/recordkeeper for filing Form 8725 is 6 hours and 55 minutes. The estimated average annual burden per respondent/recordkeeper for §§ 156.6081–1 and 156.6161–1 is .5 hours.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on such information as is available to the Internal Revenue Service. Individual respondents/recordkeepers may require greater or less time, depending on their particular circumstances. These estimates represent an estimation of the actual time for recordkeeping, learning about the law, and preparing and sending Form 8725 to Internal Revenue Service. The estimated total annual reporting and/or recordkeeping burden: 83 hours. The estimated average annual burden per respondent/recordkeeper is 6 hours and 55 minutes. Estimated number of respondents and/or recordkeepers: 12. Estimated annual frequency of responses (for reporting requirements only): As necessary.

The burden for §§ 156.6081–1 and 156.6161–1 is as follows: *Estimated total annual reporting and/or recordkeeping burden:* 2 hours. *The estimated annual burden per respondent/recordkeeper is .5 hours. Estimated number of respondents and/or recordkeepers:* 4. *Estimated annual frequency of responses (for reporting requirements only):* As necessary.

Background

This document proposes a new part 156, Excise Tax on Greenmail, to title 26 of the Code of Federal Regulations. The proposed regulations under part 156 would provide guidance for the proper manner and method of reporting and paying the 50 percent excise tax imposed on a person with respect to the receipt of greenmail. The proposed regulations reflect the addition to the Internal Revenue Code of chapter 54 and section 5881 by section 10228 of the Revenue Act of 1987 (Pub. L. 100–203, 101 Stat. 1330), as amended by section 2004(o) of the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. 100–647, 102 Stat. 3608).

Explanation of Provisions

Section 5881 of the Code imposes a nondeductible excise tax on any person who receives greenmail. The tax is equal to 50 percent of the gain or other income realized by the recipient on the receipt

of greenmail, whether or not the gain or other income is recognized. Under the proposed regulations, greenmail is considered to be received when gain or other income is realized, as determined according to the taxpayer's method of accounting, without regard to any provision of the Code providing for deferral of recognition. Thus, for example, the nonrecognition rules in section 354 (exchange of stock and securities in certain reorganizations), section 453 (installment method), and section 1036 (stock for stock of same corporation) would not apply to defer imposition of the excise tax. In general, greenmail is defined as any consideration paid by a corporation (or any person acting in concert with the corporation) to directly or indirectly acquire its stock if the shareholder held the stock for less than two years before entering into the agreement to transfer the stock, the shareholder (or any person acting in concert with the shareholder or any person related to the shareholder or related to a person acting in concert with the shareholder) has made or threatened to make a public tender offer for stock in the corporation during the two year period ending on the date of the acquisition, and the acquisition is pursuant to an offer that was not made on the same terms to all shareholders.

Before March 31, 1988, the effective date of section 2004(o) of the Technical and Miscellaneous Revenue Act of 1988, the term "greenmail" in section 5881 did not include consideration transferred by any person acting in concert with the corporation. However, the Internal Revenue Service will scrutinize transactions before March 31, 1988, to assure that the payment of consideration by any person acting in concert with a corporation to acquire the stock of the corporation was not, in substance, a payment of consideration by the corporation itself to acquire its stock indirectly.

The proposed regulations prescribe the manner and method of paying the excise tax imposed under section 5881 of the Code. If a taxpayer is liable for the tax imposed by the section, the excise tax must be reported on Form 8725. Generally, the proposed regulations require that the excise tax return be filed and the tax paid on or before the later of 90 days after these regulations become final or the ninetieth day following the day of receipt of any portion of greenmail by the taxpayer. For example, even if recognition of a portion of the gain is deferred for income tax purposes, the proposed regulations provide that the greenmail excise tax is due on the total amount of the gain or other income 90 days after any portion of the greenmail is received. The proposed regulations provide for an extension of the time for payment of any amount shown on a return or determined as a deficiency.

The proposed regulations do not address the method of determining the proper amount of the exise tax imposed by section 5881 of the Code. Issues related to the determination of the amount of the excise tax may be addressed by future regulations.

Special Analyses

It has been determined that these proposed 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 regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these proposed regulations is Warren Joseph of the Office of the Assistant Chief Counsel (Income Tax and Accounting), Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in their development.

List of Subjects

26 CFR Part 156

Excise taxes, Greenmail.

Proposed Amendments to the Regulations

The proposed amendments to title 26 of the Code of Federal Regulations are as follows:

Paragraph 1. A new part 156 is added to read as follows:

PART 156—EXCISE TAX ON GREENMAIL

Subpart A—Tax on Greenmail

Sec.

Subpart B—Procedure and Administration

Authority: Sections 6001, 6011, 6061, 6071, 6091, 6161, and 7805 of the Internal Revenue Code of 1986 (26 U.S.C. 6001, 6011, 6061, 6071, 6091, 6161, and 7805), unless otherwise noted.

Subpart A—Tax on Greenmail

§ 156.5881–1 Imposition of excise tax on greenmail.

(a) *In general.* Section 5881 of the Code imposes a tax equal to 50 percent of the gain or other income realized by any person on the receipt of greenmail, whether or not the gain or other income is recognized.

(b) *Transactions occurring on or after March 31, 1988.* For transactions occurring on or after March 31, 1988, greenmail is defined as any consideration transferred by a corporation (or any person acting in concert with the corporation) to directly or indirectly acquire stock of the corporation from any shareholder if:

(1) The transferring shareholder has held the stock (as determined under section 1223) for less than two years before entering into the agreement to transfer the stock,

(2) The shareholder, any person acting in concert with the shareholder, or any person related to the shareholder or to a person acting in concert with the shareholder made or threatened to make a public tender offer for stock of the corporation at some time during the two-year period ending on the date of the acquisition of the stock by the corporation, and

(3) The acquisition is pursuant to an offer that was not made on the same terms to all shareholders.

(c) *Transactions occurring before March 31, 1988.* For transactions occurring before March 31, 1988, greenmail has the same meaning as in paragraph (b) of this section, except that it does not include any consideration transferred by any person acting in concert with the corporation described in that paragraph.

(d) *Effective date.* Generally, section 5881 of the Code applies to consideration received after December 22, 1987, in taxable years ending after that date. However, section 5881 does not apply to any acquisition of stock pursuant to a written binding contract in effect on December 15, 1987, and at all times thereafter before the acquisition.

Subpart B—Procedure and Administration

(a) *In general.* Any person subject to tax under chapter 54 (Greenmail) of the Code shall keep such complete and detailed records as are sufficient to enable the district director to determine accurately the amount of liability under chapter 54.

(b) *Notice by district director requiring returns, statements, or the keeping of records.* The district director may require any person, by notice served upon him, to make such returns, render such statements, or keep such specific records as will enable the district director to determine whether or not the person is liable for tax under chapter 54 of the Code.

(c) *Retention of records.* The records required by this section shall be kept at all times available for inspection by authorized internal revenue officers or employees, and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law.

§ 156.6011–1 General requirement of return, statement, or list.

Every person liable for tax under section 5881 of the Code shall file a return with respect to the tax on the form prescribed by the Internal Revenue Service. Each such person shall include therein the information required by the form and the instructions issued with respect thereto.

§ 156.6061–1 Signing of returns and other documents.

Any return, statement, or other document required to be made with respect to a tax imposed by chapter 54 (Greenmail) of the Code or the regulations thereunder shall be signed by the person required to file the return, statement, or other document, or by the persons required or duly authorized to sign in accordance with the regulations, forms, or instructions prescribed with respect to such return, statement, or document. An individual's signature on such a return, statement, or other document shall be prima facie evidence that the individual is authorized to sign the return, statement, or other document.

§ 156.6065–1 Verification of returns.

If a return, statement, or other document made under the provisions of chapter 54 (Greenmail) or of subtitle F of the Code, or the regulations thereunder with respect to any tax imposed by chapter 54, or the form and instructions issued with respect to such return, statement, or other document, requires that it shall contain or be verified by a written declaration that it is made under the penalties of perjury, it must be so verified by the person or persons required to sign such return, statement, or other document. In addition, any other statement or document submitted under any provision of chapter 54 or of subtitle F of the Code, or the regulations thereunder with respect to any tax imposed by chapter 54 may be required to contain or be verified by a written declaration that is made under the penalties of perjury.

§ 156.6071–1 Time for filing returns relating to greenmail.

(a) *In general.* Returns required by § 156.6011–1 (relating to liability for tax on greenmail under section 5881) shall be filed on or before the ninetieth day following receipt of any portion of the greenmail. Greenmail is considered to be received when gain or other income is realized, as determined according to the taxpayer's method of accounting, without regard to any provision of the Code providing for deferral of recognition.

(b) *Returns relating to greenmail received before the date these regulations become final.* Returns required by § 156.6011–1 that relate to greenmail received before (the date these regulations become final) shall be filed on or before (the 90th day after the date these regulations become final).

§ 156.6081–1 Extension of time for filing the return.

(a) *Authority to grant extension.* District directors and directors of service centers are authorized to grant a reasonable extension of time for filing any return, statement, or other document that relates to any tax imposed by chapter 54 (Greenmail) of the Code and that is required under the provisions of chapter 54 or the regulations thereunder. However, except in the case of taxpayers who are abroad, such an extension of time shall not be granted for more than 6 months. An extension of time for filing a return shall not extend the time for the payment of the tax or any part thereof unless specified to the contrary in the grant of extension.

(b) *Application for extension.* The application for an extension of time for filing the return shall be addressed to the district director or the director of the service center with whom the return is to be filed and must contain a full recital of the causes for the delay. It should be made before the expiration of the time within which the return otherwise must be filed, and failure to do so may indicate negligence and constitute sufficient cause for denial. It should, where possible, be made sufficiently early to permit consideration of the matter and reply before what otherwise would be the due date of the return.

(c) *Filing of return.* If an extension of time for filing the return is granted, a return shall be filed before the expiration of the period of extension.

§ 156.6091–1 Place for filing chapter 54 (Greenmail) tax returns.

Except as provided in § 156.6091–2 (relating to exceptional cases):

(a) *Individuals, estates, and trusts.* In general, tax returns under chapter 54 of the Code of individuals, estates, and trusts shall be filed with the district director for the internal revenue district in which is located the legal residence or the principal place of business of the person required to make the return.

(b) *Corporations.* In general, tax returns under chapter 54 of the Code of corporations shall be filed with the district director for the internal revenue district in which is located the principal place of business or the principal office or agency of the corporation.

(c) *Partnerships.* In general, tax returns under chapter 54 of the Code of partnerships shall be filed with the district director for the internal revenue district in which is located the principal place of business or the principal office or agency of the partnership.

(d) *Returns of taxpayers outside the United States.* The return of a person (other than a partnership or a corporation) outside the United States having no legal residence or principal place of business or agency in any internal revenue district, or the return of a partnership or a corporation having no principal place of business or principal office or agency in any internal revenue district, shall be filed with the Assistant Commissioner (International), Internal Revenue Service, 950 L'Enfant Plaza South, SW., Washington, DC 20224, unless the principal place of business or the legal residence of such person, or the principal place of business or principal office or agency of the partnership or corporation, is located in the Virgin Islands or Puerto Rico, in which case the return shall be filed with the Assistant Commissioner (International), Internal

Revenue Service, Hato Rey, Puerto Rico 00918.

(e) *Returns filed with service centers or by hand carrying.* Notwithstanding paragraph (a), (b), (c), or (d) of this section, unless a return is filed by hand carrying, whenever instructions applicable to tax returns under chapter 54 of the Code provide that the returns be filed with a service center, the returns must be so filed in accordance with the instructions. Returns that are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone, or local office constituting a permanent post of duty within an internal revenue district of such director) in accordance with paragraph (a), (b), (c), or (d) of this section.

§ 156.6091–2 Exceptional cases.

Notwithstanding the provisions of § 156.6091–1, the Commissioner may permit the filing of any tax return under chapter 54 (Greenmail) of the Code with any internal revenue district.

§ 156.6151–1 Time and place for paying of tax shown on returns.

The tax under chapter 54 (Greenmail) of the Code shown on any return shall, without notice of assessment and demand, be paid to the internal revenue officer with whom the return is filed at the time and place for filing such return (determined without regard to any extension of time for filing the return). For provisions relating to the time and place for filing such return, see §§ 156.6071–1 and 156.6091–1. For provisions relating to the extension of time for paying the tax, see § 156.6161–1.

§ 156.6161–1 Extension of time for paying tax or deficiency.

(a) *In general*—(1) *Tax shown or required to be shown on return.* A reasonable extension of the time for payment of the amount of any tax imposed by chapter 54 (Greenmail) of the Code and shown or required to be shown on any return may be granted by the appropriate district director at the request of the taxpayer. The period of such extension shall not exceed 6 months from the date fixed for payment of such tax.

(2) *Deficiency.* The time for payment of any amount determined as a deficiency in respect of tax imposed by chapter 54 of the Code may, at the request of the taxpayer, be extended by the internal revenue officer to whom the tax is required to be paid. The extension may be for a period not to exceed 18 months from the date fixed for payment of the deficiency, as shown on the notice and demand. In exceptional cases, a further extension for a period not in excess of 12 months may be granted. No extension of time for payment of a deficiency shall be granted if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

(3) *Extension of time for filing distinguished.* The granting of an extension of time for filing a return does not operate to extend the time for the payment of the tax or any part thereof unless so specified in the extension.

(b) *Certain rules relating to extensions of time for paying income tax to apply.* The provisions of § 1.6161–1 (b), (c), and (d) of this chapter (relating to a requirement for undue hardship, to the application for extension, and to payment pursuant to an extension) shall apply to extensions of time for payment of the tax imposed by chapter 54 of the Code.

§ 156.6165–1 Bonds where time to pay tax or deficiency has been extended.

If an extension of time for payment is granted under section 6161 of the Code, the district director or the director of the service center may, if he deems it necessary, require a bond for the payment of the amount in respect to which the extension is granted in accordance with the terms of the extension. However, the bond shall not exceed double the amount with respect to which the extension is granted. For provisions relating to form of bonds, see the regulations under section 7101 of the Code contained in part 301 of title 26 (Regulations on Procedure and Administration).

Fred T. Goldberg, Jr.,

Commissioner of Internal Revenue Service.

[FR Doc. 91–13578 Filed 6–7–91; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 156

[DoD Directive 5200.2]

Department of Defense Personnel Security Program

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Proposed rule.

SUMMARY: This part proposes to revise 32 CFR part 156. DoD has revised and updated its policies regarding standards for the conduct of personnel security investigations, adjudication criteria for access to classified information and minimum due process procedures when an unfavorable personnel security determination is proposed. These changes are the first to the Directive since 1979 and are an attempt to make the source document for the DoD personnel security program consistent with more recent policy development.

DATES: Comments should be received on or before July 10, 1991.

ADDRESSES: Forward written comments to: Office of the Deputy Under Secretary of Defense (Security Policy) (ODUSD (SP)), Counterintelligence and Investigative Programs (CI & IP), Room 3C267, Pentagon, Washington, DC 20301–2200.

FOR FURTHER INFORMATION CONTACT: Mr. Peter R. Nelson, Deputy Director for Personnel Security, room 3C267, Pentagon, Washington, DC 20301–2200, (703) 697–3039/3969 or (AV) 227–3039/3669.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 156

Government employees; security measures.

Accordingly, 32 CFR part 156 is proposed to be revised as follows:

PART 156—DEPARTMENT OF DEFENSE PERSONNEL SECURITY PROGRAM

Sec.

Authority: 50 U.S.C. 781.

§ 156.1 Purpose.

This part, under the authority of 50 U.S.C. 781, establishes the Department of Defense (DoD) Personnel Security Program (PSP), and authorizes the issuance of DoD 5200.2–R [1] "DoD Personnel Security Program Regulation."

§ 156.2 Applicability and scope.

(a) The provisions of this part apply to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman, Joint Chiefs of Staff, the Joint Staff, the Unified and Specified Commands, the Defense Agencies, and activities administratively supported by OSD (hereafter referred to as "DoD Components"). The provisions of this part apply to the National Security Agency only to the extent necessary to meet the requirements of Public Laws 86–36 and 88–290; Executive Order

[1] Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

10450, "Security Requirements for Government Employment," April 29, 1953, 18 FR 2489; Executive Order 10865, "Safeguarding Classified Information Within Industry," February 24, 1960, 25 FR 1583; Executive Order 12333, "United States Intelligence Activities," December 4, 1981, 46 FR 59941; Executive Order 12356, "National Security Information," April 2, 1982, 47 FR 14874; and DoD Directive 5210.45.[2]

(b) Its provisions apply to DoD military and civilian personnel, contractor personnel, and others who are affiliated with the Department of Defense. This part does not apply to Coast Guard personnel during peacetime.

§ 156.3 Policy.

(a) A personnel security clearance, assignment to sensitive duties, or access to classified information will be granted only to U.S. citizens. A non-U.S. citizen may be assigned to sensitive duties or granted a Limited Access Authorization to classified information only if a compelling reason exists which is in support of a Department of Defense mission.

(b) The personnel security standard which must be applied in determining a person's eligibility for access to classified information or assignment to sensitive duties is whether based on all available information, the person's allegiance, trustworthiness, reliability and judgment are such that entrusting the person with classified information or assigning the person to sensitive duties is clearly consistent with the interest of national security.

(c) The personnel security standard which must be applied in determining a person's suitability for appointment, enlistment, induction or retention in the Armed Forces is whether, based on all available information, there is no reasonable basis for doubting the person's allegiance to the Government of the United States.

(d) DoD 5200.2–R shall identify those positions and duties which require a personnel security investigation (PSI). A PSI is required for:

(1) Appointment to a sensitive civilian position.

(2) Entry into military service.

(3) The granting of a security clearance or approval for access to classified information; and

(4) Assignment to other duties which require a personnel security or trustworthiness determination.

(e) DoD 5200.2–R shall contain personnel security criteria and adjudicative guidance to assist in determining whether an individual meets the clearance and sensitive position standard referred to in the previous paragraphs.

(f) No unfavorable personnel security or trustworthiness determination shall be taken without affording due process procedures for all DoD affiliated personnel. DoD Directive 5220.6 [3] provides due process procedures for contractor personnel under the Defense Industrial Security Program (DISP).

§ 156.4 Responsibilities.

(a) The Deputy Under Secretary of Defense (Security Policy) (DUSD (SP)) shall be responsible for overall policy guidance and management of the DoD PSP and shall:

(1) Develop and implement plans, policies, and procedures for the DoD PSP.

(2) Issue and maintain DoD 5200.2–R consistent with provisions of DoD Directive 5025.1.[4]

(3) Conduct an active oversight program to ensure that the DoD PSP requirements are complied with.

(4) Submit recommendations to the Secretary of Defense to correct any deficiencies in the program that are inconsistent with the interests of national security or the due process afforded to individuals by the constitution, laws of the United States, Executive Orders, Directives, or Regulations implementing PSP or DISP.

(5) Ensure that research is conducted to assess and improve the effectiveness of the DoD PSP (DoD Directive 5210.79 [5]); and

(6) Ensure the Defense Investigative Service is operated pursuant to the provisions of DoD Directive 5105.42.[6]

(b) The General Counsel, DoD, shall ensure that:

(1) Establish guidance and provide oversight as to the legal sufficiency of procedures and standards implementing the PSP and DISP.

(2) The rights of the individuals involved are protected consistent with the interest of national security (DoD Directive 5145.3 [7]), and due process afforded to individuals by the constitution, laws of the United States, Executive Orders, Directives or Regulations implementing the PSP or DISP.

(c) The Heads of DoD Components shall:

(1) Designate a senior official within their immediate office who shall be responsible for implementing to DoD PSP.

(2) Ensure that the DoD PSP is properly administered pursuant to this part; and

(3) Ensure that informaton and recommendations are provided the DUSD (SP) concerning any aspect of the program.

Dated: June 4, 1991.

L.M. Bynum,

ALTERNATE OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–13673 Filed 6–7–91; 8:45 am]

BILLING CODE 3810–01–M

[2] See Footnote 1 to § 156.1.

[3] See footnote 1 to § 156.1.

[4] See footnote 1 to § 156.1.

[5] See footnote 1 to § 156.1.

[6] See Footnote 1 to § 156.1.

[7] See footnote 1 to § 156.1.

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32 CFR Part 199

[DoD 6010.8–R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Program for the Handicapped

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed Rule.

SUMMARY: This proposed rule simplifies access to, and administration of, the CHAMPUS Program for the Handicapped (PFTH). The PFTH benefit is limited to active duty Uniformed Service member dependents with moderate or severe mental retardation or a serious physical handicap. This proposal does not alter the PFTH benefit or PFTH eligibility requirements, but simply rewrites the applicable provisions to remove redundant material, provide more concise definition of key terms, and establish greater flexibility in the administration of the Program.

DATES: Comments must be submitted on, or before July 25, 1991.

ADDRESSES: Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Office of Program Development, Aurora, CO 80045–6900.

FOR FURTHER INFORMATION CONTACT: Joseph W. Baker, Office of Program Development, OCHAMPUS, telephone (303) 361–4019.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8–R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)" (32 CFR part 199). DoD 6010.8–R "Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," was revised in the **Federal Register** on July 1, 1986 (51 FR 24008).

The Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) consists of the Basic Program, a general medical-surgical benefit, and a Program for the Handicapped (PFTH). The PFTH is limited to spouses or children with moderate or severe mental retardation or serious physical handicap who have an active duty Uniformed Service Member sponsor, or who are determined to be an abused dependent of certain former Members. Unlike the Basic Program, the PFTH applies a fixed, pay-grade based cost-share amount (the Basic Program cost-share is a percentage of the allowed amount), has no annual deductible amount, includes certain non-medical habilitating services and equipment, and has a $1,000 per month benefit limit.

A distinctive aspect of the PFTH is the statutory requirement that ties PFTH benefits to the use of public facilities to the extent that such facilities are available and adequate. This eligibility requirement has resulted in CHAMPUS PFTH beneficiaries occasionally being unable to access either public programs or the PFTH. State managed programs, such as maternal and child health programs funded through title V of the Social Security Act, have been known to deny access because a state steadfastly considered the CHAMPUS PFTH to be first payer of benefits. The CHAMPUS PFTH then denied access because the requirement to use local resources was not met. Examination of these experiences identified several underlying causes, among them, state characterization of the CHAMPUS as a type of private insurance carrier, rather than the Federal entitlement program that it is; dual benefit standards for identical services or items which are allowable both in the Basic Program (which does not require the use of local resources) and the PFTH (which does); the monthly $1,000 benefit limit of the PFTH (compared to the Basic Program which has no absolute benefit dollar limit); and the population of handicapped individuals proximate to some large military installations. These population clusters result from Uniformed Service efforts to facilitate family access to specialized MTF care while supporting the Member's military career development requirements.

Difficulties in accessing needed handicapped related resources and the changes in the nature, scope, and distribution of resources for individuals with handicaps since the current PFTH Regulation was published in 1977, prompted a thorough review of the PFTH's administrative structure.

This review identified certain modifications which will improve PFTH quality, efficiency, convenience, and effectiveness. This proposal does not alter the PFTH benefit or PFTH eligibility requirements which are established by statute (the Military Medical Benefits Amendments of 1966; The National Defense Authorization Act for Fiscal Year 1987).

The proposed PFTH regulation reduces by two-thirds the volume of material in the current § 199.5 by eliminating wordiness, by removing operational details that are more appropriately addressed in administrative policy issuances, by eliminating redundant material, and by rewriting to concisely communicate PFTH eligibility, benefit, and administrative requirements.

We propose to reorganize § 199.5 into six, rather than the current twelve paragraphs as follows: (a) general requirements; (b) beneficiary eligibility requirements; (c) PFTH benefits; (d) PFTH exclusions; (e) adjudication requirements; and (f) sponsor/beneficiary and government cost-share liability.

Overview of substantive changes.

We propose to add definitions for "durable equipment," "habilitation," "not-for-profit entity," "public facility," "rehabilitation," "serious physical handicap," and "state."

We propose to authorize the Director, OCHAMPUS, to establish agreements when appropriate to secure improvements in the quality, efficiency, convenience, or cost effectiveness of the PFTH. This will provide greater flexibility for equitable coordination of benefits with public facilities.

We propose to explicitly accommodate latent handicapping conditions which cannot usually be definitively diagnosed in infancy, but for which early clinical intervention is considered appropriate.

We propose to modify the adjudication requirements for PFTH benefits during the period following a Service Member's permanent change of duty station to allow increased time for transitional benefits during the period of family resettlement.

We propose to allow certification, by a Military Treatment Facility (MTF) official, in lieu of a public official, of the case-specific nonavailability of public facility resources. PFTH beneficiaries reside, with few exceptions, within MTF catchment areas. This change will facilitate beneficiary access to needed services and items. The Office of CHAMPUS will provide guidance to MTFs to assist in the identification of these resources.

We propose to permit the cost of equipment to be apportioned in a manner that recognizes the occasional need for such items, the large expense of many of these items, and the frequent need for continuing handicapped related therapies during the period the equipment is being purchased. Currently, equipment cost may be prorated over a period of six months; the proposed formula will allow that period to be extended. This change will provide a benefit enhancement with negligible additional cost to the government. We estimate that less than one percent of PFTH beneficiaries will use this longer proration period, however, these users appear to have extraordinary handicapped related need.

We propose to allow the beneficiary the choice of using the PFTH or the Basic Program for services or items which are a benefit of both programs. Currently, PFTH eligibility results in loss of further use of the Basic Program for non-acute inpatient benefits and outpatient benefits which are directly related to the handicapping condition. We propose to restrict Basic Program benefits only for those specific services or items for which a PFTH benefit approval has been issued, and only during the period of PFTH approval. The PFTH statute prohibits the government from paying in any month an amount which exceeds the maximum allowable PFTH benefit; consequently, the Basic Program cannot cost-share any excess PFTH benefit expense once the monthly benefit limit is reached.

We propose to establish PFTH providers as a separate class of CHAMPUS providers due to the extra medical features of the PFTH.

We propose to establish that Medicaid (title XIX of the Social Security Act) is not to be considered a first use resource in PFTH adjudication. Medicaid is currently not considered to be "other insurance" by the Basic Program; this will treat Medicaid the same for purposes of Basic Program and PFTH benefit adjudication.

We propose to remove the detailed criteria and discussion of mental retardation in favor of the diagnostic criteria in the "Diagnostic and Statistical Manual of Mental Disorders" published by the American Psychiatric Association.

We propose to remove the examples of conditions that may cause serious physical handicaps as the material is now only informational, and such screening criteria can be more responsive to changing technology and

standards of care when issued as administrative policy.

We propose to remove the details of the types of records required for PFTH adjudication as this level of detail is more flexibly addressed in administrative policy.

Executive Order 12291 requires that a regulatory analysis be prepared for major rules, which are defined to include any rule that has an annual effect on the economy of $100 million or more, or certain other specified effects. The Office of CHAMPUS has determined that this proposed regulation amendment is not a major rule under Executive Order 12291 because the PFTH annual government cost is less than $8 million.

The Regulatory Flexibility Act of 1980 requires that a federal agency prepare an analysis when the agency issues regulations which would have significant impact upon a substantial number of small entities. We certify that this proposed rule, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because the proposed changes simplify current administrative requirements.

Paperwork Reduction Act of 1980 requires all Departments to submit to the Office of Management and Budget (OMB) for review and approval any reporting or record keeping requirements in a proposed or final rule. This notice of proposed rule making adds no new paperwork requirements and is expected to have the effect of reducing some of the current paperwork burden.

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health Insurance, and Military Personnel.

PART 199—[AMENDED]

Accordingly, 32 CFR part 199 is amended as follows:

1. The authority citation for part 199 continues to read as follows:

Authority: 10 U.S.C. 1079, 1086, and 5 U.S.C. 301.

2. Section 199.2(b) is proposed to be amended by adding definitions "durable equipment," "habilitation," "not-for-profit entity," "public facility," "rehabilitation," serious physical handicap," and"state" in alphabetical order to read as follows:

§ 199.2 Definitions.

* * * * *

(b) * * *

Durable equipment. A device or apparatus which does not qualify as Durable Medical Equipment (as defined in this § 199.2) and which is essential to the efficient arrest or reduction of the handicapping effect of a Program for the Handicapped qualifying condition.

* * * * *

Habilitation. The provision of physical functioning capacity absent from birth due to congenital disability or developmental disorder.

* * * * *

Not-for-profit Entity. An organization or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

* * * * *

Public facility. A public authority or entity legally constituted within a State (as defined in this § 199.2) to administer, control or perform a service function for public health, education or human services programs in a city, county, township, special district, or other political subdivision, or such combination of political subdivisions or special districts or counties as are recognized as an administrative agency for a State's public health, education or human services programs, or any other public institution or agency having administrative control and direction of a publicly funded health, education or human services program.

* * * * *

Rehabilitation. The restoration of physical functioning lost due to illness or injury.

* * * * *

Serious physical handicap. A medical condition of the body that is expected to result in premature death, or which has lasted, or with reasonable certainty is expected to last, for a minimum period of 12 months; and which is of such severity as to preclude the person with the disability from engaging substantially in basic productive activities of daily living expected of unimpaired persons of the same chronological age.

* * * * *

State. For purposes of this part 199, any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each territory and possession of the United States.

* * * * *

3. Section 199.5 is proposed to be revised to read as follows:

§ 199.5 Program for the Handicapped (PFTH).

(a) *General.* The PFTH is a program of financial assistance for certain CHAMPUS beneficiaries who are moderately or severely mentally retarded, or seriously physically handicapped.

(1) *Purpose.* The primary goal of the PFTH is to assist in reducing handicapping effects so as to allow eligible beneficiaries to achieve their capacity to participate in the community environment.

(2) *Basic Program benefit substitution.* (i) A PFTH beneficiary (or sponsor or guardian acting on behalf of the beneficiary) may elect to use either the PFTH or the Basic Program, as authorized in § 199.4 of this part, for a specific service or item which is a benefit of both programs.

(ii) A PFTH benefit approval precludes CHAMPUS Basic Program cost-share of any PFTH nonallowed expense for those PFTH approved services or items for the same beneficiary during the period the PFTH approval is in effect.

(iii) The Basic Program shall not cost-share any amount remaining for PFTH approved services or items after the maximum PFTH benefit has been reached in a particular month.

(iv) A beneficiary (or sponsor or guardian acting on behalf of the beneficiary) shall not be allowed to change their election to use the PFTH for a specific service or item during the period that service or item is approved as a PFTH benefit for that beneficiary.

(3) *Application required.* (i) A beneficiary shall establish PFTH eligibility as a prerequisite to authorization of any PFTH benefits.

(ii) Once certified as PFTH eligible, subsequent review of the PFTH qualifying condition shall be made in accordance with the prognosis for a sufficient change in functional capacity such that the condition would not likely continue to be a PFTH qualifying condition, or every 36 months, which ever is earlier.

(4) *Advance benefit request required.* (i) Once certified as PFTH eligible, the PFTH beneficiary (or sponsor or guardian acting on behalf of the beneficiary) shall make a written request in advance of acquiring any service or item for which PFTH cost-share will be sought.

(ii) To establish whether a requested service or item is a PFTH benefit, the beneficiary (or sponsor or guardian acting on the behalf of the beneficiary) shall provide such information about how the requested benefit will

contribute to arresting or reducing the handicapping effects of the PFTH qualifying condition as the Director, or designee, determines necessary.

(iii) No PFTH benefit exists unless and until a written benefit approval is issued by the Director, OCHAMPUS, or designee, which specifies, for a given beneficiary, the quantity and description of each service or item approved as a PFTH benefit, the price of each unit of service or item when a price less than the CHAMPUS allowable amount has been negotiated, the name and address of the approved PFTH provider or vendor, the beginning date and the ending date of the approved benefit period, and such other requirements or limitations or information as necessary for efficient adjudication of related claims.

(iv) A PFTH benefit for a specific service or item shall not be approved for a single period exceeding twelve consecutive months.

(5) *Agreements.* In order to secure improvements in the quality, efficiency, convenience, or cost of the PFTH, the Director, OCHAMPUS, or designee, is authorized to enter into agreement with a State, or with a commander of a United States Military Treatment Facility, or with an Agency or Department of the Federal government, or with a not-for-profit or for-profit entity, provided such an agreement does not conflict with any requirement specifically set forth in 10 U.S.C., chapter 55 or otherwise imposed by law.

(6) *Implementing instruction.* (i) The Director, OCHAMPUS, or designee, shall issue policies, instructions, procedures, guidelines, standards, and criteria necessary to assure the quality and efficiency of services and items furnished pursuant to a PFT benefit approval and to otherwise accomplish the intent of this § 199.5.

(ii) All provisions of this part, except the provisions of § 199.4, apply to the PFTH unless otherwise provided by this § 199.5.

(b) *Eligibility*—(1) *Spouse or child.* The PFTH benefit is limited to a CHAMPUS eligible child or spouse, but not a former spouse, of:

(i) An active duty member of one of the Uniformed Services as determined in accordance with the provisions of § 199.3 of this part, or

(ii) After November 13, 1986, a former member of a Uniformed Service, as determined in accordance with the abused dependent provisions of § 199.3 of this part, when the PFTH qualifying condition is the result of, or has been exacerbated by, an injury or illness resulting from the abuse.

(2) *Deceased sponsor.* (i) A PFTH beneficiary who is receiving PFTH benefits at the time of the death of their sponsoring active duty Uniformed Service member remains eligible for the PFTH through midnight of the PFTH beneficiary's twenty-first birthday when the sponsor died after January 1, 1967, and the sponsor was, at the time of death, eligible for receipt of hostile fire pay or died as a result of a disease or injury incurred while eligible for such pay.

(ii) When the criteria in paragraph (b)(2)(i) of this section do not apply to the deceased active duty Uniformed Service Member sponsor, the surviving PFTH beneficiary remains eligible for the PFTH through the last day of the calendar month following the month in which the sponsor's death occurred.

(3) *Loss of PFTH eligibility.* PFTH eligibility ceases as of 12:01 a.m. of the day following the day that:

(i) The sponsor ceases to be an active duty member for any reason other than death, or

(ii) Eligibility based upon the abused dependent provisions of § 199.3 of this part expires, or

(iii) The Director, OCHAMPUS, or designee, determines that a PFTH qualifying condition no longer exists.

(4) *Qualifying condition.* (i) A diagnosis of moderate or severe mental retardation made in accordance with the criteria of the current edition of the "Diagnostic and Statistical Manual of Mental Disorders" published by the American Psychiatric Association is a qualifying PFTH condition.

(ii) A serious physical handicap as defined in § 199.2 of this part is a qualifying PFTH condition.

(iii) For CHAMPUS beneficiaries under the age of three years with a diagnosed neuromuscular developmental condition or Down's syndrome, or other condition that can reasonably be expected to precede a diagnosis of moderate or severe mental retardation or be characterized as a serious physical handicap before the age of seven, the Director, OCHAMPUS, or designee, shall establish criteria for PFTH eligibility for those under the age of seven in lieu of the requirements of paragraph (b)(4) (i) or (ii) of this section.

(iv) The cumulative handicapping effect shall be used in the adjudication of PFTH eligibility when a PFTH applicant has two or more handicapping conditions involving separate body systems. If the Director, OCHAMPUS, or designee, does find a functionally severe combination of impairments, the cumulative handicapping effect of the impairments shall be considered throughout the PFTH eligibility determination process.

(c) *Benefit.* Items or services which the Director, OCHAMPUS, or designee, has determined to be intrinsic to the following benefit categories and capable of confirming, arresting, or reducing the severity of the handicapping effect of a PFTH qualifying condition, generally or in a specific case, and which are not otherwise excluded by this § 199.5, may be allowed as a PFTH benefit:

(1) *Diagnostic procedures* to establish a diagnosis or to measure the extent of functional impairment.

(2) *Treatment* through the use of such medical, habilitative, or rehabilitative methods, techniques, therapies and equipment which otherwise meet the requirements of this § 199.5.

(3) *Equipment* that complies with the definition in § 199.2 of this part for Durable Medical Equipment or Durable Equipment. A PFTH approval for purchase of equipment shall encompass such special fitting as necessary to accommodate a particular disability, as well as repairs and maintenance for the reasonable life of the equipment that is concurrent with the beneficiary's PFTH eligibility.

(4) *Training* when required to allow the use of artificial aids or to acquire skills which are expected to assist the beneficiary to achieve the capacity to participate in the community environment, and for parents and siblings of a PFTH beneficiary when required as an integral part of the management of the PFTH qualifying condition.

(5) *Special education instruction,* other than training, specifically designed to accommodate the unique handicapped related needs of an individual.

(6) *Institutional care* within a State when the severity of the PFTH qualifying condition requires protective custody or training in a residential environment. Continuation of cost-share of any institutional admission during the absence of the PFTH beneficiary is limited to the following circumstances during a fiscal year:

(i) For medically necessary acute hospitalization for medical or surgical treatment, cost share of an approved PFTH institutional care admission may be continued for a period not to exceed 15 calendar days.

(ii) For a family emergency, cost share of an approved PFTH institutional care admission may be continued for a period not to exceed 7 calendar days including travel time.

(iii) For a planned therapeutic absence, cost share of an approved

PFTH institutional care admission may be continued for a period not to exceed 72 hours including travel time.

(iv) When residential status is for training, and not for protective custody, continuation of government cost-share for standard holidays during the school term may be approved only when school policy is to charge facility residents for such absences. Cost-share of an approved PFTH institutional care admission is limited to no more than 7 calendar days for each holiday, including travel time, except that one absence of up to 15 calendar days, including travel time, is allowable.

(7) *Transportation* when required to convey the beneficiary to and from a facility or institution in which the PFTH beneficiary is to receive services, items, or institutional care which are directly related to the qualifying PFTH condition and which are otherwise an allowable PFT or Basic Program benefit.

(i) The allowable amount for transportation is limited to the actual cost of the standard published fare plus any standard surcharge made to accommodate any person with similar handicapped related needs, or to the actual cost of specialized medical transportation when non-specialized transport cannot accommodate the beneficiary's handicapped related needs, or when specialized transport is more economical than non-specialized transport, or, when transport is by private vehicle, the allowable amount is limited to the Federal government employee mileage reimbursement rate in effect on the trip date.

(ii) Transportation for a medical attendant may be approved when medically necessary for the safe transport of the PFTH certified beneficiary.

(d) *PFTH Exclusions*—(1) Inpatient acute care. Inpatient medical or surgical treatment of an acute illness, or of an acute exacerbation of the handicapping condition, is excluded as a PFTH benefit.

(2) *Structural alterations.* Alterations to living space and permanent fixtures attached thereto, including alterations necessary to accommodate installation of PFTH or Basic Program cost-shared equipment, or to facilitate entrance or exit, are excluded.

(3) *Homemaker, sitter, or companion services.* Services predominately to provide assistance with daily living activities or to accomplish household chores or to provide companionship or to provide supervision or observation, or any combination of these functions, are excluded.

(4) *Dental care or orthodontic treatment* is excluded.

(5) *Transportation* originating in a State with a final destination outside of a State or originating outside of a State with a final destination within a State is excluded.

(6) *Transportation* of a type which is not usual for the distance traveled or which exceeds the requirements of the beneficiary's condition for safe transport or which generally constitutes a deluxe or luxurious type or which is marketed as above the standard class, such as a first class fare, or which provides deluxe services or features which increase the cost of the fare to the government relative to a fare without those features, is excluded.

(7) *Equipment.* Exclusions for durable medical equipment in § 199.4 of this part apply to all equipment allowable as a PFTH benefit.

(8) *No obligation to pay.* Services or supplies for which the beneficiary or sponsor has no legal obligation to pay, or for which no charge would be made if the beneficiary was not eligible for the CHAMPUS, are excluded.

(9) *Furnished by a public facility or by the Federal government.* Services and items paid for, or eligible for payment, directly or indirectly by a public facility, as defined in § 199.2 of this part, or by the Federal government are excluded, except when such services or items are specifically authorized through the CHAMPUS PFTH or through title XIX of the Social Security Act (Medicaid).

(10) *Study, grant, or research programs.* Services and supplies provided as a part of a scientific clinical study, grant, or research program are excluded.

(11) *Not in accordance with accepted standards, experimental or investigational.* Services and supplies not provided in accordance with accepted professional standards, or related to an essentially experimental or investigational procedure or treatment regimen are excluded.

(12) *Immediate family or household.* Services or supplies provided or prescribed by a member of the beneficiary's immediate family, or a person living in the beneficiary's or sponsor's household, are excluded.

(13) *Services or supplies* ordered by a court or other government agency that are not otherwise a legitimate PFTH benefit are excluded.

(14) *Excursions.* Additional or special charges for excursions, other than approved transportation, are excluded even though part of a program offered by an approved PFTH provider.

(15) *Institutional care outside of a State.* The PFTH institutional care benefit is limited to facilities located within a State as defined in § 199.2 of this part.

(e) *Benefit Authorization*—(1) *Public facility use.* A PFTH beneficiary residing within a State must demonstrate that public funds, except funds administered under title XIX of the Social Security Act (Medicaid) are not available or adequate to meet the handicap related need.

(2) *Public facility availability.* A public facility shall be considered available when the public facility usually and customarily provides the requested service or item to individuals with the same or similar handicapped related need as the otherwise equally qualified CHAMPUS beneficiary.

(3) *Public facility adequacy.* (i) An available public facility shall be considered adequate when the quality, quantity, and frequency of the service or item provided is sufficient, in whole or in part, to meet in a timely manner the PFTH beneficiary's specific handicapped related need, as determined by the Director, OCHAMPUS, or designee.

(ii) When public facility funding is depleted during a course of therapy which is otherwise allowable as a PFTH benefit, a PFTH beneficiary shall not be required to change the provider of therapy solely to use another public facility in lieu of the PFTH when such a change is determined by the Director, OCHAMPUS, or designee, to be therapeutically inappropriate. In such a circumstance, other public facilities for the therapy shall not be considered adequate for that PFTH beneficiary during a period not to exceed the end of the authorizing public facility's current funding year.

(4) *Public facility use certification.* Written certification, in accord with information requirements, formats, and procedures established by the Director, OCHAMPUS, or designee, that public facilities have been, or are being, used to the extent available or adequate for a requested PFTH benefit is required as a prerequisite for PFTH benefit authorization.

(i) When provided for under an agreement authorized by § 199.5(a)(5) of this part, a Military Treatment Facility (MTF) Commander, or designee, may make such certification for a beneficiary residing within a specified geographical area.

(ii) An administrator of a Public Facility, or designee, may make such certification for a beneficiary residing within the service area of that Public Facility.

(iii) Equipment repair or maintenance for beneficiary owned equipment shall

be considered not available and shall not require verification of the nonavailability of such repair or maintenance from a public facility when the equipment is a type allowable as a PFTH or Basic Program benefit.

(iv) PFTH benefits, other than institutional care, may be approved for a period not to exceed 90 consecutive calendar days from the sponsor's official date to report to a new permanent duty station without evidence of the nonavailability of public facilities.

(v) Approved institutional care being received on or about the date of the sponsor's official date to report to a new permanent duty station may be extended for a period not to exceed 180 calendar days without evidence of public resource availability from either the previous or current geographic location of the sponsor.

(5) *Proration of equipment expense.* (i) The PFTH beneficiary (or sponsor or guardian acting on the beneficiary's behalf) may, only at the time of the request for PFTH approval of an item of equipment, direct that the reasonable cost of the item, if approved, be prorated.

(ii) Equipment expense proration permits the reasonable cost of an item of PFTH approved equipment to be apportioned so that no portion of the reasonable cost exceeds the PFTH monthly benefit limit and allows each apportioned amount to be separately authorized as a PFTH benefit during subsequent contiguous months.

(iii) The maximum number of contiguous months during which a prorated amount may be allowed for PFTH cost-share shall be the lesser number of months calculated by:

(A) Dividing the initial reasonable cost for the item of equipment by $1,000 and doubling the resulting quotient, or

(B) The useful life of the item, as determined by the Director, OCHAMPUS, or designee.

(iv) The PFTH cost-share is applicable in any month in which a prorated amount is allowed, unless the cost-share provisions for a sponsor with two or more PFTH certified beneficiaries apply.

(v) No prorated payment shall be made after the date of the death of a beneficiary or after a beneficiary's loss of PFTH eligibility for any other reason.

(6) *State contracts with private facilities.* Institutional care provided under contract to a State by a for-profit organization, for which the sponsor/beneficiary would incur a liability in the absence of CHAMPUS PFTH eligibility, may be approved only when the CHAMPUS PFTH payment is made directly to the State.

(7) *Reimbursement.* The basis for reimbursement for approved durable medical equipment, or durable equipment, is the same as the basis for durable medical equipment in § 199.4 of this part. Reimbursement for all other approved PFTH services or items shall be based upon the requirements of § 199.14 of this part.

(f) *Cost-share Liability*—(1) *No deductible.* PFTH benefits are not subject to a deductible amount.

(2) *Sponsor/beneficiary cost-share liability.* The total sponsor PFTH cost-share in a given month may not exceed the amount for the sponsor's pay grade as specified below regardless of the number of PFTH certified dependents of that same sponsor receiving PFTH benefits in a given month:

Member's pay grade	Monthly share
E-1 through E-5	$25
E-6	30
E-7 and O-1	35
E-8 and O-2	40
E-9, W-1, W-2, and O-3	45
W-3, W-4, and O-4	50
O-5	65
O-6	75
O-7	100
O-8	150
O-9	200
O-10	250

(3) *CHAMPUS cost-share liability: Member who sponsors one PFTH beneficiary.* The CHAMPUS share of the cost of any PFTH benefits provided in a given month to a PFTH beneficiary who is the sponsor's only PFTH certified dependent may not exceed $1,000 in a given month, after application of the allowable charge/cost methodology and beneficiary cost-share.

(4) *CHAMPUS cost-share liability: Member who sponsors two or more PFTH beneficiaries.* The CHAMPUS share of the cost of any PFTH benefits provided in a given month after October 1, 1966, to a PFTH beneficiary who is one of two or more PFTH certified dependents of the same sponsor shall be determined as follows:

(i) The $1,000 maximum monthly CHAMPUS PFTH benefit amount shall apply to the PFTH beneficiary incurring the least amount of allowable PFTH expense in a given month, after application of the allowable charge/cost methodology and beneficiary cost-share.

(ii) When more than one PFTH eligible has the least amount of allowable PFTH expense in a given month, the Director, OCHAMPUS, or designee, may designate the beneficiary limited to the $1,000 monthly benefit in a given month. A period of not more than 30 calendar days after the last day of a given month shall be allowed to accumulate claims to be used to determine the beneficiary with the least amount of allowed PFTH expense in a given month.

(iii) For all other PFTH beneficiary dependents of the same sponsor with approved PFTH benefits in a given month, the $1,000 maximum monthly benefit does not apply, and the CHAMPUS shall cost-share the entire amount for approved PFTH services or items received in that month, after application of the allowable charge/cost methodology.

* * * * *

4. Section 199.6 is proposed to be amended by removing and reserving paragraphs (a)(5) and (b)(4)(x)(B)(*2*) and by adding a new paragraph (g) to read as follows:

§ 199.6 Authorized providers.

* * * * *

(g) Program for the Handicapped providers—(1) *General.* Services, items and supplies approved for cost-share through the Program for the Handicapped (PFTH) must be provided by a CHAMPUS-approved PFTH provider.

(2) *Billing requirements.* Billing by an approved PFTH provider, including bills for a single price for all-inclusive care, must be fully itemized and sufficiently descriptive to permit CHAMPUS to determine whether services or items rendered are PFTH benefits.

(3) *PFTH provider categories.* Providers of services or items of a type allowable as a PFTH benefit must meet the requirements of one or more of the following categories of providers to be considered for status as a CHAMPUS-approved PFTH provider by the Director, OCHAMPUS, or designee:

(i) *PFTH institutional care provider.* A provider of residential institutional care or training which is otherwise a PFTH benefit shall be:

(A) A not-for-profit entity or a public facility, and

(B) Located within a State, and

(C) A Medicaid certified Intermediate Care Facility (ICF) or a Medicaid certified Intermediate Care Facility for the Mentally Retarded (ICF/MR) or be a CHAMPUS-approved Basic Program institutional provider.

(ii) *PFTH ambulatory service provider.* A provider of PFTH ambulatory services shall be a CHAMPUS-approved Basic Program institutional provider or individual professional provider, or

(A) Shall be an individual, corporation, or public entity that predominantly renders habilitative or rehabilitative services of a type uniquely

allowable as a PFTH benefit and not otherwise allowable as a Basic Program benefit, and

(B) Shall provide services predominately to individuals with a diagnoses of mental retardation or physical disability, and

(C) Shall meet all applicable licensing or other regulatory requirements that are extant in the state, county, municipality, or other political jurisdiction in which the PFTH service is rendered.

(ii) *PFTH vendor.* CHAMPUS-approved PFTH vendor status is limited to the provision of the item, supply, equipment, orthotic, or device authorized. A provider of an approved PFTH item, supply, equipment, orthotic, or device shall be deemed to be a CHAMPUS-approved PFTH vendor when:

(A) The provider is specifically named in the PFTH benefit authorization, and

(B) The provider is not excluded, suspended, or terminated due to the provisions of § 199.9 of this part, and

(C) The provider supplies such information as the Director, OCHAMPUS, or designee, determines necessary to adjudicate a specific claim.

* * * * *

5. Section 199.7 is proposed to be amended by revising paragraph (f)(2) and removing and reserving (f)(3) to read as follows:

§ 199.7 Claims submission, review and payment.

* * * * *

(f) * * *

(2) *Advance payment prohibited.* No CHAMPUS payment shall be made for otherwise authorized services or items not yet rendered or delivered to the beneficiary.

(3) [Reserved]

6. Section 199.8 is proposed to be amended by revising paragraph (d)(4) to read as follows:

§ 199.8 Double coverage.

* * * * *

(d) * * *

(4) *Program for the Handicapped (PFTH).* A PFTH beneficiary (or sponsor or guardian acting on behalf of the beneficiary) does not have the option of waiving the full use of public facilities which are determined by the Director, OCHAMPUS, or designee, to be available and adequate to meet a handicapped related need for which a PFTH benefit was requested. Benefits provided through title XIX of the Social Security Act (Medicaid) are never considered to be available in the adjudication of PFTH benefits.

* * * * *

Dated: June 3, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-13688 Filed 6-7-91; 8:45 am]

BILLING CODE 3810-01-M

POSTAL SERVICE

39 CFR Part 111

Retention Period for Registered Mail

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would revise the Domestic Mail Manual to standardize the retention period for registered, insured, certified, and return receipt for merchandise mail.

DATES: Comments must be received on or before July 10, 1991.

ADDRESSES: Written comments should be mailed or delivered to the Director, Office of Classification and Rates Administration, U.S. Postal Service, room 8430, 475 L'Enfant Plaza West SW., Washington, DC 20260-5960. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Mickey Wood, (202) 268-5441.

SUPPLEMENTARY INFORMATION: Currently, § 159.323f(1), Domestic Mail Manual (DMM) requires registered mail to be held for customer pick-up for 10 days before return to sender, but allows a retention period of up to 60 days if requested by the mailer. DMM 159.323f(2) requires insured, certified, and return receipt for merchandise service mail to be held for a maximum of 15 days before return. The Postal Service receives an insignificant number of requests to hold undeliverable registered mail for more than 15 days. This proposal would limit the holding period for registered mail to 15 days, which would standardize the retention period for registered, certified, insured, and return receipt for merchandise mail that is undeliverable.

The proposed rule continues to provide, with editorial revisions to the current language, that the sender may specify that this mail be held for fewer than 15 days. Although exempt from the notice and comment provisions of the Administrative Procedure Act [5 U.S.C. 553(b),(c),] regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comments on the following proposed revisions of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

List of Subjects in 39 CFR Part 111

Postal service.

PART 111—[AMENDED]

1. The authority citation for part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 5001

PART 159—UNDELIVERABLE MAIL

2. Delete Domestic Mail Manual 159.323f(1). Renumber (2) and (3) as (1) and (2) respectively. Revise § 159.323f(1) to read as follows:

§ 159.323 Registered, certified, insured, COD mail, and return receipt for merchandise.

* * * * *

159.323f(1) Hold registered, insured, certified, and return receipt for merchandise mail a maximum of 15 days, unless the sender specifies that it be held for fewer days.

* * * * *

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Stanley F. Mires,

Assistant General Council, Legislative Division.

[FR Doc. 91-13577 Filed 6-7-91; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

FRL-3963-3

Ocean Dumping: Proposed Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate a dredged material disposal site located in the Gulf of Mexico offshore of Port Isabel, Texas, for the one time disposal of construction material dredged from the enlargement of the Brazos Island Harbor Entrance Channel. This action is necessary to provide an acceptable ocean dumping site for the disposal of material from the Army Corps of Engineers, 42-Foot Project at Brazos Island Harbor. This proposed site designation is for an

indefinite period of time but the site is subject to monitoring to insure that unacceptable adverse environmental impacts do not occur.

DATES: Comments must be received on or before 45 days from date of publication.

ADDRESSES: Send comments to: Norm Thomas, Chief, Federal Activities Branch (6E–F), U.S. EPA, 1445 Ross Avenue, Dallas, Texas 75202–2733.

Information supporting this proposed designation is available for public inspection at the following locations: EPA, Region 6, 1445 Ross Avenue, 9th Floor, Dallas, Texas, Corps of Engineers, Galveston District, 444 Barracuda Avenue, Galveston, Texas.

FOR FURTHER INFORMATION CONTACT: Norm Thomas 214/655–2260 or FTS/255–2260.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et seq.* ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23, 1986, the Administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the site is located. This site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR chapter I, subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in part 228. This site designation is being published as proposed rulemaking in accordance with § 228.4(e) of the regulations, which permits the designation of ocean disposal sites for dredged material. Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the EPA Region 6 address given above.

B. EIS Development

Section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, ("NEPA") requires that Federal agencies prepare Environmental Impact Statements (EISs) on proposals for major Federal actions significantly affecting the quality of the human environment. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with its ocean dumping site designations (39 FR 16186, May 7, 1974).

EPA has prepared a Draft Environmental Impact Statement entitled "Environmental Impact Statement (EIS) for the Brazos Island Harbor 42-Foot Project Ocean Dredged Material Disposal Site Designation." On May 17, 1991, a notice of availability of the Draft EIS for public review and comment was published in the **Federal Register**. The public comment period on this Draft EIS closes on July 8, 1991. Limited copies of the Draft EIS are available from the EPA address given above.

The proposed action discussed in the EIS is designation of an ocean disposal site for dredged material. The purpose of the designation is to provide an environmentally acceptable location for ocean disposal. The appropriateness of ocean disposal is determined on a case-by-case basis.

The EIS discusses the need for the action and examines ocean disposal sites and alternatives to the proposed action. Land based disposal alternatives were examined in a previously published EIS prepared by the Corps of Engineers (COE) and the analysis was updated in this Draft EIS. The nearest available land disposal area is 82 acres in size and is located 5 miles away from the seaward end of the project. The volume of this disposal site is needed for construction and future maintenance of the inland portions of the channel and is not available for the disposal of construction material from offshore areas. Also since the surrounding land areas are wetlands or shallow bay habitats, development and use of a suitably sized replacement area would likely result in a significant loss of quality wetlands or bay bottoms. A land-based alternative would offer no environmental benefit to ocean disposal.

Five ocean disposal alternatives—three nearshore sites (including the proposed site), a mid-shelf site and a deepwater site—were evaluated. Both the mid-shelf and deepwater sites were eliminated due to limited feasibility for monitoring, increased transportation costs and safety risk and the lack of any environmental benefits by utilizing sites that far offshore.

Ocean disposal sites were identified by determining a zone of siting feasibility (ZSF) and then screening out those sites which impacted biologically senitive areas, beaches and recreational areas, the navigation channel, cultural or historical resources, etc.

Evaluation of the historically-used disposal site and the routine maintenance disposal site showed that both these nearshore sites were located within the navigational fairways and contained inappropriate grain-size regimes. Because of these reasons the historically-used and routine maintenance sites were not selected for disposal of the construction material. However, the routine maintenance material site, which was designated by EPA in September 1990, will receive routine maintenance material from the 42-Foot Project.

The preferred ocean disposal site for the construction (virgin) material is located in the 60-foot isobath and in the sandy silt regime. The preferred size of the virgin ocean dredged material disposal site (ODMDS) was determined, based on models of the ocean discharge of dredged material, to be 5,300 feet in a direction parallel to the channel (east/west) and 2,895 feet in a direction perpendicular to the channel (south/north.)

EPA is coordinating with the National Marine Fisheries Service in accordance with the requirements of section 7 of the Endangered Species Act. EPA is also coordinating, as a part of the NEPA/EIS process, with the State of Texas regarding any requirements under the Coastal Zone Management Act.

C. Proposed Site Designation

The preferred site for disposal of the construction material is located about four miles from the coast and occupies an area of 0.42 square nautical miles. Water depths within the area range from 60–67 feet. The coordinates of the rectangular-shaped site are as follows: 26° 04′ 47″ N, 97° 05′ 07″ W; 26° 05′ 16″ N, 97° 05′ 04″ W; 26° 05′ 10″ N, 97° 04′ 06″ W; 26° 04′ 42″ N, 97° 04′ 09″ W.

D. Regulatory Requirements

Five general criteria are used in the selection and approval of ocean disposal sites. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at an interim site cause unacceptable adverse impacts, the use of that site will be terminated as soon as suitable alternate disposal sites can be designated. The general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations; § 228.6 list eleven specific factors used in evaluating a disposal site to assure that the general criteria are met. The characteristics of the proposed site are reviewed below in terms of the eleven factors.

1. *Geographical position, depth of water, bottom topography and distance from coast.* [40 CFR 228.6(a)(1).]

Geographical position, water depth, and distance from the coast for the disposal site are given above. Bottom topography is flat with no unique features or relief.

2. *Location in relation to breeding, spawning, nursery, feeding, or passage areas of livig resources in adult or juvenile phases.* [40 CFR 228.6(a)(2).]

Living resources' breeding, spawning, nursery and passage areas in the project area were identified as excluded areas during the siting feasibility process and eliminated from consideration. To the west of the proposed site, there is a fish haven which is excluded, as are the jetties, including buffer zones of 630 feet. The jetties provide a migratory passage for white shrimp, brown shrimp, blue crab, drum, sheepshead and southern flounder. Also excluded are partially submerged shipwrecks which improve fishing.

3. *Location in relation to beaches and other amenity areas.* [40 CFR 228.6(a)(3).]

The site is approximately over 4 miles from any beach or other amenity area.

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the wastes, if any.* [40 CFR 228.6(a)(4).]

Approximately 1,325,000 cubic yards of construction material will be discharged into the disposal site. Construction disposal is expected to last for a period for two years or less. This material will be transported by hopper dredges.

5. *Feasibility of surveillance and monitoring.* [40 CFR 228.6(a)(5).]

The proposed site is amenable to surveillance and monitoring. The proposed monitoring and surveillance program consists of (1) a method for recording the location of each discharge; (2) bathymetric surveys; and (3) grain-size analysis, sediment chemistry characterization and benthic infaunal analysis at selected stations.

6. *Dispersal, horizonal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any.* [40 CFR 228.6(a)(6).]

Physical oceanographic parameters including dispersal, horizontal transport and vertical mixing characteristics were used: (1) To develop the necessary buffer zones for the siting feasibility analysis; and (2) to determine the minimum size of the proposed site. Predominant longshore currents, and thus predominant longshore transport, are to the north. Long-term mounding has not historically occurred. Therefore, steady longshore transport and occasional storms, including hurricanes, remove the disposal material from the site.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).* [40 CFR 228.6(a)(7).]

Chemical and bioassay testing of past maintenance material and material from the historically-used disposal site plus chemical analyses of water from the area concluded that there are no indications of water or sediment quality problems. Testing of past maintenance material indicates that it was acceptable for ocean disposal under 40 CFR Part 227. Based on current direction and modeling of the virgin material, the proposed site was situated to prevent discharged material from reentering the channel and to ensure that any mounding poses no obstruction to navigation.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean.* [40 CFR 228.6(a)(8).]

Impacts to shipping, mineral extraction, commercial and recreational fishing, and recreational areas have been evaluated for the Brazos Island Harbor 42-Foot Project site designation. The proposed site will not interfere with these or other legitimates uses of the ocean because the siting feasibility process was designed to reduce the possibility of a site which would interfere. Disposal operations in the past have not interfered with other uses.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys.* [40 CFR 228.6(a)(9).]

Monitoring studies at other locations have shown only short-term water-column perturbations of turbidity, and perhaps increased chemical oxygen demand (COD), resulted from disposal operations. No short-term sediment quality perturbation has been directly related to disposal operations. In general, the water and sediment quality is good throughout the area and there have been no long-term adverse impacts on water and sediment quality from past disposal operations. No long-term impacts on the benthos at the historically-used site were apparent.

10. *Potentiality for the development or recruitment of nuisance species in the disposal site.* [40 CFR 228.6(a)(10).]

With a disturbance to any benthic community, initial recolonization will be by opportunistic species. However, these species are not nuisance species in the sense that they would interfere with other legitimate uses of the ocean or that they are human pathogens. The disposal of maintenance material in the past has not and the disposal of construction material in the future should not attract nor promote the development of recruitment of nuisance species.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.* [40 CFR 228.6(a)(11).]

Areas and features of historical importance were evaluated during the siting feasibility process. The nearest site of historical importance is located near the jetties and is well within the buffer zone surrounding the jetties. Use of the site would not impact any known historical or cultural sites.

E. Proposed Action

Based on the Draft EIS, EPA concludes that the proposed site may appropriately be designated for use. The site is compatible with the five general criteria and eleven specific factors used for site evaluation. The designation of the Brazos Island Harbor 42-Foot Project site as an EPA approved ocean dumping site is being published as proposed rulemaking.

It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at the site may occur, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. EPA has the authority to approve or to disapprove or to propose conditions upon dredged material permits for ocean dumping. While the Corps does not administratively issue itself a permit, the requirements that must be met before dredged material derived from Federal projects can be discharged into ocean waters are the same as where a permit would be required.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on all

small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This Proposed Rule does not contain any information collection requirements subject to the Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: May 29, 1991.

Robert E. Layton, Jr.,

Regional Administrator of Region 6.

In consideration of the foregoing, part 228 of subchapter H of chapter I of title 40 is amended as set forth below.

PART 228 [AMENDED]

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

Authority: 33 U.S.C. 1412 and 1418.

2. Section 229.12 is amended by adding paragraph (b)(91) to read as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(91) Brazos Island Harbor (42-Foot Project), Texas—Region 6

Location: 26°04'47" N, 97°05'07" W; 26°05'16" N, 97°05'04" W; 26°05'10" N, 97°04'06" W; 26°04'42" N, 97°04'09" W.

Size: 0.42 square nautical miles.

Depth: Ranges from 60–67 feet.

Primary Use: Dredged material.

Period of Use: Indefinite period of time.

Restriction: Disposal shall be limited to construction material dredged from the Brazos Island Harbor Entrance Channel, Texas.

[FR Doc. 91–13693 Filed 6–7–91; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part Chapter I

[CC Docket No. 91–115 FCC No. 91–118]

Proposal Establishing Policies and Rules Concerning Local Exchange Carrier Validation and Billing Information for Joint Use Calling Cards

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes new rules to establish the obligation of local exchange carriers (LECs) to provide to all interexchange carriers (IXCs) nondiscriminatory access to certain validation and billing information and services for both LEC and IXC joint use calling cards. The intent of the notice is to seek comment on requirements designed to ensure that all IXCs have nondiscriminatory access to validation and billing information for joint use cards.

DATES: Comments must be filed on or before June 24, 1991, and reply comments on or before July 15, 1991.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Roxanne McElvane, tel: 202–632–6917.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking in CC Docket No. 91–115, FCC 91–118, adopted April 9, 1991, and released May 24, 1991. This document requests comments on the Commission's proposal to establish regulations for LECs, under title II of the Communications Act, to provide to all IXCs access to certain information and services for both LEC and IXC joint used calling cards. With respect to LEC joint use cards, *i.e.*, cards that bear account numbers supplied by an LEC, are used for the services of the LEC and a designated IXC, and are validated by access to data maintained by the LEC, the Commission proposes to require that LECs provide to IXCs access to validation data, screening data, and the billing name and address associated with such card accounts. In the case of IXC jont use cards, *i.e.*, cards that bear account numbers supplied by an IXC, are used for the services of the IXC and a designated LEC, and are validated by access to data maintained by the IXC, the Commission proposes to acquire the designated LEC to provide joint use arrangements to all IXCs on a nondiscriminatory basis.

In addition, the Commission seeks comment on the technology and network configurations underlying the provision of calling card services, as well as the extent to which the Line Information Data Base (LIDB) and the Card Issuer Identification (CIID) numbering plan may impact or provide solutions to the issues raised in the notice. The full text of this Commission proposal is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this proposal may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1114 21st Street, NW., Washington, DC 20036.

Paperwork Reduction Act

The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found not to impose new or modified information collection requirements on the public.

Regulatory Flexibility Act

As required by section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. The IRFA is set forth in section IV. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Rulemaking, including the Inital Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Public Law No. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq* (1981).

Ex Parte Rules—Non-Restricted Proceeding

This is a non-restricted notice and comment rulemaking proceeding. Written and/or oral *ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally, 47 CFR 1.1202, 1.1203, and 1.1206(a).

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–13713 Filed 6–7–91; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

48 CFR Parts 209 and 242

Department of Defense Federal Acquisition Regulation Supplement; Contractor Accounting Controls

AGENCY: Department of Defense (DOD).

ACTION: Proposed rule and request for comments.

SUMMARY: The Defense Acquisition Regulations (DAR) Council is proposing changes to the Defense FAR Supplement to add a new subpart at 242.74 on policies and procedures for contractor internal accounting controls. Also, changes to 209.1 are proposed to add a general standard of responsibility for prospective contractors to have sufficient internal accounting controls to ensure the validity of all costs charged to the Government. These revisions clarify existing requirements applicable to defense contractor accounting systems.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before July 10, 1991, to be considered in the formulation of the final rule. Please cite DAR Case 91–004 in all correspondence related to this issue.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, ATTN: Ms. Barbara J. Young, Procurement Analyst, DAR Council, OUSD(A)DP(DARS), room 3D139, The Pentagon, Washington, DC 20301–3000.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara J. Young, Procurement Analyst, DAR Council, (703) 697–7266, FAX No. (703) 697–9845.

SUPPLEMENTARY INFORMATION:

A. Background

Revisions to the Defense FAR Supplement are proposed to add a new subpart at 242.74 on policies and procedures for contractor internal accounting controls. Revisions to 209.1 are also proposed to add a general standard of responsibility for prospective contractors to have sufficient internal accounting controls to ensure the validity of all costs charged to the Government. These revisions clarify existing requirements applicable to contractor accounting systems.

B. Regulatory Flexibility Act

An initial Regulatory Flexibility Analysis has not been performed because the proposed rule 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.* because it basically defines and emphasizes the requirement for contractor internal accounting controls which are already required as part of an acceptable accounting system. However, comments from small businesses concerning the affected DFARS Subparts will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite DAR Case 91–610 in all correspondence.

C. Paperwork Reduction Act

The proposed rule does not impose any reporting or recordkeeping requirements which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 209 and 242

Government procurement.

Nancy L. Ladd,

Director, Defense Acquisition Regulations Council.

Therefore, it is proposed that 48 CFR parts 209 and 242 be amended as follows:

1. The authority citation for 48 CFR parts 209 and 242 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, DoD FAR Supplement 201.301.

PART 209—CONTRACTOR QUALIFICATIONS

2. Section 209.104–1 is revised to read as follows:

209.104–1 General Standards

(e) (S–70) Have sufficient internal accounting controls to ensure the validity of all costs, both direct and indirect, charged to the government.

(S–71) Have the necessary safety programs applicable to materials to be produced or services to be performed by the prospective contractor and subcontractors.

3. Section 209.104–3 is amended by adding a new paragraph (b) to read as follows:

209.104–3 Application of Standards

(b) The accounting system including its accounting controls must be adequate if the prospective contractor is to receive progress payments or a cost or incentive type contract is contemplated.

* * * * *

4. Section 209.106–2, is amended by revising factor E in paragraph (S–70)(5), section III, Block 19, Major Factors, to read as follows:

209.106–2 Requests for preaward surveys

Section III, Block 19, Major Factors

* * * * *

Factor E—Accounting System—An assessment by the Defense Contract Audit Agency (DCAA) of the adequacy of the prospective contractor's accounting system and related accounting controls as defined in § 242.7401. Normally, an accounting system review will be requested when conditions such as progress payments, or a cost or incentive type contract is contemplated or when accounting system or internal accounting control deficiencies are thought to exist.

* * * * *

PART 242—CONTRACT ADMINISTRATION

5. A new subpart 242.74 is added to read as follows:

Subpart 242.74—Contractor Accounting Controls

Sec.

Subpart 242.74—Contractor Accounting Controls

242.7400 Scope of subpart

This subpart provides policies and procedures applicable to contractor internal accounting controls.

242.7401 Definition

Accounting controls means those internal control procedures established by contractor management to ensure costs are properly charged within the accounting system.

242.7402 Policy

All contractors shall maintain an accounting system throughout contract performance which contains sufficient internal accounting controls to ensure the integrity of all costs, both direct and indirect, charged to the government.

242.7403 Procedures

(a) The Defense Contract Audit Agency (DCAA) will establish and manage programs for evaluating the adequacy of contractor internal accounting controls. The auditor shall advise the Administrative Contracting Officer (ACO) of significant findings of the evaluation.

(b) If significant accounting control deficiencies exist, the DCAA report to the ACO shall—

(1) Provide an estimate of the potential cost impact; and

(2) Include findings on the acceptability of the contractor's corrective action plan.

(c) Upon receipt of a DCAA report identifying significant accounting control deficiencies, the ACO may suspend an appropriate percentage of progress payments or reimbursement costs proportionate to the estimated cost risk to the government, until the submission and acceptance of the contractor's corrective action plan. (See FAR 32.503–6(b)).

[FR Doc. 91–13711 Filed 6–7–91; 8:45 am]

BILLING CODE 3810–01–M

Notices

Federal Register
Vol. 56, No. 111
Monday, June 10, 1991

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 91-062]

Availability of Environmental Assessments and Findings of No Significant Impact Relative to Issuance of Permits to Field Test Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that two environmental assessments and findings of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of permits to allow the field testing of genetically engineered organisms. The assessments provide a basis for the conclusion that the field testing of these genetically engineered organisms will not present a risk of the introduction or dissemination of a plant pest and will not have a significant impact on the quality of the human environment. Based on these findings of no significant impact, the Animal and Plant Health Inspection Service has determined that environmental impact statements need not be prepared.

ADDRESSES: Copies of the environmental assessments and findings of no significant impact are available for public inspection at Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Clayton Givens, Program Assistant, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 844, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612. For copies of the environmental assessments and findings of no significant impact, write Mr. Clayton Givens at this same address. The documents should be requested under the permit numbers listed below.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article can be introduced into the United States. The regulations set forth procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

In the course of reviewing the permit applications, APHIS assessed the impact on the environment of releasing the organisms under the conditions described in the permit applications. APHIS concluded that the issuance of the permits listed below will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment.

The environmental assessments and findings of no significant impact, which are based on data submitted by the applicants as well as a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts assocaited with conducting the field tests.

Environmental assessments and findings of no significant impact have been prepared by APHIS relative to the issuance of the following permits to allow the field testing of genetically engineered organisms:

Permit No.	Applicant	Date issued	Organism	Filed test location
90-347-04	North Carolina State University	04-09-92	Tobacco plants genetically engineered to express a delta-endo-toxin protein from *Bacillus thuringiensis* subsp. *kurstaki* strain HDI.	North Carolina.
90-347-01	Monsanto Agricultural Company	04-12-91	Cotton plants genetically engineered to express a delta-endo-toxin protein from *Bacillus thuringiensis* subsp. *kurstaki*.	Alabama, Arizona, Louisiana, Mississippi, and Texas.

The environmental assessments and findings of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1509), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

Done in Washington, DC, this 4th day of June 1991.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-13704 Filed 6-7-91; 8:45 am]

BILLING CODE 3410-34-M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the District of Columbia Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the District of Columbia Advisory Committee to the Commission will convene at 4 p.m. and adjourn at 6:30 p.m., Thursday, June 20, 1991, 1121 Vermont Avenue, NW., room 512, Washington, DC 20425. The purpose of the meeting is to review information on civil rights complaints in the Mt. Pleasant area and plan future activity.

Persons desiring additional information, or planning a presentation to the Committee, should contact John I. Binkley, Director, Eastern Regional Division at (202) 523–5264, TDD (202) 376–8117. Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 4, 1991.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 91–13630 Filed 6–7–91; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–502]

Certain Circular Welded Carbon Steel Pipes and Tubes from Thailand; Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to requests by petitioners and a respondent, the Department of Commerce is conducting an administrative review of the antidumping duty order on certain circular welded carbon steel pipes and tubes from Thailand. The review covers shipments of this merchandise to the United States by one exporter during the period from March 1, 1988, through February 28, 1989. As a result of this review, the Department has preliminarily determined that dumping margins exist with respect to this exporter.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 10, 1991.

FOR FURTHER INFORMATION CONTACT: Mark Brechtl or Alain Letort, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377–3793 or telefax (202) 377–1388.

SUPPLEMENTARY INFORMATION:

Background

On March 11, 1986, the Department of Commerce ("the Department") published an antidumping duty order on certain circular welded carbon steel pipes and tubes from Thailand in the **Federal Register** (51 FR 8341). On February 28, 1989, we published in the **Federal Register** a notice of opportunity to request an administrative review of this order (54 FR 8372). On March 31, 1989, petitioners requested a review covering Saha Thai Steel Pipe Co., Ltd. ("Saha Thai") only. That same day, we also received requests for review from Thai Hong Steel Pipe Co., Ltd. ("Thai Hong") and Thai Union Steel Pipe Co., Ltd. ("Thai Union"). We initiated the review, covering the period beginning on March 1, 1988 and ending on February 28, 1989, on April 28, 1989 (54 FR 18320). Subsequent to the initiation of this review, on July 18, 1989, Thai Hong and Thai Union withdrew their requests for review. On August 31, 1989, we published a notice of "Partial Termination of Antidumping Duty Administrative Review" with respect to Thai Hong and Thai Union in the **Federal Register** (54 FR 36045). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Act"). This review covers shipments made by Saha Thai.

Scope of the Review

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the U.S. tariff schedules were fully converted from the Tariff Schedules of the United States, Annotated (TSUSA) 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 review are shipments of circular welded carbon steel pipes and tubes with an outside diameter of 0.375 inch or more but not exceeding 16 inches. These products are commonly referred to in the industry as "standard pipe" or "structural tubing." Until January 1, 1989, this merchandise was classifiable under item numbers 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, and 610.4925 of the TSUSA. This merchandise is currently classifiable under HTS item numbers 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090. As with the TSUSA numbers, the HTS numbers are provided for convenience and customs purposes. The written product description remains dispositive.

United States Price

In accordance with section 772(b) of the Act, we based United States price on purchase price, because the merchandise was sold to unrelated purchasers in the United States prior to its importation. We calculated purchase price based on c. & f. packed prices to U.S. customers.

We made deductions from purchase price, where appropriate, for foreign inland freight, foreign inland insurance, ocean freight, brokerage and handling charges, and bank charges.

We made an addition to purchase price for duty drawback, *i.e.*, import duties which were rebated, or not collected, by reason of the exportation of the merchandise to the United States, in accordance with section 772(d)(1)(B) of the Act. We made another addition to purchase price, in accordance with section 772(d)(1)(C) of the Act, for a portion of certain indirect taxes which were later rebated by reason of the exportation of the subject merchandise to the United States. Consistent with our practice in past investigations (see, *e.g.*, Barbed Wire and Barbless Fencing Wire from Argentina; Final Determination of Sales at Less Than Fair Value (50 FR 38563—September 23, 1985)), we limited the addition to purchase price to 1.26 percent of the f.o.b. price of the exported product, which is the amount of allowable indirect taxes found to have been paid by respondents in the countervailing duty investigation of the subject merchandise (see Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Certain Circular Welded Carbon Steel Pipes and Tubes from Thailand (50 FR 32751—August 15, 1985)). Finally, we

made another addition to purchase price, in accordance with section 772(d)(1)(C) of the Act, for the amount of "business (sales) tax" that apparently would have been collected on sales to the United States had they been subject to that tax. Because the business tax is paid in Thailand on gross sales receipts, we applied the business tax rate in the home market to the gross sales price in the United States and increased purchase price by that amount.

Foreign Market Value

In accordance with section 773(a) of the Act, we calculated foreign market value based on delivered or ex-factory packed prices to unrelated purchasers in Thailand. We made deductions to foreign market value, as appropriate, for inland freight, cash discounts, and business tax. In accordance with section 773(a)(4)(B) of the Act and § 353.56 of our regulations (19 CFR 353.56), we made an adjustment to foreign market value for differences in circumstances of sale with respect to credit expenses and business tax. Because the gross sale price of the merchandise in the home market includes the business tax discussed supra, we adjusted foreign market value to eliminate any differences between the business tax in both markets by substituting the business tax on sales in the United States for the business tax on sales in the home market. In order to adjust for differences in packing between the two markets, we deducted packing costs in Thailand from foreign market value and added U.S. packing costs. In accordance with section 773(a)(4)(C) of the Act and § 353.57 of our regulations (19 CFR 353.57), we made adjustments to foreign market value to account for differences in the physical characteristics of the merchandise where there was no identical product in the home market with which to compare a product in the United States.

The Department examined whether sales in the home market were made at prices below the cost of producing the merchandise. We analyzed production costs, which include all appropriate costs for materials, fabrication, and general expenses. We found that Saha Thai sold substantial quantities of the subject merchandise in the home market at prices below production costs, within the meaning of section 773(b) of the Act. After disregarding Saha Thai's below-cost sales, in accordance with section 773(b), we found that sufficient sales were made at or above production costs in the home market. Therefore, we used those sales to determine foreign market value.

Preliminary Results of the Review

As a result of our comparison of the United States price to foreign market value, we preliminarily determine that the following dumping margins exist:

Period of review	Margin (percent)
03/01/88–02/28/89:	
Saha Thai Steel Pipe Co., Ltd	2.50
All Other Manufacturers/Exporters	2.50

Pursuant to section 751 of the Act, the cash deposit requirement established in the antidumping duty order will remain in effect until publication of the final results of this administrative review, at which time the Department will issue appropriate appraisement and deposit instructions to the Customs Service based on the final results of this review. The cash deposit requirement is currently 15.69 percent for Saha Thai, 15.60 percent for Thai Steel Pipe Industry Co., Ltd. (not covered by this review), and 15.67 percent for all other manufacturers, producers, and exporters in Thailand of the subject merchandise.

Article VI:5 of the General Agreement on Tariffs and Trade provides that "(n)o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act. Since antidumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount. Accordingly, the level of export subsidies as determined in Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Certain Circular Welded Carbon Steel Pipes and Tubes from Thailand (50 FR 32751—August 15, 1985), which is 1.79 percent *ad valorem*, will be subtracted from the cash deposit rate for deposit or bonding purposes.

Public Comment

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Interested parties may request a hearing within 10 days of the date of publication of this notice and submit written comments on these preliminary results within 30 days of the date of publication of this notice in the **Federal Register.** We will hold a hearing, if requested, as early as is convenient for the parties but no later than 44 days after the date of publication, or the first business day thereafter. Interested parties may submit pre-hearing briefs no later than 14 days before the date of the hearing or the first business day thereafter. Rebuttal briefs and rebuttal comments, limited to issues raised in the initial round of comments, may be filed no later than 7 days after submission of the initial round of comments or the first business day thereafter. The Department will publish the final results of this administrative review, including an analysis of all issues raised in any written comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 353.22 of the Commerce Department's regulations (19 CFR 353.22).

Dated: May 31, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91–13706 Filed 6–7–91; 8:45 am]

BILLING CODE 3510–DS–M

[A–570–806]

Antidumping Duty Order: Silicon Metal From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: In its investigation, the U.S. Department of Commerce (the Department) determined that silicon metal from the People's Republic of China (PRC) was being sold in the United States at less than fair value. In a separate investigation, the U.S. International Trade Commission (ITC) determined that a U.S. industry is being materially injured by reason of imports of silicon metal from the PRC.

Based on the affirmative findings of the Department and the ITC, all unliquidated entries or warehouse withdrawals of silicon metal from the PRC, made on or after February 5, 1991, the date on which the Department published its preliminary determination in the **Federal Register** (56 FR 4596, February 5, 1991), will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register.**

EFFECTIVE DATE: June 10, 1991.

FOR FURTHER INFORMATION CONTACT: James Terpstra or James Maeder, Office of Antidumping Investigations, Import Administration, International Trade

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230: (202) 377–3965 or (202) 377–4929.

SCOPE OF INVESTIGATION: The merchandise covered by this investigation is silicon metal containing at least 96.00 but less than 99.99 percent of silicon by weight. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule (HTS) as a chemical product, but is commonly referred to as a metal. Semiconductor-grade silicon (silicon metal containing by weight not less than 99.99 percent of silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to this investigation. Given that this investigation is not limited to silicon metal used as an alloying agent or in the chemical industry, we have deleted the sentence regarding the uses for silicon metal from the scope of this investigation. The HTS numbers are provided for convenience and customs purposes. The written description remains dispositive.

SUPPLEMENTARY INFORMATION: In accordance with section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673(a)) (the Act), on April 16, 1991, the Department made its final determination that silicon metal from the PRC is being sold at less than fair value (56 FR 18570, April 23, 1991). On June 3, 1991, in accordance with section 735(d) of the Act, the ITC notified the Department that such imports materially injure a U.S. industry.

In its final determination, the Department also found that critical circumstances existed with respect to imports of silicon metal from the PRC. However, on June 3, 1991, the ITC notified the Department that critical circumstances do not exist with respect to any imports from the PRC. As a result of the ITC's negative critical circumstances determination, pursuant to section 735(c)(3) of the Act, the U.S. Customs Service will refund all cash deposits and release all bonds collected on silicon metal from the PRC entered, or withdrawn from warehouse, for consumption, on or after November 7, 1990, and before February 5, 1991.

Therefore, in accordance with section 736 and 751 of the Act, the Department will direct U.S. Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of silicon metal from the PRC. These antidumping duties will be assessed on all unliquidated entries of silicon metal from the PRC entered, or withdrawn from warehouse, for consumption on or after February 5, 1991, the date on which the Department published its preliminary determination notice in the **Federal Register**.

Suspension of Liquidation:

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposits for the subject merchandise.

Producer/manufacturer/exporter	Deposit rate (percent)
All Exporters	139.49

This notice constitutes the antidumping duty order with respect to silicon metal from the PRC, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: June 4, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91–13707 Filed 6–7–91; 8:45 am]

BILLING CODE 3510–DS–M

[A–533–502]

Certain Welded Carbon Steel Standard Pipes and Tubes from India; Preliminary Results of Antidumping Duty Administrative Reviews

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

ACTION: Notice of preliminary results of antidumping duty administrative reviews.

SUMMARY: In response to requests from petitioners and certain exporters, the Department of Commerce ("the Department") is conducting two administrative reviews of the antidumping duty order on certain welded carbon steel standard pipes and tubes from India. The reviews cover two exporters and two consecutive periods, from May 1, 1987 through April 30, 1989. As a result of these reviews, the Department has preliminarily determined that dumping margins exist with respect to both exporters. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 10, 1991.

FOR FURTHER INFORMATION: Contact Alain Letort or Richard Weible, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone (202) 377–3793 or telefax (202) 377–1388.

SUPPLEMENTARY INFORMATION:

Background

On May 12, 1986, the Department of Commerce ("the Department") published in the **Federal Register** an antidumping duty order on certain welded carbon steel standard pipes and tubes from India (51 FR 17384). The Department published in the **Federal Register** notices of opportunity to request administrative reviews of this order on May 5, 1988, for the period May 1, 1987 through April 30, 1988 (53 FR 16178), and on May 3, 1989, for the period May 1, 1988 through April 30, 1989 (54 FR 18918). Subsequent to the publication of the notices of opportunity, the petitioners and certain respondents requested that we conduct administrative reviews for these two periods.

For the 1987–88 period, the petitioners requested that the review cover two firms, Tata Iron and Steel Co. Ltd. ("TISCO") and Jindal Pipes Ltd. ("Jindal"). We also received requests for a review from TISCO and from Bharat Steel Tubes Manufacturing Ltd. ("BST"). We published a notice of initiation on June 29, 1988 (53 FR 24470) covering three companies: TISCO, Jindal, and BST. On August 25, 1988, BST withdrew its request for a review. The Department is now conducting an administrative review covering TISCO's and Jindal's sales of the subject merchandise to the United States during the period May 1, 1987 through April 30, 1988, in accordance with section 751 of the Tariff Act of 1930, as amended ("the Act").

For the 1988–89 period, the petitioners requested that the review cover TISCO only. We also received a request for a review from TISCO. We published a notice of initiation on June 21, 1989 (54 FR 26069). The Department is now conducting an administrative review covering TISCO's sales of the subject merchandise to the United States during the period May 1, 1988 through April 30, 1989, in accordance with section 751 of the Act.

Scope of Review

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the U.S. tariff schedules were fully converted from the Tariff Schedules of the United States, Annotated (TSUSA) 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 review are shipments of welded carbon steel pipes and tubes with an outside diameter of 0.375 inch or more but not over 16 inches. These products are commonly referred to in the industry as "standard pipe" and are produced to various ASTM specifications, most notably A–53, A–120, or A–135. Until January 1, 1989, such merchandise was classifiable under item numbers 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, and 610.4925 of the TSUSA. This merchandise is currently classifiable under HTS item numbers 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090. As with the TSUSA numbers, the HTS numbers are provided for convenience and customs purposes. The written product description remains dispositive.

Verification

In accordance with section 776(b)(3) of the Act, we conducted a verification of the questionnaire responses submitted by TISCO at the company's headquarters in Calcutta and Jamshedpur, India, from December 12 through December 20, 1990. We used standard verification procedures, including on-site inspection of TISCO's operations, and examination of accounting records and other documents containing relevant information. We did not verify information submitted by Jindal since Jindal did not furnish us with a complete listing of its home-market sales and declined to answer our deficiency questionnaire.

During verification, we found that significant portions of TISCO's response either did not verify or were unverifiable. In particular, TISCO had significantly underreported its sales both in the U.S. and home markets. Therefore, where TISCO's information was non-existent or deficient, we supplemented the responses submitted by TISCO prior to the verification with information supplied by the petitioners, as best information otherwise available, in accordance with section 776(c) of the Act. We applied the dumping margins we calculated for TISCO to Jindal, as the best information otherwise available for that company.

United States Price

In accordance with section 772(b) of the Act, we based United States price on purchase price, because the merchandise was sold to unrelated purchasers in the United States prior to its importation. We calculated purchase price based on f.a.s. or f.o.b. packed prices to U.S. customers.

We added to purchase price certain import duties which were rebated, or not collected, by reason of the exportation of the merchandise to the United States, in accordance with section 772(d)(1)(B) of the Act.

Foreign Market Value

In accordance with section 773(a) of the Act, we calculated foreign market value based on delivered packed prices of Indian Standard ("IS") pipe to unrelated purchasers in India at the same commercial level of trade as U.S. customers, *i.e.*, wholesalers and distributors. Although some of the standard pipe TISCO sold in India was identical to the merchandise it sold in the United States, which conforms to American Society for Testing Materials ("ASTM") specifications, we have preliminarily determined that TISCO's home-market sales of ASTM pipe were not "in the ordinary course of trade for home consumption" within the meaning of section 773(a)(1)(A) of the Act. We made this determination for several reasons: (1) We found during verification that, whereas IS pipe for sale in India receives only minimal packing and is stamped, the ASTM pipe sold in India was packed for export and unstamped, which we consider to be *prima facie* evidence that sales of ASTM standard pipe in India were actually overruns or returns on export sales; (2) the volume of ASTM pipe sold in India was very small compared to the quantity of IS pipe sold in the same market; (3) TISCO's sale prices of ASTM pipe in India were much lower than its sale prices of IS pipe, even though the cost of producing ASTM pipe is slightly higher than the cost of producing IS pipe; and (4) TISCO did not sell ASTM pipe in India before the antidumping duty order on standard pipe.

We deducted cash discounts from foreign market value, where appropriate. We adjusted foreign market value for differences in packing costs between the two markets. In accordance with section 773(a)(4)(B) of the Act and § 353.56 of our regulations (19 CFR 353.56), we adjusted foreign market value for differences in circumstances of sale with respect to advertising. In accordance with section 773(a)(4)(C) of the Act and § 353.57 of our regulations (19 CFR 353.57), we also adjusted foreign market value to account for differences in the physical characteristics of the merchandise where there was no product in the home market with the same coating and end-finish characteristics as the product sold in the United States.

TISCO has claimed an adjustment for differences in circumstances of sale to account for the rebates it received on steel inputs under the government of India's International Price Reimbursement Scheme ("IPRS"). Steel prices in India are controlled by the Joint Planning Committee ("JPC"), a parastatal organization comprising officials of the government of India ("GoI") and representatives of the major Indian steel producers. The JPC sets domestic steel prices at a level considerably higher than world market prices in order to protect high-cost Indian steel producers.

The JPC assesses all Indian steel fabricators a levy on their purchases of domestic steel. That levy is paid into the Engineering Goods Exports Assistance Fund ("EGEAF"). Indian exporters of finished steel products have the option of (1) importing their steel inputs from abroad at prevailing world market prices free of import duty, or (2) purchasing their steel from domestic sources at JPC-controlled prices. Because those Indian exporters of finished steel products who buy their raw steel inputs from domestic Indian sources are placed at a comparative disadvantage with their foreign competitors, the GoI set up the IPRS in order to compensate those exporters for the difference between domestic and world market prices for steel.

The IPRS is administered by the Engineering Export Promotion Council ("EEPC"), which periodically calculates and publishes international prices for steel based upon prices in the London and Tokyo metal markets. Upon certification to the EEPC that the domestically produced steel has been used in the fabrication of finished steel products for export, the EEPC uses monies from the EGEAF to rebate to the exporter the difference between the domestic steel price and the international steel price. The IPRS thus serves to neutralize the comparative disadvantage between expensive Indian steel and cheap imported steel.

In Certain Iron-Metal Castings from India; Preliminary Results of Countervailing Duty Order Administrative Review (55 FR 12702—04/05/90), the Department found the IPRS to be a subsidy because it is a "government program that results in the provision of an input to exporters at a price lower than to producers of domestically sold products." In actual fact, the IPRS is a delayed price adjustment scheme on raw materials used in the manufacture of the finished product. As such, it results in a difference in production costs between exported and domestically consumed standard pipe.

Section 773(a)(4)(B) of the Act authorizes the Department to adjust for "differences in circumstances of sale," which include such things as differences in commissions, credit terms, guarantees, warranties, technical assistance, and servicing (see 19 CFR 353.56). Since the type of adjustment at issue here relates to differences in production costs, as opposed to differences in *sales*, it is not an allowable adjustment under the circumstances-of-sale provision.

We note that, while the regulations do provide for adjustments for production cost differences in two instances, where quantity discounts reflect savings in the production of different quantities (19 CFR 353.55(b)(2)) and where differences in the physical characteristics of the merchandise are due to differences in production costs (19 CFR 353.57(b)), neither of these provisions is applicable here.

IPRS rebates are merely the result of the government of India's decision to set different prices for steel destined for the domestic and export markets. Such a practice has sometimes been referred to as "input dumping." While current U.S. law does not allow a direct remedy for input dumping when the input is sold to unrelated parties, it would be perverse to allow input dumping to excuse price differences between domestic and export sales of merchandise incorporating the differently priced inputs. In view of the fact that the proposed adjustment cannot be deemed a sale-related expense and the policy implications of excusing downstream dumping with input dumping, we have decided not to make a circumstance-of-sale adjustment to foreign market value for rebates received under the IPRS.

Furthermore, the Department disagrees with respondent's claim that, because the IPRS has the same economic effect as duty drawback, the Department should treat it as such. Under section 353.41(d)(1)(ii) of the Department's regulations, U.S. price may be increased by "(t)he amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of exportation of the merchandise." This language is in conformity with paragraph (i) of the Annex to the "Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreements on Tariffs and Trade," which defines duty drawback very specifically as "the (non-excessive) remission * * * of import charges * * * on imported goods that are physically incorporated in the exported product." IPRS rebates are clearly not a "remission of import charges;" in fact, the scheme is essentially dissimilar to duty drawback because the amount of rebate is related to the difference in the price of the raw material produced in India as compared to the prevailing world market price. No import duties are involved in this case because the raw material subject to the rebate is produced domestically.

Preliminary Results of the Review

As a result of our comparison of the United States price to foreign market value, we preliminarily determine that the following dumping margins exist:

Period of review	Margin (percent)
05/01/87–04/30/88:	
Tata Iron & Steel Co., Ltd.	77.94
Jindal Pipes Ltd.	77.94
05/01/88–04/30/89:	
Tata Iron & Steel Co., Ltd.	86.71

Pursuant to section 751 of the Act, the cash deposit requirement established in the antidumping duty order will remain in effect until publication of the final results of these administrative reviews, at which time the Department will issue appropriate appraisement and deposit instructions to the Customs Service based on the final results of these reviews. The cash deposit requirement is currently 7.08 percent for TISCO, zero for Zenith Steel Pipes and Industries Ltd. and Gujarat Steel Tubes Ltd. (which were excluded from the order), and 7.08 percent for all other manufacturers, producers, and exporters in India of the subject merchandise.

Public Comment

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Interested parties may request a hearing within 10 days of the date of publication of this notice and submit written comments on these preliminary results within 30 days of the date of publication of this notice in the **Federal Register.** We will hold a hearing, if requested, as early as is convenient for the parties but no later than 44 days after the date of publication, or the first business day thereafter. Interested parties may submit pre-hearing briefs no later than 14 days before the date of the hearing or the first business day thereafter. Rebuttal briefs and rebuttal comments, limited to issues raised in the initial round of comments, may be filed no later than 7 days after submission of the initial round of comments or the first business day thereafter. The Department will publish the final results of this administrative review, including an analysis of all issues raised in any written comments or hearing.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 353.22 of the Commerce Department's regulations (19 CFR § 353.22).

Dated: May 31, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91–13708 Filed 6–7–91; 8:45 am]

BILLING CODE 3510–DS–M

[C–517–501]

Carbon Steel Wire Rod From Saudi Arabia; Final Results of Countervailing Duty Administrative Review

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

ACTION: Notice of Final Results of Countervailing Duty Administrative Review.

SUMMARY: On December 3, 1990, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on carbon steel wire rod from Saudi Arabia. We have now completed that review and determine the total bounty or grant to be 0.43 percent *ad valorem* for the period January 1, 1987 through December 31, 1987. In accordance with 19 CFR 355.7, any rate less than 0.50 percent ad valorem is *de minimis.*

EFFECTIVE DATE: June 10, 1991.

FOR FURTHER INFORMATION CONTACT: Philip Pia or Paul McGarr, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On December 3, 1990, the Department of Commerce (the Department) published in the **Federal Register** (55 FR 49932) the preliminary results of its administrative review of the countervailing duty order on carbon steel wire rod from Saudi Arabia (February 3, 1986; 51 FR 4206). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by this review are shipments of Saudi carbon steel wire rod. Carbon steel wire rod is a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, tempered or not tempered, treated or not treated, not manufactured or partly manufactured, and valued over or under 4 cents per pound. During the review period, such merchandise was classifiable under item numbers 607.1400, 607.1710, 607.1720, 607.1730, 607.2200 and 607.2300 of the Tariff Schedules of the United States Annotated (TSUSA). Such merchandise is currently classifiable under item numbers 7213.20.00, 7213.31.30, 7213.31.60, 7213.39.00, 7213.41.30, 7213.41.60, 7213.49.00 and 7213.50.00 of the Harmonized Tariff Schedule (HTS). The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1987 through December 31, 1987 and eight programs: (1) Public Investment Fund loan to HADEED, (2) SABIC's transfer of SULB shares to HADEED, (3) preferential provision of equipment to HADEED, (4) income tax holiday for joint venture projects in Saudi Arabia, (5) SABIC loan guarantees, (6) preferential provision of services by SABIC, (7) government procurement preferences, and (8) issuance of preferential government bonds.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments from the respondent (HADEED), and the petitioners.

Comment 1: The respondent argues that, contrary to the Department's preliminary results, Public Investment Fund (PIF) loans are not limited to a specific group of enterprises, and therefore, they are not countervailable. The PIF program was administered in an even-handed manner, and PIF loans went to virtually the entire universe of eligible recipients. The essence of specificity is selective treatment, as stated in the Department's proposed substantive regulations (see, Countervailing Duties; Notice of Proposed Rulemakinq and Request for Public Comments, 54 FR 23366; May 31, 1989). These proposed regulations say expressly that selective treatment is a prerequisite for countervailability. Selective treatment, or specificity, is determined in two ways, *de jure* specificity, and *de facto* specificity. The factual record verified in this administrative review supports neither a finding of *de jure* specificity, nor a finding of *de facto* specificity, in regards to the PIF program.

PIF loans are not limited as a matter of law to a specific industrial sector; applications are considered purely on the basis of whether the projects for which loans are requested are commercially viable. The single eligibility criterion of the PIF program, which is that participants must be companies in which there is some government equity ownership, cannot in and of itself make this program specific. On this point the Court of International Trade has been explicit: "The mere fact that a program contains certain eligibility requirements for participation does not transform the program into one which has provided a countervailable benefit." (see, *PPG Indus., Inc.* v. *United States*, 662 F. Supp. 258 (C.I.T. 1987)).

In preliminarily determining that PIF loans have been limited *de facto* to a specific group of enterprises, the Department advanced the rationale that "(b)ecause only firms with some direct or indirect government equity participation are eligible for PIF financing, only a few enterprises have received PIF financing."

This rationale is both contrary to statute and not supported by the factual record of this review. The identity of the shareholders in the firms borrowing from the PIF is legally irrelevant to the specificity test. The language of 19 U.S.C. 1677(5)(ii) defines "domestic subsidies" to include governmental assistance to "a specific enterprise or industry, or group of enterprises or industries, whether publicly or privately owned." The mere fact of public ownership does not mean that all such companies constitute a "specific group of enterprises." The respondent asserts that government ownership and control of the companies that received PIF loans, of relevance only to the Department's anomalous rationale, is indirect and passive. The Saudi government has an equity interest in various companies that are, in turn, partial owners of companies receiving PIF loans. PIF loans have been made to 18 different companies representing a wide variety of industries and products. A total of 19 different multinational corporations are principal shareholders in the companies that have received PIF loans.

Conversely, the petitioners argue that the Department correctly determined that PIF loans are provided to a specific group of enterprises in Saudi Arabia, and that the PIF loan is countervailable to the extent that it is given on terms inconsistent with commercial considerations.

Only firms with government equity participation are eligible for PIF financing. This requirement has resulted in limiting PIF lending almost exclusively to projects undertaken by a few indirectly and directly government-owned companies. In fact, PIF loans are made to projects which are sponsored by, controlled by and basically owned by, either directly or indirectly, only three companies: Petromin, Saudia Airlines and the Saudi Basic Industries Corporation (SABIC). Furthermore, in its preliminary results, the Department stated that "firms receiving PIF financing represent less than one-half of all large-scale firms, and only a very small portion of all industrial enterprises, in the Kingdom." Clearly, the PIF program limits benefits to a specific "group of enterprises" in Saudi Arabia and is, therefore, countervailable on that basis.

Petitioners refute respondent's argument regarding the interpretation of the statutory language "whether publicly or privately owned" by stating that the intention was to separate the specificity analysis from the ownership issue. Congress included the phrase "whether publicly or privately owned" in the statute to ensure that the countervailing duty law had the widest possible scope.

Department's Position: We disagree with the respondent. At verification, we attempted to determine the size of the universe of large firms in Saudi Arabia of which those firms eligible for PIF financing were a subpart. We obtained a listing of licensed factories in production for the period 1983 through 1987. Because this listing may have excluded firms in existence from the period 1973 (the year PIF began lending) through 1982 and nonmanufacturing firms, we can draw no definite conclusions regarding the universe of large firms in Saudi Arabia. Nevertheless, considering Saudi firms with more than SR400 million in total investment capital as large firms, we found that from 1983 through 1987 there were, within Saudi

Arabia, 25 firms large enough to qualify for PIF loans, if otherwise eligible to do so. However, because PIF by-laws exclude firms or projects without Saudi government equity from eligibility for PIF financing, only 14 of the 25 firms were eligible for PIF financing. Furthermore, although the PIF has provided loans to 18 firms from 1973 through the end of the review period, a total of six firms are majority shareholders, albeit indirect, of the 18 PIF loan recipients. Regardless of whether specific on a *de jure* basis, we find it *de facto* specific. Therefore, we determine that the PIF program is limited to a specific group of enterprises.

Comment 2: The respondent argues that it is artificial to analyze the specificity of PIF lending alone. The Saudi Industrial Development Fund (SIDF) and the PIF are complementary funds and should be examined by the Department as one program. Under the standards set forth in the Department's proposed regulations, specifically § 355.43(b)(6), the PIF and the SIDF loan programs are integrally linked and, therefore, should be considered together for purposes of a specificity analysis. According to the respondent, the proposed regulations set forth standards for determining when programs are integrally linked, and those standards are fulfilled in this case.

Saudi Arabia has chosen to make long-term loans available through two related funds, the PIF and the SIDF, which together provide long-term loans to any company that wants them. The programs are both administered as specialized credit institutions of the Saudi government, and they have similar requirements and similar purposes. The SIDF provides loans to small- and medium-sized private industries; the PIF lends to large-scale projects with government equity participation. The Department verified that virtually all of the companies that are ineligible for PIF, either because of size or lack of government equity participation, are eligible for long-term loans through the SIDF. The Government of Saudi Arabia is not selectively conferring benefits on companies eligible for PIF loans to the exclusion of all other companies. To the contrary, the PIF loan program is simply one part of a comprehensive government program to make low-cost loans available to virtually all companies in Saudi Arabia.

Petitioners claim that the respondent's argument, that the PIF and the SIDF loan programs are integrally linked and should be considered as one program for the purposes of determining specificity, is erroneous. The Department should not lump differentiated government programs together when analyzing specificity. SIDF loans are not an alternative source of financing to PIF loans. The average maturity of the loans is different, PIF loans require government equity participation, and the maximum amount one can borrow from the SIDF is SR400 million while PIF loans are limited only by the size of the project being funded, *i.e.*, there is no nominal limit.

Department's Position: We disagree with the respondent. Section 355.43(b)(6) of the Department's proposed regulations specifically states that "in determining whether programs are integrally linked, the Secretary will examine, among other factors, the administration of the programs, evidence of a government policy to treat industries equally, the purposes of the programs as stated in their enabling legislation, and the manner of funding the programs."

The Government of Saudi Arabia has established five distinct specialized credit institutions, two of which are the PIF and the SIDF. The Department has previously found that the five institutions are not linked to an overall government lending policy (see, Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Carbon Steel Wire Rod From Saudi Arabia, 51 FR 4206; February 3, 1986). The factors established in proposed § 355.43(b)(6) are necessarily general in nature. Any evaluation of these factors to determine whether the PIF and SIDF are integrally linked would include, among other methods, a comparison of each programs's by-laws, stated purposes, sources of funding, accounting systems, administrative personnel, and treatment and classification by third parties and other institutions. Although the respondent has argued that these programs complement each other, sufficient relevant information pertaining to the factors established in proposed § 355.43(b)(6) has not been demonstrated to exist. Of particular importance is whether PIF loans and SIDF loans are linked in any way to an overall government lending policy to provide loans on comparable terms to various groups serviced by these two institutions. Therefore, we have considered each government lending program separately.

Comment 3: Petitioners argue that the Department erroneously counted HADEED's interest payment or commission fee made in 1990 when determining the benefit from the PIF program for the 1987 review period. The Department's practice focuses on the cash flow effect of subsidies when measuring the countervailability of a benefit. The payment should be allocated to the year in which it affected HADEED's cash flow—1990. Proposed Rules § 355.48(a) states:

> Ordinarily, the Secretary will deem a countervailable benefit to be received at the time that there is a cash flow effect on the firm receiving the benefit. The cash flow and economic effect of a benefit normally occurs when a firm experiences a difference in cash flows, either in the payments it receives or the outlays it makes, as a result of its receipt of the benefit.

Thus, the Department should not retroactively allocate payments to nominally-related time periods. The 1990 PIF loan payment must be ignored for purposes of calculating the benefit for this administrative review.

The respondent argues that the Department adhered to the plain language of § 355.48 and properly deemed the cash flow effect of HADEED's late payment to occur in 1987. Section 355.48(b) expressly provides: "(f)or purposes of (355.48(a))" the Secretary will "deem the cash flow effect to occur * * * at the time a firm is due to make a payment on the loan." The Department necessarily and correctly applied this policy in determining a methodology to valuate the benefits and then allocate those benefits to the 1987 review period.

Department's Position: We disagree with the petitioner. As the respondent has correctly argued, § 355.48(b)(3) of the Department's Proposed Rules states that, in the case of a loan, the cash flow effect on the firm receiving the benefit occurs at the time a firm is due to make a payment on the loan. We use the due date to determine both the amount payable at the preferential rate and the amount that would be due at the benchmark rate. Otherwise, without reference to a due date, we would have no basis for determining when a preferential loan confers a countervailable benefit. Furthermore, since each administrative review deals with a finite time period, a delay in payment, whether deliberate or inadvertent, could result in distorting the results of that review.

In this case, HADEED was required by contract to make a payment on its PIF loan only if it recorded a profit in the fiscal period preceding August 1987. The PIF and HADEED disagreed on the appropriateness of a tax deduction claimed by HADEED that reduced HADEED's profitability to zero. The dispute was duly referred to the Saudi

General Auditing Bureau and resolved in 1990. We verified the nature and settlement of the dispute between the PIF and HADEED. We find no reason to conclude that the payment in question would not have been made when due in 1987, save for the dispute. Therefore, we have calculated the benefit from this payment during the 1987 review period.

Comment 4: Petitioners argue that the Department's discounting methodology used in allocating the 1990 PIF loan payment to 1987 is flawed in that it fails to include a penalty for late payment. It is common commercial practice to require such a penalty in the form of a higher interest rate or related fee for the period of late payment.

The respondent argues that, by discounting the value of the payment HADEED made in 1990, the Department has already imposed a penalty for late payment. This discounting reflected the Department's usual practice, which is designed to account for the time value of money. Inherent in the concept of "time value of money" is an assumption of interest. As a result, the Department has already imposed an adjustment that effectively penalizes HADEED for having made its 1987 commission payment late.

Department's Position: We agree with respondent. In order to determine the value in 1987 of the service charge on HADEED's PIF loan, we discounted the nominal amount of the service charge that HADEED paid by three percent per annum for the period between August 1987 and January 1990. We then compared the amount of the discounted service charge with the amount of service charge that would have been due in August 1987 based on our benchmark interest rate.

Comment 5: Petitioners argue that the Department erroneously included the SIDF interest rate as part of the commercial benchmark. The benchmark should have been calculated solely from HADEED's long-term commercial borrowings. SIDF loans are not consistent with loans made on commercial terms, which are usually freely available and at market-determined rates. Should the Department persist in using SIDF interest rates for its benchmark, it should recognize the SR400 million loan cap on SIDF loans. The appropriate benchmark should be calculated by restricting the SIDF portion to reflect the SR400 million limit.

The remaining portion of the benchmark should be comprised of the 1987 interest rate assessed HADEED by Saudi commercial banks.

Conversely, the respondent argues that the Department's use of an SIDF loan rate as the predominant element of the benchmark is consistent with Department precedent. The only loan reasonably comparable to a PIF loan and the closest alternative to a PIF loan would have been an SIDF loan. As previously stated, PIF and SIDF loans share a number of key characteristics, none of which are found in private bank loans. Furthermore, the Department adopted an SIDF-based composite in the original investigation, and its decision to do so was upheld by the Court of International Trade. (See, *Saudi Iron & Steel Co. (HADEED)* v. *United States, 675 F. Supp. 1362, (C.I.T. 1987)).*

Department's Position: We disagree with the petitioner. We constructed a composite benchmark consisting of the flat two percent rate of interest applied to SIDF loans through 1987 and HADEED's average commercial borrowing rate in 1987. In countries where government institutions are the predominant source of long-term lending, it has been the Department's practice to use interest rates on nonspecific direct government loans as benchmarks. Such benchmarks are the best measure of the benefit to the recipient of the subsidized loan because they reflect what the recipient would otherwise have paid for a comparable loan. Saudi commercial banks do very little long-term lending, primarily because there is no long-term source of capital available to the banks themselves and, given that the payment of interest is unenforceable in a Saudi court of Islamic law, they tend to restrict their lending to small amounts to a few borrowers. Thus, such lending cannot be considered an alternative to a PIF loan. As for the SR400 million cap on SIDF loans, we verified that the SIDF, in fact, often lent combined amounts greater than the cap to a single company. For these reasons, we believe that the interest rate of nonspecific SIDF loans is appropriate for use in our composite benchmark.

Comment 6: The respondent argues that the Department incorrectly determined that the income tax holiday is limited to a specific group of enterprises, and is therefore countervailable. The statutory standard that the Department must apply in determining whether Saudi Arabia's income tax holiday constitutes a countervailable subsidy is whether its benefits are limited to a "specific enterprise or industry, or group of enterprises or industries." (See, 19 U.S.C. 1677(5)(A)(ii) (1988)). The income tax holiday is not directed toward any specific sector, industry, or group of enterprises. Rather, it is open to any licensed foreign investment in which Saudis have a 25 percent or greater equity share. Furthermore, the size and diversity of the universe of companies that qualify for the tax holiday are themselves dramatic evidence that it is not restricted or targeted to specific industries or companies.

Petitioners argue that the Department correctly determined that the benefits from the income tax holiday are specifically provided and, therefore, constitute a countervailable benefit. The program's eligibility requirements are restrictive and the most dominant industry (petroleum) is excluded. The only critical issue for the Department is whether an advantage in international commerce has been bestowed on a discrete class of grantees. Such an advantage was conferred on HADEED by virtue of the income tax holiday in this review period.

Department's Position: We disagree with the respondent. We have little evidence of the size and diversity of the universe of companies that qualify for the tax holiday. The information in the record of this review, with respect to the size of the eligible universe, is limited to two publications of the Statistics Department of the Saudi Arabian Monetary Agency (SAMA). According to SAMA, companies with foreign capital comprised less than one-fourth of all companies operating in the Kingdom during the review period, of which those companies in nonpetroleum-related industries are a subgroup. Within this subgroup, the application of the remaining criterion, that foreign technical know-how and expertise must accompany the original investment, further limits benefits under this program. Therefore, we determine that it is specific and countervailable.

Final Results of Review

After reviewing all of the comments received, we determine the total bounty or grant to be 0.43 percent *ad valorem* for the period January 1, 1987 through December 31, 1987. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis.*

Therefore, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of this merchandise exported on or after January 1, 1987 and exported on or before December 31, 1987.

The Department will also instruct the Customs Service to waive cash deposits of estimated countervailing duties on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of these final results of

administrative review. The waiving of cash deposits of estimated countervailing duties shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated May 31, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-13709 Filed 6-7-91; 8:45 am]

BILLING CODE 3510-05-M

United States-Canada Free-Trade Agreement, Article 1904 Binational Panel Reviews; Decision of Panel

AGENCY: United States-Canada Free-Trade Agreement, Binational Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of Decision of Panel in binational panel review of the final results of the antidumping duty administrative review made by the U.S. Department of Commerce, International Trade Administration, Import Administration, respecting Replacement Parts for Self-Propelled Bituminous Paving Equipment from Canada, (Secretariat File No. USA-90-1904-01).

SUMMARY: By a decision dated May 24, 1991, the Binational Panel affirmed in part and remanded in part the Department of Commerce's final determination concerning Replacement Parts for Self-Propelled Bituminous Paving Equipment from Canada published May 15, 1990 (FR 55 20175). A copy of the complete panel decision is available from the FTA Binational Secretariat.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, Binational Secretariat, suite 4012, 14th and Constitution Avenue, Washington, DC 20230, (202) 377-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the United States-Canada Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from the other country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1989, the Government of the United States and the Government of Canada established Rules of Procedure for Article 1904 Binational Panel Reviews ("Rules"). These Rules were published in the **Federal Register** on December 30, 1988 (53 FR 53212). The Rules were amended by Amendments to the Rules of Procedure for Article 1904 Binational Panel Reviews, published in the **Federal Register** on December 27, 1989 (54 FR 53165). The panel review in this matter was conducted in accordance with these Rules.

Background

On June 14, 1990 a Request for Panel Review of the final determination in the administrative review was filed by Northern Fortress Ltd., the Canadian manufacturer, with the United States Section of the Binational Secretariat pursuant to Article 1904 of the Canada-United States Free Trade Agreement. Blaw Knox Construction Equipment Corporation, the American manufacturer, also challenged Commerce's final determination.

Commerce responded to these challenges to its final determination by requesting a remand to enable it to correct errors in computation and to conduct verification of Federal Sales Tax (FST) payments and by requesting that its decision to use best information available (BIA) and its selection of the 30.61 percent margin as the BIA rate be affirmed.

Panel Decision

On the basis of the administrative record, the applicable law, the written/submissions of the parties, and the hearing held on March 14, 1991, at which all parties were heard, the Panel:

Remanded to Commerce for redetermination of the dumping margin on approximately 75 percent of Northern Fortress's sales: (1) To correct its comparison of contemporaneous and sufficient home-market sales; (2) to verify FST payments by Northern Fortress on its home-market sales; and (3) to verify, if requested by Blaw Knox upon remand, any information used to calculate third-country sales prices or constructed values to make its dumping margin calculations;

Remanded to Commerce for redetermination of the appropriate BIA rate to be used as a dumping margin for the remaining approximately 25 percent of the sales, based on the corrected and verified information on the record as revised upon remand;

Declined to reach the issue of whether Commerce erred in making a cost of sale adjustment for the FST, pending the verification upon remand of FST payments; and

Affirmed Commerce's determination in all other respects.

The Panel directed Commerce to submit a reasoned determination consistent with the opinion no later than 90 days from the date of issuance of the opinion (by August 22, 1991).

Dated: June 3, 1991.

James R. Holbein,

United States Secretary, FTA Binational Secretariat.

[FR Doc. 91-13710 Filed 6-7-91; 8:45 am]

BILLING CODE 3510-6T-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Consolidation of Export Visa and Exempt Certification Requirements for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Taiwan

June 5, 1991.

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

ACTION: Issuing a directive to the Commissioner of Customs consolidating existing export visa and exempt certification requirements.

FOR FURTHER INFORMATION CONTACT: Kim-Bang Nguyen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

SUPPLEMENTARY INFORMATION:

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

In an exchange of letters dated April 18, 1991 and May 1, 1991, the Coordination Council for North American Affairs (CCNAA) and the American Institute in Taiwan (AIT), agreed to consolidate the existing provisions of the export visa and certification system into a single document in an effort to clarify and facilitate implementation of the current requirements.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel

Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 55 FR 50756, published on December 10, 1990). Also see 37 FR 20745, published on October 3, 1972; and 38 FR 10132, published on April 24, 1973.

Interested persons are advised to take all necessary steps to ensure that textile products that are to be entered into the United States for consumption, or withdrawn from warehouse for consumption will meet the visa requirements set forth in the letter published below to the Commissioner of Customs.

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 5, 1991.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Directives dated September 27, 1972 and April 19, 1973, as amended, established export visa and exempt certification requirements for certain textiles and textile products, produced or manufactured in Taiwan. The purpose of this directive is to consolidate the existing provisions into a single document to clarify and facilitate implementation of the current requirements. Merchandise exported from Taiwan shall continue to be subject to the September 27, 1972 and April 19, 1973 directives, as amended.

Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Textile Agreement, effected by exchange of notes dated August 21, 1990 and September 28, 1990; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit entry into the Customs territory of the United States (i.e., the 50 states, the District of Columbia and the Commonwealth of Puerto Rico) for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 200–239, 300–369, 400–469, 600–670 and 800–899, including merged and part categories (see Annex I), produced or manufactured in Taiwan and exported from Taiwan for which the Coordination Council for North American Affairs (CCNAA) has not issued an appropriate export visa fully described below. Should additional categories, merged categories or part categories be added to the bilateral agreement, or become subject to import quotas, the entire category(s) or part category(s) shall be included in the coverage of this visa arrangement. Merchandise exported on or after the date the category(s) is added to the agreement or becomes subject to import quota shall require a visa specifying the new designation.

A visa must accompany each commercial shipment of the aforementioned textile products. A circular stamped marking in blue ink will appear on the front of the original commercial invoice. The original visa shall not be stamped on duplicate copies of the invoice (also known as Textile Export Visa). The original invoice with the original visa stamp will be required to enter the shipment into the United States. Duplicates of the invoice and/or visa may not be used for this purpose.

Each visa stamp shall include the following information:

1. The visa number. The visa number shall be in the standard nine digit letter format, beginning with one numerical digit for the last digit of the year of export, followed by the two character alpha country code specified by the International Organization for Standardization (ISO)(the code for Taiwan is "TW"), and a six digit numerical serial number identifying the shipment; e.g., 1TW123456.

2. The date of issuance. The date of issuance shall be the day, month and year on which the visa was issued.

3. The signature of the issuing official.

4. The correct category(s), merged category(s), part category(s), quantity(s) and unit(s) of quantity in the shipment as set forth in the U.S. Department of Commerce Correlation shall be reported in the spaces provided within the visa stamp (e.g., "Cat. 340–510 DOZ").

Quantities must be stated in whole numbers. Decimals or fractions will not be accepted. Merged category quota merchandise may be accompanied by either the appropriate merged category visa or the correct category visa corresponding to the actual shipment (e.g., Categories 347/348 may be visaed as 347/348 or if the shipment consists solely of 347 merchandise, the shipment may be visaed as "Cat. 347," but not as "Cat. 348").

U.S. Customs shall not permit entry if the shipment does not have a visa, or if the visa number, date of issuance, signature, category, quantity or units of quantity are missing, incorrect or illegible, or have been crossed out or altered in any way. If the quantity indicated on the visa is less than that of the shipment, entry shall not be permitted. If the quantity indicated on the visa is more than that of the shipment, entry shall be permitted and only the amount entered shall be charged to any applicable quota.

If the visa is not acceptable then a new visa must be obtained from the CCNAA or their authorized agents, or a visa waiver may be issued by the U.S. Department of Commerce at the request of the CCNAA or their authorized agents in Washington, DC, and presented to the U.S. Customs Service before any portion of the shipment will be released. The waiver, if used, only waives the requirement to present a visa with the shipment. It does not waive the quota requirement.

If the visaed invoice is deficient, the U.S. Customs Service will not return the original document after entry, but will provide a certified copy of that visaed invoice for use in obtaining a new correct original visaed invoice, or a visa waiver.

Certain merchandise which is exempt from quantitative levels of the bilateral agreement shall require a "Non-quota Exempt Certification" prior to exportation (see Annex II).

Merchandise imported for the personal use of the importer and not for resale, regardless of value, and properly marked commercial sample shipments valued at U.S.$250 or less, do not require a visa or exempt certification for entry and shall not be charged to the agreement levels.

The actions taken concerning Taiwan with respect to imports of textiles and textile products in the aforementioned categories have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1). This letter will be published in the **Federal Register**.

Sincerely,

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Annex I

Part Categories

Descriptions below are for general reference only.

359–C	Coveralls & Overalls
359–H	Headwear
359–O	Other
369–L	Luggage
369–S	Shoptowels
369–O	Other
640–Y	Shirts with two or more colors in the warp and/or filling
640–O	Other Shirts
641–Y	Blouses with two or more colors in the warp and/or filling
641–O	Other Blouses
659–C	Coveralls & Overalls
659–H	Headwear
659–S	Swimwear
659–O	Other
669–P	Poly Bags
669–T	Tents and Tarpaulins
669–O	Other
670–H	Handbags
670–L	Luggage
670–O	Other

Merged Categories

225/317/326
300/301/607
613/4/5/7
619/20
625/6/7/8/9
333/4/5
338/9
347/8
350/650
352/652
359–C/659–C
359–H/659–H
369–L/670–L/870
445/6
447/8
633/4/5
633/4
638/9
645/6
647/8

Annex II

Exempt Products Requiring Exempt Certification

1. Pincushions.
2. Embroideries (needle work), of man-made fibers with designs embroidered with wool thread.
3. Handmade carpets, i.e., in which the pile was inserted or knotted by hand.
4. Christmas or Easter ornaments having a non-textile core or a non-textile structural frame and man-made fiber textile covering.
5. Martial Arts uniforms, such as Kung Fu, Karate, and Judo uniforms.
6. Toy (novelty) animals, birds or insects with a plastic wire or other non-textile core that are covered or decorated with textile thread or fiber.
7. Traditional Chinese caps.
8. Traditional Chinese garments:
   Jackets—three-quarter length or shorter, of woven fabrics, usually with Chinese figures in the weave but may be plain/woven otherwise figured or printed. They have a low Mandarin collar, long sleeves and full frontal openings, with "frog" type closures (looped fastenings made of braid, cording, etc., used with a matching knot or toggle of the same material. Fur or imitation fur-lined jackets—which may or may not be reversible and are otherwise identical in appearance and construction with the jackets described above.
   Vests—sleeveless garments extending from the neck area to waist with or without pockets at the waist. They are otherwise identical in appearance and construction with the jackets described above.

[FR Doc. 91-13705 Filed 6-7-91; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: DoD FAR Supplement, part 243, Contract Modifications; part 249, Termination of Contracts; and § 252.2, Text of Provisions and Clauses.

Type of Request: Emergency Submission-Approval date requested: June 18, 1991.

Average Burden Hours/Minutes per Response: 1 hour.

Responses per Respondent: 1.

Number of Respondents: 1.

Annual Burden Hours: 2.

Annual Responses: 1.

Needs and Uses: Section 4201 of the National Defense Authorization Act for Fiscal Year 1991 (Pub. L. 101-510, Division D, title XLII; Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990) requires the Secretary of Defense to notify the Department of Labor if a modification or termination of a major defense contract or subcontract will have a substantial impact on employment. The Act defines what constitutes a major defense contract or subcontract and establishes criteria for determining if there is a substantial impact on employment. The statute reflects Congressional concern about the economic impact on communities, businesses, and employees affected by "(1) The annual budget of the President submitted to Congress and any longer-term guidance document of the Secretary of Defense; (2) the public announcement of the realignment or closure of a military installation or defense facility; or (3) the cancellation or curtailment of a major defense contract." (sec. 4101(a) of Pub. L. 101-510) In order to comply with the requirement to provide prompt notice to the Secretary of Labor, the Department of Defense needs to know if a proposed contract modification or termination will have a substantial impact on employment, as defined in the Act and implemented in the regulation. This information can only be provided by the contractor or subcontractor affected by the modification or termination.

Affected Public: Businesses or other for-profit; small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Peter Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202-4302.

Dated: June 4, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-13674 Filed 6-7-91; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Defense Science Board

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board will meet in closed session on August 11-23, 1991 at the Naval Ocean Systems Center, San Diego, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At that time the Board will examine the substance, interrelationships, and the US national security implications of three critical areas identified and tasked to the Board by the Secretary of Defense, Deputy Secretary of Defense, and Under Secretary of Defense for Acquisition. The subject areas are: Ballistic Missile Defense, Defense Technology Strategies, and Weapon Development and Production Technology. The period of study is anticipated to culminate in the formulation of specific recommendations to be submitted to the Secretary of Defense, via the Under Secretary of Defense for Acquisition, for his consideration in determining resource policies, short- and long-range plans, and in shaping appropriate implementing actions as they may affect the U.S. national defense posture.

In accordance with section 10(d) of the Federal Advisory Committee Act (Public Law 92-463, as amended (5 U.S.C. app. II, (1988)), it has been determined that this DSB meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: June 5, 1991.

Linda M. Bynum,

Alternate OSD Federal Register Liasion Officer, Department of Defense.

[FR Doc. 91-13671 Filed 6-7-91; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Ballistic Missile Defense

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Ballistic Missile Defense will meet in closed session on June 19-20 and July 23-24, 1991 at Riverside Research Inc., Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will consider the requirements for tactical and theater ballistic missile

defenses; their interaction and interfaces with CONUS BMD; recommendations for development and deployment options; the necessary technological underpinning; ABM treaty implications and other related policy issues.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. app. II, (1988)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly these meetings will be closed to the public.

Dated: June 5, 1991.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–13672 Filed 6–7–91; 8:45 am]

BILLING CODE 3810–01–M

Defense Logistics Agency

Department of Defense Clothing and Textiles Board; Meeting

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice of cancellation of open meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Deputy Director for Acquisition Management, Defense Logistics Agency, announces cancellation of the sixth meeting of the Department of Defense Clothing and Textiles (DoD C&T) Board (56 FR 24178, May 29, 1991).

DATED: June 12, 1991.

ADDRESSES AND TIMES: Defense Logistics Agency, Cameron Station, room 3A260, Alexandria, Virginia, 1000–1600.

FOR FURTHER INFORMATION CONTACT: Ms. Maxine James; Quality Assurance Specialist, Product Quality Management Division, Defense Logistics Agency, Department of Defense, Cameron Station, Alexandria, VA, (703) 274–7141.

Capt M. J. Schildwachter, USN,

Executive Secretary, DoD C&T Board.

[FR Doc. 91–13838 Filed 6–7–91; 8:45 am]

BILLING CODE 3620–01–M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Naval Research Advisory Committee Panel on Open Systems Architecture for Command, Control and Communications (C^3) will meet on June 13 and 14, 1991. The meeting will be held at the Center for Naval Analysis, 4401 Ford Avenue, Alexandria, Virginia. The meeting will commence at 8 a.m. and terminate at 4:30 p.m. on June 13; and commence at 8 a.m. and terminate at 4 p.m. on June 14, 1991. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to provide technical briefings to the panel members to enable them to assess the ability of current Navy C^3 systems' architecture to support anticipated requirements, evaluate the performance of the present system relative to the existing threat, provide recommendations for an overall architecture to meet future needs, and provide recommendations concerning use of current and future commercial data communication systems for both interim and continuing satisfaction of Department of the Navy needs. The agenda will include briefings and discussions related to current C^4 Acquisition Policy and Standards, C^4 Acquisition Guidelines and Security Requirements, C^4 Languages, Comparative C4/Multi-level Security (MLS) Ventures, ASW C3I C4 Requirements, C3 Systems Survivability, Interactive Display Systems, and Desert Shield/Storm Lessons Learned. These briefings and discussions will necessarily address current C3 Capabilities and limitations, emerging C^3 technologies and anticipated limitations, and respective susceptibility to penetration or denial. These briefings and discussions contain classified information that is specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense an are in fact properly classified pursuant to such Executive Order. The classified and non-classified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

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

For further information concerning this meeting contact: Captain Gerald Mittendorff, USN, Office of the Chief of Naval Research, 800 North Quincy Street, Arlington, VA 22217–5000, telephone number (703) 696–4870.

Dated: May 30, 1991

G.B. Roberts,

Lt Col, USMC, Federal Register Liaison Officer.

[FR Doc. 91–13739 Filed 6–7–91; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF ENERGY

Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of the Republic of Indonesia concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above-mentioned agreement involves approval for the sale of the 32 kilograms of uranium, enriched to 19.75 percent in the isotope uranium-235, for manufacture of fuel elements for the Bataan reactor in Indonesia.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner that fifteen days after the date of publication of this notice.

Issued in Washington, DC on June 4, 1991.

Richard H. Williamson,

Associate Deputy Assistant Secretary for International Affairs.

[FR Doc. 91–13723 Filed 6–7–91; 8:45 am]

BILLING CODE 6450–01–M

Energy and Environmental Research Corp.; Development of a Reburning Boiler Performance Model

AGENCY: U.S. Department of Energy.

ACTION: Acceptance of an unsolicited application for a grant award with Energy and Environmental Research Corporation.

SUMMARY: The Department of Energy (DOE), Pittsburgh Energy Technology Center announces that pursuant to 10 CFR 600.14 (D) and (E), it intends to award a Grant based on an unsolicited

application submitted by Energy & Environmental Research Corporation for the "Development of a Reburning Boiler Performance Model."

SCOPE: The objective of this project is to develop a computational capability for analysis of coal-fired boilers utilizing gas reburn which:

- Can predict the impact of gas reburning on thermal conditions in the boiler radiant furnace and on overall boiler performance.
- Can estimate gas reburning NO_x reduction effectiveness base on specific reburning and furnace/boiler configurations.
- Can evaluate the impact of boiler process parameters (e.g., fuel switching and changes in boiler operating conditions) on boiler thermal performance.
- Is adaptable to most boiler designs (tanential and wall fired boilers), and a variety of fuels (solid, liquid, gaseous, and slurried).
- Can easily be used by technical personnel with reasonable boiler knowledge and computer skills.

EER is recognized for its comprehensive and expertise in gas reburning and boiler performance modelling, and has proposed to integrate its existing modelling capability into the development of the gas reburning performance model. In addition, EER is uniquely positioned to incorporate gas reburning NO_x reduction effectiveness data being obtained in EER's Clean Coal I and III Demonstration Programs. The proposed project will result in a state-of-the-art, non-proprietary reburning boiler performance model made available to the public.

In accordance with 10 CFR 600.14 (D) and (E), EER has been selected as the grant recipient. DOE support of this activity will benefit the public by providing the analytical capability to assess reburning as NO_x control strategy in coal-fired boilers. This activity is considered meritorious and is not eligible for financial assistance under a recent, current or planned solicitation. Moreover, DOE has determined that a competitive soliciation would be inappropriate.

The term of the grant is for a six-month period at an estimated value of $145,000. The DOE share of this estimate is $48,333, with the remainder to be provided by sources external to the U.S. Government.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Pittsburgh Energy Technology Center, Acquisition and Assistance Division, P.O. Box 10940, MS 921–165, Pittsburgh, PA 15236, Attn: Norey B. Laug. Telephone: AC (412) 892–4827.

Dated: May 28, 1991.

Carroll A. Lambton,

Acting Director, Acquisition and Assistance Division, Pittsburgh Energy Technology Center.

[FR Doc. 91–13725 Filed 6–7–91; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award Intent To Award Grant to Mobile Zone Designs

AGENCY: U.S. Department of Energy.

ACTION: Notice of unsolicited application financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.6(a)(2) it is making a discretionary financial assistance award based on acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1) to Mobile Zone Designs under Grant Number DE–FG01–91CE 15489. The proposed grant will provide funding in the estimated amount of $75,000 for the purpose of developing an improved spray paint booth engineering prototype. The Mobile Zone spray paint booth ventilation system is an energy and environmental improvement over existing methods for spray painting and other surface coating operations. Assuming reasonable market penetration, the technology could have a significant impact on energy conservation.

The Department of Energy has determined in accordance with 10 CFR 600.14(f) that the application submitted by Mobile Zone Designs is meritorious based on the general evaluation required by 10 CFR 600.14(d) and that the proposed represents a unique idea that would not be eligible for financial assistance under a recent, current or planned solicitation. The invention is a unique approach that utilizes a mobile cab to protect the painter from direct contact with air toxins and volatile organic compounds (VOC) emissions. The operator remains in the clean air zone at all times and is not required to wear any protective gear. NIST rates the commercial feasibility of the technology as promising. There is a well defined market for the invention as its primary competition will be 100 percent makeup air systems. The payback period for the invention could be as low as 2.4 years when used in a multishift operation. The proposed project is not eligible for financial assistance under a recent, current or planned solicitation because the funding program, the Energy-Related Inventions Program (ERIP), has been structured since its beginning in 1975 to operate without competitive solicitations because the authorizing legislation directs ERIP to provide support for worthy ideas submitted by the public. The program has never issued and has no plans to issue a competitive solicitation.

The anticipated term of the proposed grant is 18 months from the date of the award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, ATTN: Rose Mason, PR–322.2, 1000 Independence Ave., SW., Washington, DC 20585

Thomas S. Keefe,

Director, Operations Division "B", Office of Placement and Administration.

[FR Doc. 91–13726 Filed 6–7–91; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award; Intent To Award Grant to North Dakota State University

AGENCY: Department of Energy.

ACTION: Notice of unsolicited application financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.6(a)(2), it is making a discretionary financial assistance award based on acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1) to North Dakota State University, Mr. John Lukach, principal investigator, under Grant Number DE–FG01–91CE15474. The proposed grant will provide funding in the estimated amount of $85,378 to gather data on the ability of the Mikkelsen Sweep-Spike Combination Tillage Tool to reduce costs and energy by simultaneously performing multiple functions in one pass on three different crops.

The Department of Energy has determined in accordance with 10 CFR 600.14(f) that the application submitted by Mr. Donald Anderson, Director of Station Research at the Langdon Research Center, is meritorious based on the general evaluation required by 10 CFR 600.14(d) and that the proposed project represents a unique idea that would not be eligible for financial assistance under a recent, current or planned solicitation. The invention pertains to saving energy and costs in farming by simultaneously performing tillage, cultivation, and spreading of fertilizer and herbicide in one field pass. The proposed project is not eligible for financial assistance under a recent,

current or planned solicitation because the funding program, the Energy-Related Inventions Program (ERIP), has been structured since its beginning in 1975 to operate without competitive solicitations because the authorizing legislation directs ERIP to provide support for worthy ideas submitted by the public. The program has never issued and has no plans to issue a competitive solicitation.

The anticipated term of the proposed grant is 36 months from the date of the award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, ATTN: Rose Mason, PR–322.2, 1000 Independence Ave., SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Operations Division "B", Office of Placement and Administration.

[FR Doc. 91–13727 Filed 6–7–91; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award Intent To Award Grant to Superior I.D. Tube Cleaners, Inc.

AGENCY: U.S. Department of Energy.

ACTION: Notice of unsolicited application financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.6(a)(2) it is making a discretionary financial assistance award based on acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1) to Superior I.D. Tube Cleaners, Inc., Grant Number DE–FG01–91CE15508. The proposed grant will provide funding in the estimated amount of $79,870 to further demonstrate and test the patented power plant, on-line condenser tube cleaning system and determine its effectiveness against biofouling agents.

The Department of Energy has determined in accordance with 10 CFR 600.14(f) that the application submitted by Superior I. D. Tube Cleaners, Inc., is meritorious based on the general evaluation required by 10 CFR 600.14(d) and that the proposed project represents a unique idea that would not be eligible for financial assistance under a recent, current or planned solicitation. The invention is a patented design for power plant condenser tube cleaning. The NIST evaluation report cites the fact that "the energy relation between fouled heat exchanger tubes versus clean tubes is well established." Steam condenser performance has a major impact on power plant efficiency and economics. Condenser tube fouling and corrosion both affect the performance of steam condensers by way of efficiency. The use of this cleaning device will save energy by way of operation of the plant at improved efficiency and increased plant availability. The proposed project is not eligible for financial assistance under a recent, current or planned solicitation because the funding program, the Energy-Related Inventions Program (ERIP), has been structured since its beginning in 1975 to operate without competitive solicitations because the authorizing legislation directs ERIP to provide support for worthy ideas submitted by the public. The program has never issued and has no plans to issue a competitive solicitation.

The anticipated term of the proposed grant is 18 months from the date of the award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, ATTN: Rose Mason, PR–322.2, 1000 Independence Ave., SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Operations Division "B" Office of Placement and Administration.

[FR Doc. 91–13728 Filed 6–7–91; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award Intent To Award Grant to Utilitip, Inc.

AGENCY: U.S. Department of Energy.

ACTION: Notice of unsolicited application financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.6(a)(2) it is making a discretionary financial assistance award based on acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1) to Utilitip, Inc., under Grant Number DE–FG01–91CE15464. The proposed grant will provide funding in the estimated amount of $87,000 for the purpose of developing the Utilitip chain saw tip stabilizer. The Utilitip provides both a safety and an efficiency enhancement to chain saw users. Assuming reasonable market penetration, the technology could have a significant impact on energy conservation.

The Department of Energy has determined in accordance with 10 CFR 600.14(f) that the application submitted by Utilitip, Inc., is meritorious based on the general evaluation required by 10 CFR 600.14(d) and that the proposed project represents a unique idea that could not be eligible for financial assistance under a recent, current or planned solicitation. The invention, "Utilitip", or spike attachment acts as a pivot for the tip of the chain saw; and it makes wood harvesting safer and easier, reduces wear of the energy-intensive attachments such as guidebars and saw chain, and decreases gasoline and oil used to power and lubricate chain saws. The National Institute of Standards and Technology (NIST) estimates that when the device is used on a conventional chain saw, it will result in 20-percent energy savings. NIST also estimates that the device could result in indirect energy savings of 22.8 million barrel of oil equivalent (BOE), due to fuel substitution to wood. The proposed project is not eligible for financial assistance under a recent, current or planned solicitation because the funding program, the Energy-Related Inventions Program (ERIP), has been structured since its beginning in 1975 to operate without competitive solicitations because the authorizing legislation directs ERIP to provide support for worthy ideas submitted by the public. The program has never issued and has no plans to issue a competitive solicitation. The anticipated term of the proposed grant is 18 months from the date of the award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, ATTN: Rose Mason, PR–322.2, 1000 Independence Ave., SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Operations Division "B", Office of Placement and Administration.

[FR Doc. 91–13729 Filed 6–7–91; 8:45]

BILLING CODE 6450–01–M

Office of Energy Research

Special Research Grant Program Notice 91–13: Carbon Dioxide Capture, Utilization and Disposal Research Needs Assessment

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Energy Research (OER) of the Department of Energy (DOE) announces its interest in receiving applications for a Special Research Grant (SRG) that seek support for conducting a research needs assessment in the area of carbon dioxide capture, utilization and disposal as it relates to existing and future fossil energy electric power plants.

Applicants must include a description of the planned methodology that will be used in assessing long-term (up to 20 years) research directions, opportunities, priorities, and degrees of difficulty in accomplishing identified research opportunities.

Applicants must enlist the aid of experts from academia and industry to identify, describe, and assess on a worldwide basis, the most promising new (i.e., beyond state-of-the-art) developments, applications, and opportunities in low-cost technologies for capturing, utilizing and permanently disposing of carbon dioxide emissions from large fossil energy electric power plants. Research directions and opportunities identified under the assessment should be those that have the highest potential for prevention of carbon dioxide release, efficiency of energy use, low cost, and environmental compatibility.

The purpose of this activity is to identify and disseminate, for world-wide use, priority research needs for capturing, disposing and utilizing of carbon dioxide from fossil energy electric power plants.

DATES: To permit timely consideration for an award in Fiscal Year 1992, formal applications submitted in response to this notice should be received by July 17, 1991.

ADDRESSES: Formal applications sent by U.S. Mail should be addressed to: U.S. Department of Energy, Office of Energy Research, Division of Acquisition and Assistance Management, ER–64, Washington, DC 20585, ATTN: Program Notice 91–13. The following address must be used when submitting applications by U.S. Postal Service Express, any commercial mail delivery service, or when handcarried by the applicant: U.S. Department of Energy, Office of Energy Research, Division of Acquisition and Assistance Management, ER–64/GTN, 19901 Germantown Road, Germantown, MD 20874.

FOR FURTHER TECHNICAL INFORMATION: Contact Dr. Derek Winstanley, Office of Program Analysis, Office of Energy Research, ER–32, U.S. Department of Energy, Washington, DC 20585, (301) 353–3069.

SUPPLEMENTARY INFORMATION: Many scientists believe that increases in greenhouse gases in the atmosphere may cause climate changes to occur. In order to help prevent climate change, society may wish to reduce the emissions of greenhouse gases to the atmosphere, including carbon dioxide. The utility sector accounts for about 30 percent of U.S. carbon dioxide emissions from fossil fuels.

Several technological approaches may reduce the emissions of carbon dioxide. These approaches include improving the efficiency of fossil fuel conversion systems, changing combustion processes, and removal and sequestering of carbon dioxide from power plant waste gas streams. The latter two approaches are the focus of the current invitation for grant applications.

The principal investigator of the research needs assessment must be an individual who is competent and accomplished in appropriate scientific and technical areas and in conducting research needs assessments. Competence and accomplishments shall be described in the application and include industrial and academic experience; research publications; contributions while serving as an expert; consultant services; honors and awards; and education, including advanced degrees and other academic qualifications. The principal investigator also shall be an individual with demonstrated ability to conduct research needs assessments and manage individual experts and groups of experts in the timely and successful identification, analysis, distillation and documentation of scientific and technical information. These demonstrated abilities shall be documented in the application.

The applicant, in order to address adequately and competently the full scope of this endeavor and at sufficient technical depths in all major topical areas, must enlist the aid of other scientific/technical experts. The application shall provide tentative identification of all proposed experts and their present affiliation. All experts, both foreign and domestic, are to be individuals who are competent and accomplished in a scientific or technical discipline directly related to the research assessment. Technical competence and accomplishments of each expert shall be described in the application and should include the individual's experience, research publications, consultant services, contributions while serving as an expert with other groups, honors and awards, professional experience, and education including advanced degrees and other academic qualifications. The expected contribution of each expert to the assessment's objectives should be identified. The overall technical expertise of the group of experts, when combined with the technical expertise of the principal investigator, should be shown to be adequate to cover the various scientific and technical disciplines involved in the research needs assessment.

These experts will assist the principal investigator in accomplishment of the assessment's objectives, especially in writing major sections of the required final report. They are also expected to conduct technical discussions with other experts, specialists, researchers, and research program managers in the scientific and technical areas; conduct site visits to laboratories and other facilities where research and development directly related to the subject area is conducted and managed; and review and evaluate recent and relevant research including scientific and technical literature.

The initial composition of a group of experts, other consultants, and any subsequent changes must be approved by the Program Manager and Contracting Officer.

Applications also should include the following: A schedule of the assessment's major activities including the tentative content of meetings of various teams of the experts; a description of anticipated site visits to publicly and privately funded facilities; a description of all conferences to be attended as a part of assessment activities; the methodology for determining research directions, opportunities, and priorities; and a description of the methodology for obtaining a peer review of the assessment results.

Applicants are expected to supply the personnel, facilities, and materials necessary to accomplish the objectives of the assessment as described in this notice.

APPLICATION AND AWARD INFORMATION: Information about submission of applications, eligibility, limitations, evaluation, and selection processes, and other policies and procedures may be found in the Application and Guide for the Special Research Grant Program. The application kit and guide, and copies of 10 CFR Part 605 are available from the Office of Energy Research, Office of Program Analysis, ER–32, Washington, DC 20585. Instructions for preparation of an application are included in the application kit. Telephone requests may be made by calling (301) 353–3122 or FTS 233–3122. The Catalog of Federal Domestic Assistance number for this program is 81.049.

Subject to the availability of appropriated FY 1992 funds, one grant award at approximately $300,000 is planned for the first quarter of FY 1992.

Issued in Washington, DC on May 22, 1991.

D.D. Mayhew,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 91-13731 Filed 6-7-91; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

[FE Docket No. 91-15-NG]

Portland General Electric Co.; Order Granting Blanket Authorization To Import Canadian Natural Gas

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order granting blanket authorization to import Canadian natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Portland General Electric Company blanket authorization to import up to 40 Bcf of Canadian natural gas over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, U.S. Department of Energy, 1000 Independent Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, June 3, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 91-13730 Filed 6-7-91; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

Duke Power Co., Notice of Availability of Environmental Assessment

[Project No. 2503-021 South Carolina]

June 3, 1991

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) has reviewed the application for amendment of Exhibits R and K for the Keowee-Toxaway Project to allow Duke Power Company (licensee) to incorporate 49 acres of additional property into the project boundary and to lease this 49-acre parcel, along with other lands previously approved for recreation development, to the South Carolina Department of Parks, Recreation, and Tourism in order to construct a public park. The facility will be located in Oconee County, South Carolina, on the Lake Jocassee development.

The staff of OHL's Division of Project Compliance and Administration has prepared an Environmental Assessment (EA) for the proposed action. In the EA, the staff concludes that approval of the amendment would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, room 3308, of the Commission's offices at 941 North Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13614 Filed 6-7-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP72-110-052]

Algonquin Gas Transmission Co. Filing of Report of Refund

June 3, 1991.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on January 7, 1991 tendered for filing a Report of Refund to flow through to Algonquin's customers a refund received from Texas Eastern Transmission Corporation ("Texas Eastern").

Algonquin states that on December 28, 1990, it received from Texas Eastern a refund in the amount of $37,158.06.

Algonquin states that the $37,158.06 refund received from Texas Eastern is a flow through of Algonquin's portion of a refund made to Texas Eastern pursuant to the provisions of the Federal Energy Regulatory Commission's ("Commission") "Order Approving Settlement", issued December 31, 1986, approving the Stipulation and Agreement filed on October 23, 1986 in Docket Nos. CI64-26, *et al.*

Algonquin states that since this amount was refunded to Algonquin in relation to the underdeliveries Algonquin experienced from Texas Eastern, such refund is being returned on the basis of the calculated differences between each individual customer's curtailment that would have occurred had Texas Eastern received the Gulf Oil Corporation ("Gulf") underdeliveries.

Algonquin further states that such refund method is the same as that approved by the Commission's Orders dated March 8, 1983, October 3, 1983, April 9, 1984, October 19, 1984, April 19, 1985, November 13, 1985, April 9, 1986, October 7, 1986, February 5, 1987, May 15, 1987, October 20, 1987, March 17, 1988, October 11, 1988, August 7, 1989, August 9, 1989, September 1, 1989 and March 27, 1990 relating to Algonquin's Refund Reports filed June 23, 1982, July 12, 1982, February 5, 1983, August 3, 1983, February 3, 1984, August 1, 1984, January 29, 1985, July 30, 1985, January 28, 1986, July 29, 1986, August 26, 1986, February 10, 1987, May 15, 1987, July 28, 1987, January 27, 1988, July 5, 1988, December 30, 1988, July 5, 1989 and January 2, 1990 flowing through similar Gulf refunds from Texas Eastern.

Algonquin notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 10, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13605 Filed 6-7-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-65-002]

Arkla Energy Resources, a division of Arkla, Inc.; Filing to Place Motion Rates into Effect

June 4, 1991.

Take notice that on May 31, 1991, Arkla Energy Resources ("AER") a division of Arkla, Inc., filed to move into effect, pursuant to § 154.67 of the Commission's regulations, certain rates and the revised primary and alternate tariff sheets listed below to Second Revised Volume No. 1 and First Revised Volume No. 1-A of its FERC Gas Tariff. AER requests that the Commission accept the primary tariff sheets for filing and permit them to become effective July 1, 1991.

Second Revised Volume No. 1

Third Revised Sheet No. 11
Third Revised Sheet No. 16

First Revised Volume No. 1–A

Second Revised Sheet No. 5

Second Revised Volume No. 1

Alternate Third Revised Sheet No. 11
Alternate Third Revised Sheet No. 16

First Revised Volume No. 1–A

Alternate Second Revised Sheet No. 5

AER states that both sets of tariff sheets are filed pursuant to the Commission's January 31, 1991 order in Docket No. RP91–65–000. In the primary tariff sheets, AER has included the costs associated with the 450 MMcf per day of Line AC capacity that AER included in its December 31, 1990 filing in this proceeding.[1] The alternate tariff sheets reflect AER's compliance with ordering paragraph (C) of the January 31 order that the Line AC costs be eliminated from rate base.

AER states that a copy of its motion and the accompanying tariff sheets have been served on all jurisdictional customers and interested state commissions, and on all parties on the Commission's official service list in Docket No. RP91–65–000.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13617 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM91–6–22–001]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

June 3, 1991.

Take notice that CNG Transmission Corporation ("CNG"), on May 29, 1991, pursuant to Section 4 of the Natural Gas Act, the Stipulation and Agreement approved by the Commission on October 6, 1989, in Docket Nos. RP88–217–000, *et al.*, Section 12.9 of the General Terms and Conditions of CNG's FERC Gas Tariff, and Order Nos. 528 and 528–A, filed the following revised tariff sheets to First Revised Volume No. 1 of CNG's FERC Gas Tariff.

Substitute Second Revised Sheet No. 45
Substitute Third Revised Sheet No. 45

The proposed effective date for Second Revised Sheet No. 45 is May 21, 1991. The proposed effective date for Substitute Third Revised Sheet No. 45 is June 20, 1991.

The purpose of this filing is to correct the tariff sheets originally filed May 20, 1991, in Docket No. TM91–6–22–000. Accordingly, CNG also withdraws "Second Revised Sheet No. 45" and "Third Revised Sheet No. 45" filed on May 20, 1991.

CNG states that copies of this filing was mailed CNG's jurisdictional customers and interested parties.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 10, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13611 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–161–000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

June 3, 1991.

Take notice that on May 31, 1991, Columbia Gas Transmission Corporation (Columbia) tendered for filing proposed changes to its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. The proposed tariff sheets, identified in appendices A and B attached to the filing bear an issue date of May 31, 1991, and proposed effective dates of July 1, 1991, although Columbia states that it will not move the appendix B tariff sheets into effect prior to April 1, 1992, consistent with the terms of the Global Settlement in Docket No. RP86–168–000, *et al.* The instant filing (a) implements a general rate increase in order to permit recovery of increased costs since the last section 4 general rate proceeding, (b) implements other changes in the cost of service, throughput and demand billing determinants through the end of the test period, (c) proposes certain changes to Columbia's FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, and (d) proposes certain changes in cost classification, cost allocation, and rate design to be effective April 1, 1992, including a market-based interruptible transportation service (ITS) rate during the winter.

Columbia states that the appendix A tariff sheets submitted with the filing to be effective July 1, 1991, reflect the following primary elements:

(1) Revised non-gas sales, transportation and storage service rates based upon a cost of service for the twelve months ended February 28, 1991, adjusted for known and measurable changes anticipated to occur on or before November 30, 1991,

(2) The cost classification, cost allocation and rate design methodology established in the Global Settlement, and the cost functionalization utilized in Docket No. RP86–168, in accordance with article I, section E of the Global Settlement;

(3) A WS "break-even adjustment" as required by article VI, section 1 of the Global Settlement;

(4) A representative level of revenue attributable to discounted transportation;

(5) Revisions to section 2 of the General Terms and Conditions of the Tariff to provide for electronic measurement of gas;

(6) Revisions of section 3 of the General Terms and Conditions of the Tariff to clarify application of the quality standards for the gas stream;

(7) The addition of section 24 to the General Terms and Conditions, a revision to section 10 of the General Terms and Conditions, and revisions to other provisions of the Tariff to provide for scheduling of gas by customers except small general service (SGS) customers;

(8) A revision to the OS Rate Schedule to provide for withdrawal of 90% of a customer's Winter Contract Quantity by the end of each Winter Period in order to provide operational integrity for Columbia's storage reservoirs;

(9) A revision to the OPT Rate Schedule to clarify the delivery point interruptibility of the service vis-a-vis other firm services; and

(10) Submission of proposed X-Rate Schedule 134 in order to collect a compression charge for service provided to North Carolina Natural Gas

Corporation in accordance with the agreement between the parties.

Columbia further states that the appendix B tariff sheets submitted with the filing, which will not be moved into effect until April 1, 1992, reflect the following primary elements:

(1) Classification of the fixed costs, excluding return on equity and related taxes, associated with gathering, products extraction and other gas supply costs to demand;

(2) Allocation of all storage costs to sales and generally available transportation services;

(3) Seasonal ITS rates, with a summer season rate based on a 150% load factor of the FTS rate and a winter season rate based on a 100% load factor of the FTS rate;

(4) A market-based pricing proposal under the ITS Rate Schedule by which interruptible capacity is allocated each month to the shippers bidding the highest price, up to a cap based on a 50% load factor of the FTS rate; and

(5) An adjustment to the standby service rate to include the Columbia Gulf commodity 858 costs which are billed to Columbia on a fixed basis, as more fully discussed in the Statement P testimony.

Columbia states that its proposed rates result in approximately $48.6 million of additional revenue annually compared to the underlying rates in Docket No. RP90–108 which became effective January 1, 1991, subject to refund.

Columbia states that copies of the filing were served upon Columbia's wholesale customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before June 10, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filings are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13602 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–160–000]

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

June 3, 1991.

Take notice that on May 31, 1991, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing revised changes in its FERC Gas Tariff, First Revised Volume No.1 with a proposed effective date of July 1, 1991.

Columbia Gulf states that the purpose of the filing is to provide for the level of rates and charges required to recover its costs. When compared to the underlying rates in Second Revised Docket No. RP90–107, which will become effective June 1, 1991, subject to refund, the proposed change in rates shows an annual revenue increase of approximately $8.1 million.

Columbia Gulf states that the proposed rates reflect the cost functionalization, cost classification, cost allocation and rate design methodology established in the Global Settlement in Docket No. RP86–167, in accordance with article I, section E of the Global Settlement, and a projected level of transportation volumes and revenues.

Columbia Gulf also states that the tariff sheets reflect the following primary changes:

1. Revised non-gas transportation rates based upon a cost of service for the twelve months ended February 28, 1991, adjusted for known and measurable changes anticipated to occur on or before November 30, 1991.

2. Revisions of sections 1 and 2 of the "General Terms and Conditions" of Columbia Gulf's FERC Gas Tariff, First Revised Volume No. 1 relating to the measurement of gas by electronic measurement.

3. Revisions to section 3 of the "General Terms and Conditions" of Columbia Gulf's FERC Gas Tariff, First Revised Volume No. 1 relating to Columbia Gulf's ability to refuse to accept gas which contains substances harmful to its pipeline system or operations.

4. Interruptible transportation service (ITS) rates, to be effective April 1, 1992, based on a 100% load factor of the firm transportation service (FTS) rates.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 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. All such motions or protests should be filed on or before June 10, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Columbia Gulf's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13603 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA91–1–21–001 and TM91–8–21–001]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

June 3, 1991.

Take notice that Columbia Gas Transmission Corporation (Columbia) on May 30, 1991, tendered for filing the following proposed changes to its FERC Gas Tariff, First Revised Volume No. 1;

Effective May 1, 1991

Substitute Tenth Revised Sheet No. 26
Substitute Tenth Revised Sheet No. 26A
Substitute Tenth Revised Sheet No. 26B

Effective June 1, 1991

Substitute Eleventh Revised Sheet No. 26
Substitute Eleventh Revised Sheet No. 26A
Substitute Eleventh Revised Sheet No. 26B

Columbia states that the foregoing tariff sheets are being filed in compliance with the Commission's order issued April 30, 1991 in Docket Nos. TA91–1–21–000 and TM91–8–21–000. Such order directed Columbia to: (1) File revised tariff sheets to correct math errors and to reflect the removal of the Tennessee demand charges from its PGA surcharge rate: (2) file revised tariff sheets to reflect the recomputation of both the commodity and demand portions of its Account 191 Surcharge; (3) explain why certain of its actual gas purchases for the year 1990 appeared to exceed the maximum lawful price; and (4) correct certain errors in the electronic version of the filing.

The aforementioned changes resulted in an increase of $.003 per Dth applicable to the Demand Surcharge rate and a decrease of .14¢ per Dth applicable to the Commodity Surcharge rate.

Columbia is also including in the instant filing, tariff sheets to be effective June 1, 1991. Subsequent to Columbia filing its Annual PGA, Columbia made a compliance filing on May 24, 1991 in Docket No. RAP90–108 to be effective June 1, 1991. This rate level reflects the Columbia Gulf costs per Columbia's

approved settlement in Docket No. RP89–250. Therefore, Columbia's rate level effective June 1, 1991 is being revised solely to reflect the revised PGA rates effective May 1, 1991.

Columbia Gas states that copies of the filing was served upon the parties to the proceeding, Columbia's wholesale customers and interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 10, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13608 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ91–4–2–000]

East Tennessee Natural Gas Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

June 4, 1991.

Take notice that on May 31, 1991, East Tennessee Natural Gas Company (East Tennessee) submitted for filing ten copies each of Seventh Revised Sheet Nos. 4 and 5 to First Revised Volume No. 1 of its FERC Gas Tariff to be effective July 1, 1991.

East Tennessee states that the purpose of the revisions to Seventh Revised Sheet Nos. 4 and 5 is to reflect a Purchased Gas Adjustment (PGA) to East Tennessee's Rates for the quarterly period of July 1991–September 1991 pursuant to section 21 of the General Terms and Conditions of East Tennessee's Tariff.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene; provided, however, that any person who had previously filed a motion to intervene in this proceeding is not required to file a further motion. Copies of this filing are on file with the Commissiion and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13618 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–162–000]

El Paso Natural Gas Co.; Tariff Filing

June 4, 1991.

Take notice that on May 31, 1991, pursuant to part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act and in accordance with sections 21 and 22, Take-or-Pay Buyout and Buydown Cost Recovery, of El Paso Natural Gas Company's ("El Paso") Second Revised Volume No. 1 and First Revised Volume No. 1–A FERC Gas Tariffs, respectively, El Paso tendered for filing and acceptance certain tariff sheets that reflect a revision to the Monthly Direct Charge and Throughput Surcharge based on additional buyout and buydown costs not included in any of El Paso's previous filings to recover certain buyout and buydown costs, amounts in litigation that have been settled as permitted to be recovered pursuant to El Paso's tariff, and adjustments to previous filings made by El Paso to recover certain buyout and buydown costs.

The adjustments proposed by the filing are for adjustments to El Paso's Monthly Direct Charge and Throughput Surcharge (increase from $.2648 per dth to $.2765 per dth.)

Pursuant to section 21.6 of El Paso's Volume No. 1 Tariff, El Paso is required to file with the Commission certain information supporting the buyout and/or buydown amounts paid. Accordingly, El Paso states that it submitted concurrently, under separate cover letter, the schedules reflecting such information for which El Paso has requested confidential treatment.

El Paso respectfully requested that the Commission accept the tendered tariff sheets to become effective July 1, 1991.

El Paso states that copies of the filings were served upon all interstate pipeline system sales and transportation customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13619 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–159–000]

Florida Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

June 3, 1991.

Take notice that on May 31, 1991, Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, the following tariff sheets:

Second Revised Volume No. 1

Eighteenth Revised Sheet No. 8
Sixth Revised Sheet No. 8A
Fifth Revised Sheet No. 8B

Original Volume No. 3

Fifth Revised Sheet No. 1039

FGT states that section 25 contains tariff language that establishes a mechanism to permit recovery of transitional costs via a volumetric surcharge. The instant filing reflects transitional costs included in the TCR Account by FGT since September 30, 1990. FGT's first transitional cost recovering filing was made in Docket No. RP91–38–000 filed on November 30, 1990. FGT is now filing its second cost recovery filing to reflect a TCR surcharge for the 6 months commencing July 1, 1991.

FGT further states that the instant filing reflects FGT's continued efforts to reform its gas supply portfolio in recognition of the transition occurring on the FGT system in which all customers of FGT benefit through the restructuring

of services agreed to in the October 17, 1989 settlement in Docket No. RP89–50, *et al.* The buy-outs from the applicable contracts with three of its producer-suppliers required FGT to incur approximately $12 million in transitional costs, while at the same time reducing FGT's potential take-or-pay liability and future costs by a substantial amount. Through the various settlements, FGT was able to reduce purchase obligations through the remaining life of the underlying contracts, and maintain its WACOG at a competitive level to prevent further erosion in its market and hence avoid the incurrence of additional take-or-pay liability.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 10, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13606 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–164–000]

Granite State Gas Transmission, Inc.; Changes in Rates

June 4, 1991.

Take notice that on May 31, 1991, Granite State Gas Transmission, Inc. (Granite State), 300 Friberg Parkway, Westborough, Massachusetts 01581–5039, filed the revised tariff sheets, listed below, in its FERC Gas Tariff, Second Revised Volume No. 1 and First Revised Volume 2 containing changes in rates for effectiveness on July 1, 1991:

Second Revised Volume No. 1

Seventh Revised Sheet No. 21
First Revised Sheet No. 36
First Revised Sheet No. 123
First Revised Sheet No. 222

First Revised Volume No. 2

First Revised Sheet No. 28

According to Granite State, the foregoing revised tariff sheets propose changes in the Base Tariff Rates for wholesale sales of natural gas to its two jurisdictional customers, Bay State Gas Company and Northern Utilities, Inc. (Northern Utilities) and a change in the rate for a transportation service for Northern Utilities. Granite State further states that the proposed rate changes are based on a cost of service for the twelve months of actual experience ended March 31, 1991, adjusted for changes that are known and measurable with reasonable accuracy and which will become effective within nine months thereafter.

Granite State further states that its existing Base Tariff Rates were established, effective November 27, 1990, in a restatement filing in Docket No. RP91–12–000. According to Granite State, the cost of service underlying the restatement filing revealed that it was substantially under-collecting the filing revealed that it was substantially under-collecting the non-gas costs allocated to its sales rates and the rate for the transportation service provided for Northern Utilities. It is stated that the test period cost of service in this filing includes costs for recent additions to gas plant during the base period, projected additions to plant during the test period, adjusted operating and maintenance expenses, depreciation and ad valorem taxes. It is also stated that the cost of service includes the annual amortization of Granite State's investment to convert a leased crude oil pipeline to natural gas service, approved by the Commission in *Granite State Gas Transmission, Inc.*, 40 FERC ¶ 61,165 (1987). According to Granite State, the adjusted test period cost of service reflects its current costs for its debt and equity capital and related income taxes and an overall rate of return of 13.32 percent is claimed on the adjusted test period rate base which includes an implicit return of 15.75 percent on the equity component of the capital investment.

Granite State states that copies of its filing were served upon its customers and the regulatory commissions of the states of Maine, New Hampshire and Massachusetts and the Public Advocate of the State of Maine.

Any person desiring to be heard or to make any protest with reference to 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 Procedures 18 CFR 385.211 and 214. All such motions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13620 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–163–000]

Louisiana-Nevada Transit Co.; Proposed Changes to FERC Gas Tariff

June 4, 1991

Take notice that on May 31, 1991, Louisiana-Nevada Transit Company ("LNT") tendered for filing proposed changes to the rates applicable to Rate Schedules FTS–1 and ITS–1 of its FERC Gas Tariff, First Revised Volume No. 1. The proposed increase in rates under the foregoing rate schedules of $.0169 per Mcf will result in an increase in jurisdictional rates of $81,832, based on actual costs for the period ending December 31, 1991. The proposed changes are filed pursuant to the requirement of the settlement approved in Docket No. RP88–116 that required LNT to refile its rates by June 1, 1991. The proposed changes are to be effective June 1, 1991.

LNT's filing also reflects the cancellation pursuant to Part 154 of the Commission's regulations of Rate Schedule G–1, which includes sales service to Arkansas Louisiana Gas Company ("Arkla") and cancellation of Volume II of LNT's FERC Gas Tariff, which includes Rate Schedule X–2 pertaining to service to United Gas Pipe Line company ("United"). LNT states that the contracts underlying such service have expired and sales pursuant thereto have not been made in several years. LNT concurrently has filed for application for abandonment respecting the foregoing pursuant to section 7(b) of the Natural Gas Act.

LNT further states that copies of its filing have been served upon each of its jurisdictional customers and the Public Service Commissions in the states of Arkansas and Louisiana.

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 214 and 211 of the Commission's Rules of

Practice and Procedure. All such motions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13621 Filed 6-7-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-3-5-000]

Midwestern Gas Transmission; Proposed Changes in FERC Gas Tariff

June 4, 1991.

Take notice that on May 31, 1991, Midwestern Gas Transmission Company (Midwestern), tendered for filing Twenty-sixth Revised Sheet No. 5 and Twenty-first Revised Sheet No. 6 to First Revised Volume No. 1 of its FERC Gas Tariff, to be effective July 1, 1991.

Midwestern states that the purpose of the filing is to reflect a Quarterly PGA rate adjustment to its sales rates for the period of July 1 through September 30, 1991.

Midwestern states that the tariff filing has been mailed to all customers and affected state regulatory commissions shown on the service list.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13622 Filed 6-7-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-158-000]

Northern Border Pipeline Co.; Proposed Changes in FERC Gas Tariff

June 3, 1991.

Take notice that on May 29, 1991, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of Northern Border's F.E.R.C. Gas Tariff, Original Volume No. 1, the following revised tariff sheets:

Eleventh Revised Sheet No. 157
Tenth Revised Sheet No. 158
Second Revised Sheet No. 406
First Revised Sheet No. 427

Northern Border has requested that these revised tariff sheets be effective July 1, 1991.

Northern Border states that the purpose of these tariff sheets is to revise the Maximum Rate and Minimum Revenue credit under Rate Schedule IT-1 as called for by Northern Border's tariff every six months and to reflect the change of address for Northern Border to 1111 South 103rd Street, Omaha, Nebraska 68124-1000.

Northern Border states that Eleventh Revised Sheet No. 157 and Tenth Revised Sheet No. 158 reflect the revised Maximum Rate and Minimum Revenue Credit effective July 1, 1991 through December 31, 1991 in accordance with Northern Border's tariff provisions under Rate Schedule IT-1. Northern Border proposes to decrease the Maximum Rate from 4.778 cents per 100 Dekatherm-Miles to 4.246 cents per 100 Dekatherm-Miles and increase the Minimum revenue credit from 2.821 cents per 100 Dekatherm-Miles to 2.937 cents per 100 Dekatherm Miles. These revisions do not produce any change in Northern Border's total revenue requirement due to its cost of service form of tariff.

Northern Border states that copies of this filing have been sent to all of Northern Border's contracted shippers.

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 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 June 10, 1991. Protests will be considered but not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13609 Filed 6-7-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-6-59-000]

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

June 4, 1991.

Take notice that Northern Natural Gas Company, (Northern), on May 31, 1991, tendered for filing changes in its F.E.R.C. Gas Tariff, Third Revised Volume No. 1 (Volume No. 1 Tariff) and Original Volume No. 2 (Volume No. 2 Tariff).

Northern is filing the revised tariff sheets to adjust its Base Average Gas Purchase Cost in accordance with the Quarterly PGA filing requirements codified by the Commission's Order Nos. 483 and 483-A. The instant filing reflects a Base Average Gas Purchase Cost of $1.4643 per MMBtu to be effective July 1, 1991, through September 30, 1991. Northern further intends to use its flexible PGA, as necessary, to reflect actual market conditions throughout this time period.

Also the instant filing establishes, when necessary, new Demand rates in compliance with the above referenced PGA rulemaking. Such required Northern to adjust its PGA demand rate components on a quarterly versus annual basis. This filing will establish a new Demand rate component of $4.778 per MMBtu. This rate will be effective July 1, 1991 through September 30, 1991.

Northern states that copies of the filing were served upon Northern's jurisdictional sales customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13623 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ91–4–37–000]

Northwest Pipeline Corp.; Proposed Change in Sales Rates Pursuant to Purchased Gas Cost Adjustment

June 3, 1991

Take notice that on May 28, 1991, Northwest Pipeline Corporation (Northwest) submitted for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision (PGA), of its FERC Gas Tariff, Second Revised Volume No. 1. Northwest states that such change in rates is for the purpose of reflecting changes in Northwest's estimated cost of purchased gas for the three months ending September 30, 1991.

Northwest states that the current PGA adjustment for which notice is given herein, aggregates to an increase of 1.48¢ per MMBtu in the commodity rate for all rate schedules affected by and subject to the PGA. Northwest notes that the proposed change in Northwest's commodity rates for the third quarter of 1991 would increase sales revenues by approximately $58,652. Northwest further states that the instant filing also provides for an increase in the demand components of Northwest's gas sales rates to reflect changes to the estimates of Canadian demand rates and to reflect a revised Canadian exchange rate factor.

Northwest hereby tenders the following tariff sheets to be effective July 1, 1991:

Second Revised Volume No. 1

Eleventh Revised Sheet No. 10
Eleventh Revised Sheet No. 11

Northwest states that a copy of this filing is being served upon each person designated in the official service list compiled by the Secretary in Docket No. TA91–1–37 and upon all jurisdictional sales customers and affected state commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 835 North Capitol Street NE., Washington DC 20426, in accordance with § 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before June 10, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13612 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–165–000]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

June 4, 1991.

Take notice that on May 31, 1991 Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas, 77251–1642, tendered for filing revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, with a proposed effective date of July 1, 1991:

Third Revised Sheet No. 32–AB
Third Revised Sheet No. 32–AH.1
First Revised Sheet No. 32–AN.1
Second Revised Sheet No. 32–BE
Second Revised Sheet No. 32–BL
First Revised Sheet No. 32–BR.1
Sixth Revised Sheet No. 34
Third Revised Sheet No. 38
Fourth Revised Sheet No. 43–13
Fourth Revised Sheet No. 43–14.1

Panhandle states that the revised tariff sheets reflect a revision to the payment provisions in Panhandle's Rate Schedules PT-Firm, PT-Interruptible, and the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1.

Panhandle notes that the proposed changes provide for Panhandle's transportation and sales customers to make payments by electronic funds transfer to a designated bank account established by Panhandle for billed amounts equal to or greater than $100,000. For billed amounts less than $100,000, the proposed changes give Panhandle's customers the option to pay either by check or electronic funds transfer.

Panhandle states that a copy of this letter and enclosures were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition 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 petitions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13624 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. PR91–20–000]

Prairie Producing Co., Complainant and Louisiana Intrastate Gas, Corp., Respondent; Notice of Petition for Declaratory Order and Complaint

June 4, 1991

Take notice that on May 24, 1991, as corrected on May 28, 1991, Prairie Producing Company (Prairie), 1 Sugar Creek Place, 14141 Southwest Freeway, Sugar Land, TX 77478, filed in Docket No. PR91–20–000, pursuant to rules 207 and 206 of the Commission's Rules of Practice and Procedure (18 CFR 385.207 and 206) a petition for declaratory order and a complaint against Louisiana Intrastate Gas Corporation (LIG). Prairie requests a declaration by the Commission that the interlocutory judgement (Judgement) entered May 15, 1991 by the United States District Court for the Western District of Louisiana cannot be enforced, when final, because the local court lack jurisdiction to authorize LIG's circumvention of the Commission's exclusive jurisdiction under section 311 of the Natural Gas Policy Act of 1978 (NGPA), all as more fully set forth in the petition for declaratory order and complaint which is on file with the Commission and open to public inspection.

Prairie states that it is a natural gas company within the meaning of section 2(6) of the Natural Gas Act (NGA) and is engaged in the production and sale of natural gas in the southwestern United States. Prairie is a wholly owned subsidiary of Union Oil Company of California. LIG is an intrastate pipeline within the meaning of section 2(16) of the NGPA and operates within the State of Louisiana. Prairie states that LIG has provided intrastate transportation and NGPA section 311 transportation to Prairie on LIG's Eloi Pipeline. The rate charged for section 311 transportation

provided to Prairie on the Eloi Pipeline was set in the Commission's orders in Docket Nos. ST89–1708–000, *et al.* and is currently pending review in *Louisiana Intrastate Gas Corp.* v. *FERC,* Nos. 89–1479 & 90–1050 (consolidated) & 90–1476 (pending consolidation), U.S. Court of Appeals, DC Circuit. This section 311 transportation is the subject of the Judgement arising out of LIG's breach of contract suit against Prairie entitled *Louisiana Intrastate Gas Corp.* v. *Prairie Producing Co.,* No. 90–0260 (E.D. La filed January 22, 1990). Prairie states that, if entered as an enforceable judgement at the conclusion of the local litigation, the Judgement would grant to LIG: (1) A retroactive rate increase for NGPA section 311 transportation service for Prairie via the Eloi Pipeline; and (2) an award of specific performance authorizing LIG to terminate Prairie's section 311 service in an unduly discriminatory and preferential manner.

Prairie requests that the Commission act expeditiously to grant its petition by issuing an order declaring that:

(1) The Commission did not compel LIG to execute or perform the section 311 agreement;

(2) The filed rate doctrine precludes the United States District Court for the Western District of Louisiana from making enforceable its Judgement awarding monetary damages to LIG for performing section 311 service via the Eloi Pipeline;

(3) LIG cannot enforce and collect the award of monetary damages contained in the local court's Judgement, without violating section 311 of the NGPA and the Commission's Eloi Pipeline orders thereunder;

(4) The award of specific performance in the local court's Judgement is preempted by the Commission's exclusive jurisdiction and, therefore is unenforceable; and

(5) LIG cannot enforce the award of specific performance in the local court's Judgement without violating the Commission's open access regulations for section 311 transportation.

Prairie further requests that the Commission act expeditiously to grant Prairie's complaint by issuing an order requiring that:

(1) LIG refund to Prairie, with interest as prescribed by the Commission, all charges and collections by LIG for Eloi Pipeline section 311 service exceeding the fair and equitable rate set by the Commission;

(2) LIG resume any Eloi Pipeline service to Prairie terminated by LIG without the Commission's prior authorization; and

(3) LIG pay to Prairie monetary damages for any termination of Prairie's Eloi Pipeline section 311 service in an amount determined to be appropriate by the Commission after evidentiary hearing, and, in addition, reimburse Prairie all of its costs and expenses in bringing this petition.

Any person desiring to be heard or to make any protest with reference to said petition for declaratory order and complaint should on or before July 3, 1991, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing must file a motion to intervene in accordance with the Commission's Rules.

Prairie states a copy of the complaint has been served on LIG. LIG's answer to the complaint shall also be due on or before July 3, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13613 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ91–3–38–000]

Ringwood Gathering Co.; Proposed Changes In FERC Gas Tariff

June 4, 1991.

Take notice that on May 31, 1991, Ringwood Gathering Company (Ringwood), tendered for filing Sixth Revised Sheet No. 4C to its FERC Gas Tariff and FERC Form No. 542–PGA pursuant to 18 CFR 154.308. The proposed effective date is July 1, 1991.

Ringwood states that its Quarterly PGA filing reflects an estimated $1.6812 per Mcf cost of gas, a current adjustment of zero; a cumulative adjustment of $.1734 per Mcf; a credit surcharge adjustment of $.0012 per Mcf and a total sales rate of $1.9930 per Mcf.

Ringwood states that copies of the filing were served upon Ringwood's jurisdictional customers and interested state agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13625 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TQ91–4–9–000, TM91–4–9–000]

Tennessee Gas Pipeline Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

June 4, 1991.

Take notice that on May 31, 1991 Tennessee Gas Pipeline Company (Tennessee) filed the following revised tariff sheets to its FERC Gas Tariff to be effective July 1, 1991:

Item A: Third Revised Volume No. 1
Fourth Revised Sheet No. 20
Fourth Revised Sheet No. 21
Fifth Revised Sheet No. 22
Item B: Second Revised Sheet Nos. 32 through 37
Item C: Second Substitute First Revised Sheet No. 253
Item D: *Original Volume No. 2*
Twenty-Fourth Revised Sheet No. 5
Twenty-Third Revised Sheet No. 6

Tennessee states that the current Purchased Gas Cost Rate Adjustments reflected on Sheet Nos. 20 through 22 consist of a $.0097 per dekatherm adjustment applicable to the gas component of Tennessee's sales rates and a $.24 per dekatherm adjustment applicable to the Demand D1 component.

Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers on its system and affected stated regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20425, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 11, 1991. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a petition to intervene; provided, however, that any person who had previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13626 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–167–000]

Tennessee Gas Pipeline Co.; Rate Change Pursuant to Tariff Adjustment Provisions

June 4, 1991.

Take notice that on May 31, 1991, Tennessee Gas Pipeline Company (Tennessee) filed with the Federal Energy Regulatory Commission the following tariff sheets to its FERC Tariff, Third Revised Volume No. 1 with the proposed effective date of July 1, 1991:

Substitute Fourth Revised Sheet No. 20
Substitute Fourth Revised Sheet No. 21
Third Revised Sheet No. 23
Second Revised Sheet No. 24
Third Revised Sheet No. 25
Third Revised Sheet No. 26
Third Revised Sheet Nos. 38–42
Second Substitute First Revised Original Sheet No. 279A

Tennessee states that the purpose of the filing is to adjust Tennessee's transition cost demand and commodity surcharges to reflect the recovery of an additional $3.2 million new transition costs and ($100 thousand in associated carrying costs), which have been allocated under an equitable sharing formula of 25% absorption–25% demand–50% volumetric resulting in revised demand and volumetric surcharges under Article XXX of its tariff. Tennessee notes that Sheet No. 279A has been revised to correct a typographical error.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or beofre June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13627 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–61–003]

Texas Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

June 3, 1991.

Take notice that on May 24, 1991, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following revised tariff sheets to its FERC Gas Tariff:

Substitute Fourteenth Revised Sheet No. 12
Substitute Eleventh Revised Sheet No. 12A
Substitute Fifth Revised Sheet No. 12B
Substitute Fifth Revised Sheet No. 12C
Substitute Second Revised Sheet No. 121.

Texas Gas states that the purpose of this filing is to comply with the Commission's Order issued May 1, 1991, approving the settlement in the above captioned docket. The instant filing is designed to place tariff sheets into effect pursuant to the Settlement reflecting a revised methodology for allocating the fixed monthly charge portion of Texas Gas's Take-or-Pay (TOP) Settlement payments pursuant to the Commission Order Nos. 528 and 528–A. Additionally, Texas Gas was authorized to modify § 26.4 of its FERC Gas Tariff, Original Volume No. 1, which provides for the reconciliation of the Commodity TOP Surcharge at the end of the third annual recovery period for up to one year due to any difference between projected and actual throughput design quantities.

Texas Gas reserves the right to make any changes required by the Commission on rehearing or an order of a court with appropriate jurisdiction directly or indirectly affecting this filing.

Texas Gas states that copies of the filing were served upon Texas Gas's jurisdictional customers, interested state commissions and all parties on the official service list for this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 10, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13604 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP90–192–005]

Texas Gas Transmission Corp.; Tariff Filing

June 3, 1991.

Take notice that on May 28, 1991, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 2–A:

First Revised Sheet No. 22
Second Revised Sheet No. 23
Original Sheet Nos. 23A through 23D
First Revised Sheet Nos. 47 through 49
Original Sheet Nos. 49A through 49B

These sheets are being filed out of time pursuant to a Letter Order issued March 7, 1991, by the Federal Energy Regulatory Commission (Commission). Specifically, the Letter Order directed Texas Gas to file in order to explain more precisely the methodology applicable to when it determines a transportation customer would pay for the cost of constructing facilities at receipt or delivery points. Sections 1.4 and 1.5 of Texas Gas's Rate Schedules IT and FT of its FERC Gas Tariff First Revised Volume No. 2–A have been modified in the instant filing to comply with the Letter Order.

Texas Gas states that copies of the filing were served upon Texas Gas's jurisdictional customers, interested state commissions and all parties on the official service list for this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 10, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this

filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13607 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM91–9–29–000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

June 4, 1991.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on May 31, 1991, certain revised tariff sheets to Second Revised Volume No. 1 of its FERC Gas Tariff included in appendix A attached to the filing. The proposed effective date of the revised tariff sheets is July 1, 1991.

Transco states that the purpose of the filing is to track rate changes attributable to storage service purchased from Penn-York Energy Corporation (Penn-York) under its Rate Schedule SS–1 the costs of which are included in the rates and charges payable under Transco's Rate Schedules LSS and SS–2. The tracking filing is being made pursuant to section 4 of Transco's Rate Schedules LSS and SS–2.

Transco states that included in the Transmittal Letter to the filing and appendics B and C attached to the filing is an explanation of the tracking rates change and details regarding the computation of the revised LSS and SS–2 rates.

Transco states that copies of the filing are being mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13628 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ91–6–11–000]

United Gas Pipe Line Co.; Filing of Revised Tariff Sheets

June 4, 1991.

Take Notice that on May 31, 1991, United Gas Pipe Line Company (United) tendered for filing the following revised tariff sheets with a proposed effective date of July 1, 1991.

Second Revised Volume No. 1

Fourteenth Revised Sheet No. 4
Fourteenth Revised Sheet No. 4A
Fourteenth Revised Sheet No. 4B
Twelfth Revised Sheet No. 4D
Fourteenth Revised Sheet No. 4I

The above referenced tariff sheets are being filed pursuant to § 154.308 of the Commission's regulations to reflect changes in United's purchased gas adjustment as provided in section 19 of United's FERC Gas Tariff, Second Revised Volume No. 1.

United states that it has filed tariff sheets to reflect a decrease of ($0.0658) per Mcf to $2.1154 per Mcf in gas commodity costs compared to the proposed gas commodity cost level filed March 1, 1991 in Docket No. TQ91–5–11–000.

United states that the revised tariff sheets and supporting data are being mailed to its jurisdictional sales customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a Motion to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in such accordance with §§ 385.214 and 385.211 of the Commission's regulations. All such petitions or protests should be filed on or before June 11, 1991.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a Motion to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13629 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TA91–1–43–001 & TM91–5–43–001]

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

June 3, 1991.

Take notice that Williams Natural Gas Company (WNG) on May 30, 1991, tendered its compliance filing in Docket Nos. TA91–1–43 and TM91–5–43, the annual purchased gas adjustment.

WNG states that on March 1, 1991, it filed its annual purchased gas adjustment. The instant filing is being made in compliance with Ordering Paragraphs (B) and (D) of Commission Order issued April 30, 1991 in the above referenced Dockets.

WNG states that copies of its filing were served on all 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 §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such protests should be filed on or before June 10, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13610 Filed 6–7–91; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–3962–9]

Establishment and Open Meeting of the EPA Advisory Committee for Class II Underground Injection Control Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Establishment of FACA Committee.

SUMMARY: As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), we are giving notice of the establishment of an Advisory Committee to make recommendations on the best options concerning substantive and administrative changes

in the Class II Underground Injection Control (UIC) Program under part C of the Safe Drinking Water Act (SDWA), as amended. We have determined that the committee is necessary, is in the public interest, and will assist the Agency in performing its duties prescribed in the SDWA.

Copies of the Committee Charter will be filed with the appropriate committees of Congress and the Library of Congress.

The Committee's first meeting will be held on June 11 and 12, 1991. Notice of this meeting was previously published on May 21, 1991. The Committee meeting is open to the public without need for advance registration. The Committee's facilitator has notified interested parties of the meeting dates.

The purpose of the meeting is to begin to consider information on technical, economic, and human health issues involved in potential substantive and/or administrative changes in the operation of the UIC program. A discussion of the issues that this committee may address was published in the February 7, 1991 **Federal Register** at 56 FR 4957. A public meeting discussing these issues was held on April 17 and 18, 1991.

DATES: The Committee will meet on June 11 and 12, 1991. The June 11 meeting is from 10 a.m. to 5 p.m. The June 12 meeting is from 9 a.m. to 4 p.m.

ADDRESSES: The meeting will take place at the Quality Hotel Capitol Hill, 415 New Jersey Avenue NW., Washington, DC 20001. (202) 638–1616.

FOR FURTHER INFORMATION CONTACT: For information pertaining to the establishment of the negotiation committee and associated administrative matters, contact Chris Kirtz, Director, Regulatory Negotiation Project, Regulatory Management Division, US EPA (PM–223Y), 401 M Street, SW., Washington, DC 20460, telephone (202) 382–7565. For information pertaining to the UIC rule and associated issues, contact George Hoessel, Office of Drinking and Ground Water, US EPA (WH–550E), 401 M Street, SW., Washington, DC 20460, telephone (202) 382–5532.

Dated: June 4, 1991.

Paul Lapsley,

Director, Regulatory Management Division, Office of Regulatory Management and Evaluation.

[FR Doc. 91–13561 Filed 6–7–91; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3963–4]

Science Advisory Board Environmental Engineering Committee Open Meeting

June 27–28, 1991.

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Science Advisory Board's (SAB's) Environmental Engineering Committee (EEC), will conduct a planning, coordination and review meeting on Thursday, June 27, and Friday, June 28, 1991. The meeting will be held at the U.S. Environmental Protection Agency Headquarters, Waterside Mall Conference Center, room 1—North, 401 M Street, SW., Washington, DC 20460. The meeting will begin at 9 a.m. on Thursday, June 27th and 8:30 a.m. on Friday, June 28th and will adjourn no later than 4 p.m. on June 28th.

At this meeting, the EEC will plan and coordinate upcoming EEC review activities, discuss the status of reviews-in-progress and will discuss possible additional review topics for FY 1992 and beyond. Reviews-in-progress include the Leachability Subcommittee's current working draft on recommendations and rationale for analysis of contaminant release, a draft report resulting from the OSWER Modeling Subcommittee teleconference meeting of December 7, 1990, and a draft report resulting from the Pollution Prevention Subcommittee's (PPS) review of April 11 and 12, 1991 on the Agency's research strategic plan for pollution prevention. The EEC plans to conduct a consultation with the staff in the Corrective Act Branch of the Office of Solid Waste (OSW) on a proposed research plan dealing with quantitative data quality objectives for ground water monitoring. This consultation is a follow-up to a briefing made by the OSW staff to the EEC in February 1991 dealing with the topic of advances in ground water monitoring.

Other EEC topics which require planning and coordination will be discussed, but will not be reviewed at this time. It is also expected that topics requiring coordination with other SAB standing committees and ad-hoc subcommittees will be addressed as time permits.

The meeting is open to the public. Any member of the public wishing further information concerning the meeting or who wish to submit comments should contact Dr. K. Jack Kooyoomjian, Designated Federal Official, or Mrs. March Jolly, Staff Secretary, Science Advisory Board (A–101–F), U.S. Environmental Protection Agency, Washington, DC 20460, at (202) 382–2552 or by FAX at (202) 475–9693 by June 21, 1991. Seating will be on a first come basis.

Dated: May 28, 1991.

A. Robert Flaak,

Acting Director.

[FR Doc. 91–13692 Filed 6–7–91; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–66012; FRL 3888–4]

Receipt of Application to Operate a Commercial Polychlorinated Biphenyl (PCB) Storage Facility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Receipt of Applications.

SUMMARY: EPA has received approximately 100 applications from applicants requesting approval to operate a commercial PCB storage facility. These applications are being submitted and reviewed under the authority of section 6(e) of the Toxic Substances Control Act (TSCA). EPA is notifying interested persons of these applications and requesting comments on the qualifications of the applicants and their principals and key employees to engage in PCB commercial storage activities.

DATES: Comments must be received by July 10, 1991.

ADDRESSES: Three copies of written comments bearing the docket number OPTS–66012 should be addressed to: TSCA Public Docket Office (TS–793), Office of Toxic Substances, Environmental Protection Agency, rm. G004, NE Mall, 401 M St., SW., Washington, DC 20460. Comments received in response to this notice will be made available for public inspection and copying in the TSCA Public Docket Office at the address noted above from 8 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays.

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

SUPPLEMENTARY INFORMATION: Under 40 CFR 761.65(d), the EPA Regional Administrator for the region in which a proposed storage facility is located, or the Director, Exposure Evaluation Division (EED), if the commercial storage area is ancillary to a facility approved for disposal by the Director, EED, have the authority to approve or

deny an application for the operation of a commercial PCB storage facility.

Commercial storers seeking to gain interim approval status were required to submit a completed application to EPA by August 4, 1990 (54 FR 52746, December 21, 1989). Applicants not meeting the August 4th deadline must wait until EPA grants a final approval to engage in the commercial storage of PCBs. Following submission of an application, the EPA regional office in which the PCB storage facility is located will review the application for completeness. EPA will notify the applicant if the application is not complete and will indicate what sections need to be included or revised. EPA will then review the completed applications and other information, such as applicant compliance histories and comments received in response to this Federal Register notice.

The regional office or EPA Headquarters will conduct a further review of the application and either grant final approval to qualified commercial storers, or deny final approval to unqualified commercial storers.

EPA will be examining the applicants' qualifications and past compliance histories. This examination will be based on information submitted by applicants, EPA's own database searches, and selected commercial database searches. In order to supplement this information, EPA is inviting public comment concerning the qualifications of applicants' principals and key employees to operate commercial storage facilities. A list of each applicant's principals and key employees is found at the end of this notice. For purposes of this notice, an applicants' "principals and key employees" includes "the owner or operator of the facility, including all general partners of a partnership, any limited partner of a partnership, any stockholder of a corporation, or any participant in any other type of business organization who owns or controls, directly or indirectly, more than 5 percent of such a partnership, corporation or other business organization and all officials with direct management responsibility for the facility" (54 FR 52736). For each of the listed applicants and their principals and key employees, EPA is requesting information on any State, Federal, or local environmental violation that the applicant or its principals or key employees have participated in within the last 5 years. Environmental violations may include PCB or other waste handling violations, including transport, storage for disposal, disposal, and processing violations. Violations may also include recurrent problems with storage of PCB wastes for more than 1 year, as reflected in operating records, and non-compliance with the Spill Cleanup Policy, as reflected in certification and cleanup records (40 CFR part 761, subpart G).

Questions concerning whether a certain facility has submitted an application and has interim status should be addressed to the PCB coordinator in the region where the facility is located. Information regarding the states that are included in each region and the PCB coordinator for that region are provided as part of the list of applicants who submitted commercial storage applications.

EPA is also requesting that the public submit any information concerning the applicants' or their principals' or key employees' technical qualifications and experience, including education and work experience, in handling PCB or other wastes.

The following is a list of the applicants for approval to operate PCB commercial storage facilities. In determining whether to approve the applications, EPA will take into consideration, along with other factors, the comments received in response to this notice.

The companies listed below do not necessarily have interim status. Check with the Regional PCB contact for that information.

Region I

Region I includes Maine, Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island. The contact is Tony Palermo, (617) 565–3279.

Clean Harbors of Braintree, Braintree, Massachusetts

Alan S. McKim, Chairman and Chief Executive Officer
Michael Hatch, Vice President of Hazardous Waste Operations
Stephen Pozner, Director, Corporate Health & Safety
Robert Spielvogel, Manager, Corporate Health & Safety
Stephen Dovell, Vice President & General Manager
Joseph McNally, Director of Analytical Operations
John Griffith, Compliance Manager
Ted Hayden, Operations Manager
Dana Shaw, PCB Area Supervisor

Clean Harbors of Natick, Natick, Massachusetts

Alan S. McKim, Chairman and Chief Executive Officer
Michael Hatch, Vice President of Hazardous Waste Operations
Stephen Pozner, Director, Corporate Health & Safety
Robert Spielvogel, Manager, Corporate Health & Safety
Stephen Ganley, Vice President & General Manager
Anthony Celluci, Manager, Field Operations
David Parry, Operations Manager

Connecticut Treatment Corporation, Bristol, Connecticut

Daniel W. Heintz, District Manager
Christopher E. Borowry, Regulatory Manager
W. David Cyr, Operations Manager
John Uriah, Laboratory Manager
Roland Babin, First Shift Supervisor
Glen Carlson, Second Shift Supervisor

East Coast Environmental Services Corp., New Haven, Connecticut

Leo J. Tancreti, President, Treasurer & General Manager
Leo P. Tancreti, Vice President, Secretary & Operations Manager

Evergreen Construction Company, Inc., Bellingham, Massachusetts

Thomas S. Clark, President
Thomas Clark, Jr., Supervisor
Matthew Clark, Technician
Vahe M. Marganian, Ph.D., Chemist

General Electric Company, Pittsfield, Massachusetts

The General Electric application is for a storage area ancillary to a permitted PCB incinerator.
Ronald F. Desgroseilliers, Manager, Environmental and Facilities Operations
Grant G. Bowman, Manager, Environmental Engineering
Eugene J. Komlosi, Manager, Plant Engineering
Thomas W. Armstrong, Manager, Environmental Operations
Jeffrey G. Ruebesam, Environmental Engineer

Jet Line Services, Inc., Dover, New Hampshire

Ira Hunt, Executive Vice President
Neal M. Drawas, C.E.P., Senior Vice President
Donald Corey, President
Paul R. Smith, Vice President and Director of Engineering
Paul Costain, Vice President of Field Operations
Richard Mansfield, New Hampshire District Manager
Robert Knowlton, Dover Facility Coordinator

Pollution Solutions of Vermont, Williston, Vermont

Pamela Noyes Linton, President and Treasurer

Donald Melander, Vice President of Operations
Patrick McGillicuddy, Lab Pack Supervisor
David Adams, Facility Supervisor

Three C Electric Company, Ashland, Massachusetts

Alexander Piccioli, President
Grant Adams, Vice President & General Manager
James G. Cialdea, P.E., Vice President & Director of Engineering
Stephen Curtis, Manager, Construction Services
William J. Tonks, Supervisor, Foreman
Leonard Freitag, Receiving/Loading Supervisor

Transformer Services, Inc., Concord, New Hampshire

Stephen W. Booth, President & Treasurer
David H. Booth, Vice President & Secretary
Gregory A. Booth, General Manager
Richard Cesarno, Manager of Facilities and Field Services
Andris Serzana, Supervisor PCB Facility

Region II

Region II includes New Jersey, New York, Puerto Rico, and the Virgin Islands. The contact is Dan Kraft, (201) 321–6669.

CWM Chemical Services, Model City, New York, (Chemical Waste Management, Inc. Subsidiary Facility)

Miguel A. Antonetti, Environmental Manager
John J. Stanulonis, General Manager

Chemical Management, Inc., Farmingdale, New York, (Wholly owned subsidiary of: Stout Environmental, Inc., Thorofare, New Jersey)

Chemical Management, Inc., officers:

Mark Alsentzer, President
Randy Royer, Vice President
Gary Ziegler, Vice President
Eugene Kerins, Secretary/Treasurer

Stout Environmental, Inc., officers

August Schultz, Chief Executive Officer
Mark Alsentzer, President
Randy Royer, Vice President
Gary Ziegler, Vice President
Eugene Kerins, Secretary/Treasurer

Stout Environmental, Inc., stockholders, (≧5 percent)

August Schultz, Chief Executive Officer
Mark Alsentzer, President
Gary Ziegler, Vice President
Richard Schultes
Edward Schultes
James Schultes
Eugene Kerins, Secretary/Treasurer

Chemical Management, Inc., operational personnel

John Dull, Plant Manager
Joe DeMauro, Operations Manager
Glen Trubatch, Lab Pack Manager
John Egan, Training/Safety Manager
Steven Plofker, Supervisor
Robert Fahey, Supervisor
Patrick Enocks, Supervisor

Environgen, Inc., Lawrenceville, New Jersey

Facilities: Rutgers University, North Brunswick, New Jersey and Lawrenceville, New Jersey. (The current facility is located at Rutgers, while the new facility is in Lawrenceville.)

Ronald Unterman, Ph.D., Vice President, Research & Development
Burt D. Ensley, Ph.D., Research Manager
Janet E. Klass, Manager, Laboratory Services
Roger J. Colley, Director, President & Chief Executive Officer
Ronald H. Spair, Vice President, Finance
David N. Enegess, Vice President, Marketing & Commercial Development

General Electric Company, Schenectady, New York (Corporate Headquarters)

John F. Welch, Jr., Chairman of the Board/Chief Executive Officer
Lawrence A. Bossidy, Vice Chairman of the Board/Executive Officer
Edward J. Hood, Jr.

General Electric North Bergen Service Center, North Bergen, N.J.

Charles E. DiMaria, District Manager
Nicholas J. Barber, Jr., Manager Shop Operations
Parma N. Arya, Foreman
William J. Whaselsky, Manager Quality Programs

General Electric Tonawanda Service Center, Tonawanda, New York

G.P. Steele, Service Center Manager
George Hillock, Shop Operations Manager
Theodore A. Byster, PCB Facility Supervisor
Walter L. Lucas, PCB Foreman
Tony Hejmonowski, Health, Safety, & Environmental Coordinator

TCI, Inc., Hudson, New York

David Laskin, President and Owner
Bruce Vetro, Vice President, Plant Manager

Region III

Region III includes Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and Washington, DC. The contact is Ed Cohen, (215) 597–7666.

Chem Waste Management, Inc., Sealston, Virginia (See Illinois listing for Chemical Waste Management, Inc. corporate officers)

Gary Shirley, General Manager
Chris Seymour, Operations Manager
Perry Ortega, Health/Safety
John T. Baker, Senior Field Analyst
Charles Bias, Technical Coordinator
John P. Muskoff, Jr., Technical Coordinator

General Electric Philadelphia Service Center, Philadelphia, PA

Richard W. Conway, District Manager
Edwin J. MacDonald, Facility Manager
John S. Bartholomew, PCB Facility Manager
William C. Kraft, PCB Facility Foreman

GSX Services, Inc., Laurel, Maryland

William Hallam, Facility Manager
Brinton Hoover, Operations Manager
John Kehoe, Senior Routing Supervisor
Tom Pfaffman, Load Preparation Supervisor

MET Electrical Testing, Inc., Baltimore, Maryland

Mark Kessler, Manager, Field Service Department
Lance Leward, Project Manager
Ronald Cooper, Maintenance Tests
Bob Kern, Acceptance Tests
Russ Dennis, Load Test & Special Projects

Waste Conversion, Inc., Hatfield, Pennsylvania

Raymond L. Martin, Plant Manager
Karl P. Kriger, Operations Manager
Arthur E. Sieber, Operations Manager
Anthony H. Grosso, Training/Safety Manager
Michael F. Acker, Lab Pack Manager
George S. Smith, III, Supervisor
Paul W. Connell, Supervisor
Robert C. Muche, Supervisor
Matthew R. Smith, Supervisor
Patrick Moynihan, Supervisor
Michael Muschko, Supervisor

Waste Conversion, Inc., officers

Mark Alsentzer, President
Randy Royer, Vice President
Gary Ziegler, Vice President
Eugene Kerins, Secretary/Treasurer

Stout Environmental, Inc., officers

August Schultes, Chief Executive Officer (Facility owner)

Region IV

Region IV includes Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. The contact is Alfreda Freeman, (404) 347–1033.

Chemical Waste Management, Inc., Emelle, Alabama

John Hanley, General Manager
Russell Zora, Site Environment Manager
James Buckley, Technical Manager
John White, Site, Health & Safety Manager
Robert Talbott, Treatment Superintendent
Leonard Necaise, Disposal Superintendent
Ronald Harwell, PCB Manager
David Smith, Laboratory Manager

Ecoflow, Inc., Greensboro, North Carolina

Paul A. McAllister, President
Raymond Chestnut, Vice President, Operations
W. Glenn Bonds, Vice President, Marketing
Evan G. Highleg, III, Vice President, Finance and Administration
Steve Mason, Facility Manager
Scott J. Maris, Director of Regulatory Affairs

Florida Transformer, Inc., DeFuniak Springs, Florida

Wayne Bodie, Owner, President, Chief Executive Officer
Edward Cook, Shop Supervisor
Frank Hall, Supervisor, Regulator Repair

Hevi-Duty Electric, Goldsboro, North Carolina(Headquarters)

R.L. Cornella, President
J.E. Stehlik, Vice President, Manufacturing
N.R. Deweese, Vice President, Marketing
D.W. Skoch, Vice President, Marketing
R.C. Steed, Vice President, Engineering
M.J. Lewis, Director, Total Quality
R.L. Hanson, Director, Human Resources
J.J. Dougherty, Manager, Environmental Compliance

Hevi-Duty Electric, Pell City, Alabama

David Barnett, Plant Manager
Mary Byerley, Production Manager
Richard Lipham, Production Supervisor

Hevi-Duty Electric, Lakeland, Florida

Doug Hales, Plant Manager
Peter Smith, Superintendent
Jan Jedlicka, Office Administrator

Safety-Kleen Corp., New Castle, Kentucky

Clark Rose, Vice President, Technical Services
Uly Marini, Manager, Recycle Operation
Larry Fry, Facility Manager

Safety-Kleen Corp., Lexington, South Carolina

Clark Rose, Vice President, Technical Services
Uly Marini, Manager, Recycle Operation
Leonard Chapman, Facility Manager

Tennessee Valley Authority (TVA), Muscle Shoals, Alabama

William G. Ruffner, Manager, TVA Power Group's Environmental Affairs Organization
Gary V. Downer, Manager, Environmental Affairs' Hazardous Materials and Waste Services Department
T. Wayne Wallace, Facility Manager
Charles Crow, Warehouseman/Clerk

Trans-Cycle Industries, Inc., Pell City, Alabama

David Laskin, Owner, President
Gary Waldron, Vice President (Alabama Facility)

Unison Transformer Services, Inc., Tucker, Georgia

Robert J. Shearer, Regional Business Manager
C. Randy Lambert, Regional Service Manager
Roosevelt E. Glover, Distribution Specialist
Emily A. Bel, PCB Coordinator

Unison Transformer Services, Inc., Henderson, Kentucky

Wayne L. Jenkins, Plant Manager
Donald H. Smith, Senior Production Engineer
Robert O. Smith, Plant Chemist
J. Craig Frizzell, Environmental Engineer
Kenneth K. Gill, Production Supervisor
Freida N. Campbell, Administrative Supervisor

Unison Transformer Services, Inc., Greenville, South Carolina

William A. Eckerstrom, Distribution Manager
Ben F. Cline, Distribution Coordinator
Wanda S. Kimmons, Administrative Assistant

Region V

Region V includes Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. The contact is Tony Martig, (312) 353– 2291.

APTUS, Lakeville, Minnesota

Marvin Koleszar, President
Martin Bergstedt, General Manager

BioTrol, Inc., Chaska, Minnesota

M. Boyd Burton, Ph.D., President
A. Dale Pflug, Vice President, Marketing and Business Development
William Wall, Vice President, Operations
Dennis Chilcote, Vice President, Engineering
Morris Anderson, Vice President, Regulatory Affairs & Human Resources

CECOS International, Inc., Cincinnati, Ohio

Mike Crisenbery, District Manager
Rick Wagner, Operations Manager
Jack Snowden, Manager Waste Acceptance
Eric Anderson, Manager Environmental Affairs

Chemical Waste Management Inc., Illinois (Chemical Waste Management Inc., Headquarters, Oak Brook, Illinois)

Jerry E. Dempsey, President and Chief Executive Officer
Victor J. Barnhart, Vice President
Joan Z. Bernstein, Vice President and General Counsel
Dr. John Cirello, Vice President - Eastern Region
Dr. Raul Deju, Vice President - Western Region
Samuel Garre, III, Vice President - Midwest Region
Earl E. Gjelde, Vice President
Don R. McCombs, Vice President - Environmental Management
David L. McEwan, Vice President - Sales and Marketing
Thomas E. Noel, Vice President - Southern Region
Bruce D. Tobeckson, Vice President - Finance
Dr. George Vander Velde, Vice President - Science and Technology
Thomas A. Witt, Secretary and Associate General Counsel

Chemical Waste Management Inc., Geneva Research Center, Geneva, Illinois (A wholly owned subsidiary of Chemical Waste Management, Inc.)

Peter Daley, Senior Director
Arlene Lyons, Environmental & Safety Manager

Chemical Waste Management Inc., Technical Center, Riverdale, IL (A wholly owned subsidiary of Chemical Waste Management, Inc.)

Peter Daley, Senior Director (Program Office)
Arlene Lyons, Environmental & Safety Manager (Program Office)

CWM Chemical Services, Inc., Chicago, Illinois (A wholly owned subsidiary of Chemical Waste Management Inc.)

Kurt Frey, General Manager
Douglas Fisher, Operations Manager
Stephen Enger, Technical Manager
Ladislao Garcia, Laboratory Manager
Eddy Lin, Manager, Health, Safety, & Environmental Compliance

Chemical Waste Management, Inc., CWM Technical Services, Groveport, Ohio (A Chemical Waste Management, Inc. facility)

Greg Kiser, General Manager
Joseph Farkas, Operations Manager
Mike McDannell, Sr. Project Manager
Tara Brehmer, Health & Safety Manager

Drug & Laboratory Disposal, Inc., Plainwell, Michigan

Ward Walter, Facility Manager
Kevin Berghuis, Hazardous Materials Manager

Patricia Walsworth, Hazardous Materials Manager

DYNEX Environmental, Inc., Farmington Hills, Michigan

Dennis Sewill, President (St. Paul Office)
Eugene Phillip, Vice President (St. Paul Office)
Brian Sjoberg, Secretary/Treasurer (St. Paul Office)
Thomas Tisher, Facility Manager

DYNEX Environmental, Inc., St. Paul, Minnesota

Dennis Sewill, President
Eugene Phillip, Vice President
Brian Sjoberg, Secretary/Treasurer
Greg St. Hilaire, Environmental Coordinator

ENSR Operations, Canton, Ohio (ENSR Operations is a division of ENSR Corporation which is a wholly owned subsidiary of NuKem Treatment Group.)

Robert Anderson, General Manager
Michael Mattes, Vice President, Operations
Robert Sebald, Director of Operations
William Ziegler, Vice President, Health Safety & Environmental Affairs, Nukem Treatment Group

Environmental Enterprises, Inc., Cincinnati, Ohio

George McCabe, Principal Stockholder
Dan McCabe, President
Gary Davis, Vice President
Warren Taylor, Quality Assurance Director

FIW, Inc., Pecatonica, Illinois

William Stilwell, Jr., President
David Sprinkle, Vice President
Mona Bartoletti, Vice President
Randal Olson, Facility Manager
Michael Hunter, Operations Manager
Robert Johnson, Safety, Health & Environmental Manager

Great Lakes Environmental Services, Inc., Warren, Michigan

Michael Favor, General Manager
Mike Dolkowski, PCB Supervisor
Patrick Stock, President
Joseph Cafasso, General Manager, Project Management Services

Hevi-Duty Electric, Mt. Vernon, Illinois (Corporate Headquarters, Goldsboro, North Carolina)

W. Ray Grubb, Manufacturing Operations Manager
Douglas Hester, Environmental Supervisor
R.L. Cornella, President, (Headquarters)
J.E. Stehlik, Vice President, Manufacturing (Headquarters)
N.R. Deweese, Vice President, Marketing (Headquarters)
D.W Skoch, Vice President, Finance (Headquarters)
R.C. Steed, Vice President, Engineering (Headquarters)

Institute of Gas Technology, Chicago, Illinois

Dr. W. Kennedy Gauger, Project Manager
Harlan Feldkirchner, Safety Officer
James Dunne, Assistant Vice President, Administration

Midwest Electrical Testing, Milwaukee, Wisconsin

Walter Powell, President
Michael Velvikis, Field Operations Manager

Minnesota Power, Duluth, Minnesota

Eldon Kilpatrick, Director, Environmental Services
Anthony Pekovitch, Environmental Permitting & Compliance Engineer
Daniel Croke, Waste Management Engineer
Gene T. Beatty, Facility Operations

Northern States Power Co., NSP Chestnut Service Center Minneapolis, Minnesota

Cynthia Axness, Administrator, Regional Compliance
Joseph Weinhold, Environmental Auditor
Joseph Muller, Regulatory Analyst
Peter Jones, Manager, Resource Recovery
Steve Miller, Manager, Material Management Services
Lyle Salmela, Supervisor, Material Management Services

PPM Transcore, Twinsburg, Ohio, (Administrative offices in Kansas City, Kansas)

William Carr, Manager
James Facci, Operations Engineer
Jeff Placek, Operations Engineer
Dr. Louis Centofanti, President (Administrative office)
Scott Burnett, Sr. Vice President (Administrative office)
James Simpson, Vice President of Operations (Administrative office)

Recovery Specialists, Inc., Ypsilanti, Michigan

Frederick Feitel, President
Glenn Lease, Manager

SUNPRO, Inc., SUNPRO Maple Storage, Canton, Ohio

M. James Kozak, President
Jack Lewis, Vice President
Roger Lorey, Operations Manager

S.D. Myers, Inc., Transformers Consultants, Tallmadge, Ohio

Dana S. Myers, President
Richard Heddleston, Treasurer
Robert Rasor, Plant Manager
Joseph Kelly, Manager, Safety & Environmental Affairs

UNISON Transformer Services, Inc., (also Ann Avenue Warehouse) Ashtabula, Ohio, (Administrative offices in Charlotte, NC)

Robert A. Ream, Director of Operations (Administrative office)
Donald Cipollo, Plant Manager
Michael Mantia, Plant Engineer

UNISON Transformer Services, Inc., Columbus, Ohio (Administrative offices in Charlotte, NC)

Robert A. Ream, Director of Operations (Administrative Office)
A.O. Malfatt, Regional Business Manager
M.J. Printy, Regional Service Manager

Region VI

Region VI includes Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. The contact is Donna Mullins, (214) 655–7244.

Chemical Waste Management, Inc., Lake Charles Facility, Carlyss, Louisiana (A Chemical Waste Management, Inc., Facility)

Clyde W. Kitto, General Manager
George V. Jones, Environmental Manager
David K. Wineman, Compliance Manager
Thomas A. Kurkjy, Technical Manager
Bernard P. Laverentz, Operations Manager
Gretchel L. Grout, Laboratory Manager
A. Furd Taylor, Health/Safety Manager

Chemical Waste Management, Inc., Port Arthur Facility, Port Arthur, Texas (A Chemical Waste Management, Inc. Facility)

Edward Aromi, General Manager
William Walls, Senior Environmental Manager
Bill Schofield, Technical Manager
Michael Gust, Operations Manager

ENSCO, Inc., El Dorado Facility, El Dorado, Arkansas

Harry T. LaCoste, Vice President/General Manager

General Electric Company, Corporate Headquarters, Schenectady, New York

John F. Welch, Jr., Chairman of the Board/Chief Executive Officer
Lawrence A. Bossidy, Vice Chairman of the Board/Executive Officer
Edward J. Hood, Jr.

General Electric Houston Service Center, Houston, Texas

Paul J. Desmarais, District Manager
J.C. Coodrich, Operations Manager
Sidney A. Stacy, PCB Facility Manager

Rollins Environmental Services (TX), Inc., Deer Park, Texas

Donald D. Dillard, President, RES(TX)
Robert S. Whitlock, Operations Manager

Robert O. Ellisor, Jr., Asst. Operations Manager
Lynn B. Dewey, PCB Supervisor

Safety-Kleen Corporation, Corporate Headquarters, Elgin, Illinois

Joseph F. Knott, President

Safety-Kleen Corporation, Denton Recycle Center, Denton, Texas

Lynn Arneson, Regional Environmental Engineer
Clark Rose, Vice President, Technical Services
Uly Marini, Vice President, Recycle Operations
Dennis Glenn, Facility Manager
Richard Dunsheath, Operations Manager

Technical Environmental Systems, Inc., La Porte, Texas

Kenneth N. Bigham, Chief Executive Officer, Owner/Operator
Samuel Gibson, Vice President/Facility Manager
Tracy L. Hollister, Vice President, Marketing
C.W. Boring, Vice President, Customer Service
Mikel Barnwell, Chief Financial Officer
Daria Partovi, Technical Director
Calvin Lewis, Warehouse Manager

USPCI, Lone Mountain Facility, Waynoka, Oklahoma

Scott Nicholson, General Manager
Rex Kraft, Operation Manager
J. Dee Morris, Technical Manager
Brian Correa, Environmental Manager

Region VII

Region VII includes Iowa, Kansas, Missouri, and Nebraska. The contact is Bob Jackson, (913) 551–2835.

AmerEco Environmental Services, Kingsville, Missouri

Dennis Nix, President
J. Andrew Hoisington, Lab Manager
James Boyd, Accounting Manager
Helen Reser, Inventory Officer
Douglas Warren, Site Superintendent
Karen Kowalski, Inventory Reduction Consultant

Aptus, Coffeyville, Kansas

Marv J. Koleszar, President
Vic DeJong, Vice President & General Manager
Fran Ito, Operations Manager
Chris Logelin, Environmental Affairs Manager

Environmental International Electrical Services, Inc., Kansas City, Kansas

David T. Ryan, President
Mark Liggat, Plant Manager
Robert A. Ream, Unison Director of Operations

Solomon Electric Supply, Inc., Solomon, Kansas

Eugene Hemmer, Owner
Robert C. Mong, President
Sharon Hemmer, Vice President
Matt Hemmer, Environmental Manager
Lonnie Creach, Operations Manager

Tipton Environmental Technologies, Inc., Tipton, Missouri

Rick Potrament, President/Manager
Kent Moon, Operations Supervisor
James Sidebottom, Health and Safety Officer

Trinity Chemical Company, Inc., Mound Valley, Kansas

Robert S. Forbes, Jr., President
Charles Eigsti, Vice President

Region VIII

Region VIII includes Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. The contact is Tom Pauling, (303) 294–1158.

Chemical Waste Management, Inc., Oil and Solvent Process Company, Henderson, Colorado (A Chemical Waste Management, Inc. subsidiary facility)

William Shortreed, General Manager
Karan North, Environmental Manager, Health & Safety Manager, Technical Manager
Randy Chryst, Operations Manager
Troy Winkler, Production Supervisor
Randy Ayers, Production Shift Foreman
Kim Oldham, Production Shift Foreman
Wyly Cameron, Laboratory Manager

General Electric Denver Service Center, Denver, Colorado

Michael W. Kasten, Manager, Rocky Mountain District
T. Mark Leik, District PCB Specialist
David A. Godek, Transformer Foreman
Kenneth E. Kinnebrew, Manager of Shop Operations

Hazardous Electrical Line Power Equipment Removal (H.E.L.P.E.R.), Inc., Madison, South Dakota

Mike Yocum, Compliance Manager
Daniel J. Pardy, President
Nick Pardy
Leroy Kontz, Warehouse Manager
Steve Thrun, Manufacturing Manager
Deb Nold
Stephen P. Busch, Consultant to HELPER

T & R Service Company, Colman, South Dakota

James Allen Thompson, General Manager
C. Jeffery Miller, Regulatory Compliance Supervisor
Jeffrey D. Jung, Laboratory Supervisor
Charles B. Rosheim, PCB Storage Facility Supervisor
Randall G. Hoogendoorn, Shop Supervisor

UNISON Clearfield Warehouse, Clearfield, Utah

Robert A. Ream, Director of Operations for UNISON Transformer Services, Inc.
Robert A. Derks, Regional Business Manager
Robert J. Murawski, Regional Service Manager
Joseph P. Akridge, Distribution Coordinator
William D. Flenniken, Distribution Technician
Scott Warren Daley, Distribution Technician
Don David Wells, Distribution Technician
Archie W. Pruitt, Distribution Technician
Ralph T. Jennings, Distribution Technician
William Bruce Kairawicz, Distribution Technician

Region IX

Region IX includes Arizona, California, Hawaii, Nevada, American Samoa, Guam, and Trust Territories. The contact is Greg Czajkowski, (415) 556–5366.

American Environmental Management, Rancho Cordova, California

Phillip Staats, Manager, Environmental Affairs

Chemical Waste Management, Phoenix, Arizona (A Chemical Waste Management, Inc. facility)

William J. Shortread, General Manager

General Electric Service Center, Anaheim, California

Milton Dinkel, District Manager
Roger Kossoff, Center Operations Manager
Larry Leafstone, PCB Facility Supervisor

Oil Process Company, Los Angeles, California dba/Oil, Inc. (Subsidiary of Rollins Environmental, Inc.)

Ronald M. Reed, Vice President and General Manager
Dennis E. Schultz, Technical Manager
Desmond I. Phillip, Plant Engineer/Process Manager
Chris J. Lilley, Drum Operations Manager

SD Myers, Inc., Kingman, Arizona

Stanley D. Myers, Owner
Dana S. Myers, President
Richard Heddleston, Treasurer
Stuart E. Scott, Plant Manager
Joseph J. Kelly, Manager, Safety and Environmental Affairs
David P. Myers, Laboratory Manager
Gerald Ernst, Production Manager

UNISON Transformer Services, Yerington, Nevada

Robert A. Ream, Director of Operations
Paul E. LeCave, Plant Manager
Kim Chandler, Office Manager

UNISON Transformer Services, Rancho Cordova, California

Robert A. Ream, Director of Operations
Robert A. Derks, Regional Business Manager
Robert J. Murawski, Regional Service Manager
Lynn B. Kaplan, Site Superintendent

Unitek Environmental Services, Inc., Ewa Beach, Honolulu, Hawaii

Warren Poslusny, President, UES
(J.R.) Randy Herold, Vice President, UES
Michael C. Lyles, Manager, Hazardous Waste Management Division
Gregory S. Perry, Environmental Specialist

Region X

Region 10 includes Alaska, Idaho, Oregon, and Washington. The contact is Bill Hedgebeth, (206) 442–7369.

Chemical Processors, Inc. (Georgetown), Seattle, Washington

W.E. Fisher, President
Michael P. Keller, Vice President, Operations
Ronald L. Atwood, Division Manager
David L. Aubry, Plant Manager
Gary D. Coil, Superintendent
William G. Ambacher, Supervisor
Dennis W. Toma, Supervisor
Glenn A. Dilman, Hazardous Waste Management Chemist
David A. Sabey (a principal who controls more than 5 percent of the company (Chemical Processors, Inc.))

Chemical Processors, Inc., Washougal, Washington

W.E. Fisher, President
Michael P. Keller, Vice President, Operations
Tom J. Rucker, Division Manager
Wes Bevans, Plant Manager
Bill Cochenour, Supervisor
(Superintendent position vacant)
David A. Sabey (a principal who controls more than 5 percent of the company (Chemical Processors, Inc.))

Chemical Processors, Inc., Kent, Washington

W.E. Fisher, President
Michael P. Keller, Vice President, Operations
Ronald L. Atwood, Division Manager, Operations
Richard W. Lee, Plant Manager
Tony A. Griese, Superintendent
Scott J. Rulifson, Supervisor
David A. Sabey (a principal who controls more than 5 percent of the company (Chemical Processors, Inc.))

Chemical Waste Management of the Northwest, Inc., Arlington, Oregon (A Chemical Waste Management, Inc. subsidiary facility; formerly Chem Security Systems, Inc.)(chemical waste landfill - applied for separate storage approval)

Richard Zweig, General Manager
Gerald Fisher, Technical Manager
Cheryl Steward, Lab Manager
Stephen Seed, Operations Manager
Nancy Proctor, Environmental Manager
Tamara Newcomer, Safety Engineer
Terrence T. Virnig, District Environmental Engineer

Eastern Electric Apparatus Repair, Inc., Seattle, Washington

Theodore W. Reed, Jr., President and CEO
Dan R. Coats, Executive Vice President
James N. Pepper, Seattle Service Center Manager
Larry N. Robinson, PCB Specialist, Group Leader
Robert P. Casey, PCB Specialist

Envirosafe Services of Idaho, Grandview, Idaho (chemical waste landfill - applied for amendment to disposal approval)

C. Edward Ashby, Jr., Chairman of the Board
David L. Hodge, President
Deborah Golden, Secretary and Assistant General Counsel
H. Beatty Chadwick, Assistant Secretary
Shirley J. Rist, Assistant Secretary
Anthony J. Pettinato, Jr., Treasurer
Roland DeSaulniers, Controller
John M. Wolf, Site Manager
Neil A. Brill, Regulatory Compliance Manager
Douglas W. Belt, Operations Manager
Weston William Whealy, Maintenance/Engineering Manager
Jeffrey T. Woodring, Safety/Training Supervisor
Kenneth D. Wall, Transportation Receiving Manager
Loren A. Wahl, Laboratory Manager

Northwest Enviroservices, Inc., Seattle, Washington

John S. Banchero, Jr., Owner/Operator
Warren Razore, Owner/Operator
Jerry Bartlett, Vice President/General Manager, Hazardous Waste Division
James M. Wilson, Vice President of Contract Administration
Earl Thomas Sommerfelt, Safety Director
Patrick J. Weaver, Process Engineer

Headquarters

These disposal facilites were originally permitted by the Director, Exposure Evaluation Division, Office of Toxic Substances. This list includes applications from disposal facilities that have an ancillary storage facility. The contact person is David Hannemann, (202) 382–3961.

Ensco, Inc., White Bluff, Tennessee, PCB Waste Storage Facility ("PCB WSF")

William P. (Billy) Clark, Facility Manager
Jim Langford, Vice President, Operations, ENSCO
Barry Barber, Maintenance Supervisor
Alan Tansil, Operations
L.D. Richardson, Personnel/Purchasing
Gina Curtis, Laboratory Manager
J. Sparks, First Shift Supervisor
E. Forrest, Second Shift Supervisor
K. Welch, Third Shift Supervisor

Galson Remediation Corporation (GRC), Syracuse, New York

Richard Tavelli, President
Timothy Geraets, Controller
Edwina Milicic, Laboratory Manager
Susan Bitner, Operations Assistant to the Lab Manager
Kimberly Merchant, Regulatory Compliance Officer
Robert Peterson, PE, Vice President & Technical Director
Russell Dionne, Field Operations Project Manager

General Electric Atlanta Service Center, Chamblee, Georgia

Gary C. Tyler, District Manager
Bonnie R. McClusky, Facility Supervisor
Thomas H. Davis, PCB Risk Control Supervisor
J.E. Rider, Manager Manufacturing
Ron Gilson, Facility Operator
Charles Fuller, Facility Operator
Thomas Flynn, Facility Operator

General Electric Chicago Service Center, Chicago, Illinois

Raymond F. Plachta, District Manager
John Engstrom, Transformer and PCB Operations Manager
Lisa M. DeWar, PCB Facility Supervisor

General Electric Cincinnati Service Center, Cincinnati, Ohio

John Margo, District Manager
Edward McGivern, Manager, Electrical Service
Jeffrey Pack, PCB Facility Supervisor
Bernan Quigley, PCB Facility Foreman

General Electric Cleveland Service Center, Cleveland, Ohio

Gary Sinatro, District Manager
Michael Wolfarth, Power Delivery District Manager
Paul Bender, PCB Facility Supervisor
Zenar Delk, Power Delivery Administrator

General Electric Apparatus and Repair Shop, Portland, Oregon

Steven Phelphs, District Manager
Shirlee Porter, PCB Facility Supervisor

PPM, Inc. of Georgia, Grayback Mountain, Utah, d/b/a USPCI for PPM Inc. of Grayback Mountain

Facilities: Atlanta, GA; Kansas City, MO; Philadephia, PA; Grayback Mountain, UT.

Cary D. Mans, Facility Manager
Louis Centofanti, Sr., Vice President, USPCI; President, PPM, Inc.
Scott Burnett, Sr., Vice President
James C. Simpson, Vice President, Operations
Mia L. Durrant, Record Keeper
Timothy L. Orton, Crew Chief/Analyst

PPM, Inc. of Georgia, Philadelphia, Pennsylvania d/b/a USPCI

Steve Handwerk, Facility Manager

PPM, Inc. of Georgia, Tucker, Georgia d/b/a USPCI

Wade Hollinger, Facility Manager

PPM, Inc. of Georgia, Kansas City, Missouri d/b/a USPCI

Daniel Halling, Facility Manager

Any questions or comments pertaining to this notice should be addressed to the appropriate regional contact listed above.

Dated: June 3, 1991.

Elizabeth F. Bryan,

Acting Director, Exposure Evaluation Division, Office of Toxic Substances.

[FR Doc. 91-13702 Filed 6-7-91; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

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

June 4, 1991.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452-1422. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0164.

Title: Section 25.300 Developmental Operations (Formerly Section 25.390, Communications—Satellite Developmental Applications).

Action: Revision.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion.

Estimated Annual Burden: 40 responses; 24 hours average burden per response; 960 hours total annual burden.

Needs and Uses: Applicants seeking authority for developmental licenses must submit information pursuant to 47 CFR 25.300. Subpart E of part 25 of the Rules contains the technical and legal requirements for developmental operation. The information is used by the FCC, other licensees of the spectrum and the public to assure that part 25 developmental licensees are operating in accordance with their authorizations and the Commission's rules.

OMB Number: 3060-0343.

Title: Section 25.140, Qualifications of Domestic Satellite Space Station Licensees (Formerly § 25.391, Qualifications of Domestic Satellite Space Station Licensees).

Action: Revision.

Respondents: Businesses or other for-profit.

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 25 responses; 1,000 hour average burden per response; 25,000 hours total annual burden.

Needs and Uses: The Communications Act, 47 U.S.C. 1, *et al.*, authorizes the FCC to require applicants to provide information concerning their legal, financial and technical qualifications to enable it to determine whether grant of a license will serve the public interest. To enable the FCC to determine whether a domestic satellite applicant is qualified to construct, launch and operate its proposed system, the FCC has traditionally required certain specified information to be included in applications. The data will be used to determine if domestic satellite applicants are qualified and have a justified need for additional satellites.

OMB Number: 3060-0383.

Title: Part 25—Satellite Communications.

Action: Reinstatement of a previously approved collection for which approval has expired.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 2,749 responses; 1.81 hours average burden per response; 5,000 hours total annual burden.

Needs and Uses: Earth and space station applicants are required to submit information as specified in 47 CFR part 25 so that the Commission may determine whether their request should be granted. The rules and regulations contained in part 25 are needed for the processing of applications for earth and space station facilities. These Rules establish formal mechanisms for filing and processing earth and space station applications. The requirements are necessary to allow the Commission to carry out its statutory responsibilities in an effective manner, to determine the objectives of public interest, convenience and necessity are being met in accordance with 47 U.S.C. 309.

OMB Number: 3060-0395.

Title: Automated Reporting and Management Information System (ARMIS).

Form Number: FCC Report 43-05.

Action: Revision.

Respondents: Businesses or other for-profit.

Frequency of Response: Quarterly reporting.

Estimated Annual Burden: 1,645 responses; 224 hours average burden per response; 368,650 hours total annual burden.

Needs and Uses: Mandatory price cap local exchange carriers (LECs) and carriers electing price cap regulation are required to file quarterly service quality monitoring reports. These quarterly service reports were developed based on LEC proposals made in the course of the LEC price cap proceeding. Carriers are required to report on installation and repair intervals, trunk blockage, total switch downtime, and service quality complaints. These reports will be incorporated in the automated ARMIS data collection. No changes to the Code of Federal Regulations (CFR) to implement monitoring are proposed. The information will be used by the FCC and other interested parties to monitor the LEC performance under price cap regulation.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91-13714 Filed 6-7-91; 8:45 am]

BILLING CODE 6712-01-M

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

The Federal Communications Commission has submitted the following

information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452–1422. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on these information collections should contact Jonas Neihardt. Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: 3060–0427.

Title: Section 73.3523, Dismissal of applications in renewal proceedings.

Action: Extension.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion.

Estimated Annual Burden: 4 responses; 4.5 hours average buden per response; 18 hours total annual burden.

Needs and Uses: Section 73.3523 requires an applicant for a construction permit to obtain approval from the FCC to dismiss or withdraw its application when that application is mutually exclusive with a renewal application. This request for approval must contain a copy of any written agreement and an affidavit, stating that it has not received any consideration (pre-Initial Decision) or it has not received any consideration in excess of legitimate and prudent expenses (post-Initial Decision) for the dismissal/withdrawal of its application. In addition, within five days of the applicant's request for approval, each remaining competing applicant and the renewal applicant must submit an affidavit certifying that it has not paid any consideration (pre-Initial Decision), or that is has not paid consideration in excess of legitimate and prudent expenses (post-Initial Decision) for the dismissal/withdrawal of a competing application. The data is used to ensure that an application was filed under appropriate circumstances and not to extract payments prohibited by the Commission.

OMB Number: 3060–0446.

Title: Section 1.402, Establishment of Procedures to Provide a Preference to Applicants Proposing and Allocation for New Services (Gen. Docket No. 90–217).

Action: Revision.

Respondents: Businesses or other for-profit (including small businesses)

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 12 responses; 325 hour average burden per response; 3,900 hours total annual burden.

Needs and Uses: Section 1.402 established procedures to provide a preference in the Commission's licensing process for parties requesting spectrum allocation rule changes associated with the development of new communications services. The preference applies to any applicant seeking an allocation in order to provide a new service. The information submitted for a pioneer's preference will be used by the FCC to determine whether initiation of a rule making proceeding is warranted and, if so, whether applicants are entitled to preferences. If the information is not collected, it would not be possible to award preferences.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–13715 Filed 6–7–91; 8:45 am]

BILLING CODE 6712–01–M

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

June 3, 1991.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452–1422. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: None.

Title: Application for Earth Station Authorization or Modification of Station.

Form Number: FCC Form 493.

Action: New collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion.

Estimated Annual Burden: 2,500 responses; 24 hours average buden per response; 60,000 hours total annual burden.

Needs and Uses: FCC Form 493 is a multipurpose application form used to request Commission authorization for new or modified radio station facilities under part 25. The form is used for a number of satellite services governed by part 25 covering several classes of stations. Part 25 services include Domestic Fixed-Satellite Service; International Fixed-Satellite Service; Radiodetermination-Satellite Service; and Mobile Satellite Service. FCC Form 493 is used also to apply for a license to construct and/or operate a transmit/receive earth station, a transmit-only earth station; to register a domestic receive-only earth station; to license an international receive only earth station; or to modify a granted license or registration. The form will be used by FCC staff to determine the applicant's eligibility to operate earth station facilities and to receive requested modifications to earth station facilities. The FCC would not be able to determine the applicant's eligibility for acquiring an authorization without this information.

OMB Number: 3060–0025.

Title: Application for Restricted Radiotelephone Operator Permit—Limited Use.

Form Number: FCC Form 755.

Action: Revision.

Respondents: Individuals or households.

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 800 responses; 0.33 hour average burden per response; 264 hours total annual burden.

Needs and Uses: Applicants must possess certain qualifications in order to qualify for a radio operator license. The data will be used to identify the individuals to whom the license is issued and to confirm that the individual possesses the required qualifications for the license. The form has been revised to include fee processing data.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–13716 Filed 6–7–91; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1848]

Petitions for Reconsideration and Clarification and Motion for Stay of Actions in Rule Making Proceedings

June 5, 1991.

Petitions for reconsideration have been filed in the Commission rule making proceedings listed in this Public Notice and published pursuant to 47

CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor Downtown Copy Center (202) 452–1422. Opposition to these petitions must be filed by June 26, 1991. § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject. Amendment of part 90 of the Commission's Rules to Provide for Use of the 220–222 MHz Band by Private Land Mobile Radio Services. (PR 89–552, RM–6595)

Number of Petitions Received: 9

Subject. Policies and Rules Concerning Children's Television Programming. (MM Docket No. 90–570)

Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements for Commercial Television Stations. (MM Docket No. 83–670)

Number of Petitions Received: 8

Motion for Stay

Subject. Amendment of part 90 of the Commission's Rules to Provide for Use of the 220–222 MHz Band by Private Land Mobile Radio Services. (PR 89–552, RM–6595)

Number of Petitions Received: 1

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–13717 Filed 6–7–91; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1848]

Petitions for Reconsideration and Clarification and Motion for Stay of Actions in Rule Making Proceedings

June 5, 1991.

Petitions for reconsideration have been filed in the Commission rule making proceedings listed in this Public Notice and published pursuant to 47 CFR § 1.429(e). The full text of these documents are available for viewing and copying in room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor Downtown Copy Center (202) 452–1422. Oppositions to these petitions must be filed within 15 days of the date of public notice of the petitions in the **Federal Register.** See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of part 90 of the Commission's Rules to Provide for Use of the 220–222 MHz Band by Private Land Mobile Radio Services. (PR 89–552, RM–6595)

Filed By: Ashton R. Hardy & Bradford D. Carey, Attorneys for Walker, Bordelon, Hamlin, Theriot and Hardy on 05–01–91.

Dr. Michael C. Trahos, D.O., NCE, CET on 05–15–91.

David B. Popkin on 05–20–91.

Fred F. Fielding, Philip V. Permut, David E. Hillard & Diane Zipursky, Attorneys for United Parcel Service of America, Inc. (UPS) on 05–30–91.

Eliot J. Greenwald & Michelle N. Plotkin, Attorneys for Cleartel Communications Mobile Limited Partnership & National RSA Company on 05–30–91.

Joan M. Griffin, Attorney for GTE Service Corporation on behalf of its affiliated domestic telephone, equipment, and service companies on 05–30–91.

Brent Weingardt, Attorney for Hector Jaun Figueroa on 05–30–91.

Brent Weingardt, Attorney for James H. Simpson on 05–30–91.

Brent Weingardt, Attorney for Stephen Evans on 05–30–91.

Subject: Policies and Rules Concerning Children's Television Programming, (MM Docket No. 90–570). Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements for Commercial Television Stations, (MM Docket No. 83–670).

Field By: Brian L. Wilcox, Ph.D., Director, Legislative Affairs and Policy Studies and Dale Kunkel, Indiana University, Of Counsel for American Psychological Association, American Academy of Pediatrics, National Parents-Teachers Association on 5–10–91.

Henry Geller, Counsel for Action for Children's Television (ACT) on 5/31/91.

Angela J. Campbell, Citizen Communications Center Project Institute for Public Representation, Georgetown University Law Center; Anne M. Boggan, Graduate Fellow; Patrick J. McGannon and Tony Osel, Law Students, Georgetown University Law Center, Of Counsel for National Association for Better Broadcasting, National Educational Association of the U.S., American Association of School Administrators & Washington Association for Television and Children on 5–29–91.

James J. Popham, Vice President & General Counsel for Association of Independent Television Stations, Inc. on 5–30–91.

B. Jay Baraff & Mark J. Palchick, Attorneys for Community Antenna Television Association (CATA) on 05–30–91.

Henry L. Baumann, Executive Vice President & General Counsel; Valerie Schulte, Sr. Associate General Counsel and Doretha Ferrell, Legal Intern for National Association of Broadcasters (NAB) on 05–30–91.

Andrew Jay Schwartzman and Gigi B. Sohn, Counsel for Telecommunications Research and Action Center and the Maryland and Virginia Chapters of Washington Area Citizens' Coalition Interested in Viewers' Constitutional Rights on 5–30–91.

Motion for Stay

Subject: Amendment of part 90 of the Commission's Rules to Provide for Use of the 220–222 MHz Band by Private Land Mobile Radio Services, (PR 89–552, RM–6595).

Filed By: Ashton R. Hardy & Bradford D. Carey, Attorneys for Walker, Bordelon, Hamlin, Theriot and Hardy on 05–01–91.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–13788 Filed 6–7–91; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; United States Atlantic and Gulf/Ecuador Freight Association, et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–010390–022.

Title: United States Atlantic and Gulf/Ecuador Freight Association.

Parties: Crowley Caribbean Transport, Inc., Lykes Bros. Steamship, Inc., Naviera Del Pacifico C.A.

Synopsis: The proposed amendment would revise the Voting Procedures to include Jacksonville, Florida in ratemaking section 1, rather than section 2. The parties have requested a shortened review period.

Agreement No.: 202–010829–018.

Title: Eurocorde Discussion Agreement.

Parties: "Conference Parties". North Europe-USA Rate Agreement, USA-North Europe Rate Agreement, "Independent Carrier Parties". Evergreen Marine Corp. (Taiwan), Ltd., Mediterranean Shipping Co., Orient Overseas Container Line (UK) Ltd., Lykes Bros. Steamship Co., Inc., Polish Ocean Lines.

Synopsis: The proposed amendment would add language to the Agreement Authority permitting the Independent Carrier Parties to communicate with each other, as well as, with the Conference Parties and exchange information on matters within the scope of the Agreement.

Agreement No.: 212–011319–001.

Title: Neptuno/CSAV Service Agreement.

Parties: Compania Sud Americana de Vapores S.A., Naviera Neptuno, S.A.

Synopsis: The proposed amendment would modify the Agreement to provide for unlimited duration, subject to termination on 90-days notice by either party.

Dated: June 4, 1991.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 91–13586 Filed 6–7–91; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

June 3, 1991.

Background

Notice is hereby given of the final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Frederick J. Schroeder—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829)

OMB Desk Officer—Gary Waxman—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503 (202–395–7340)

Final approval under OMB delegated authority of the extension, with revision, of the following reports:

1. Report title: Notice of Change in Bank Control.

Agency form number: FR 2081.

OMB Docket number: 7100–0134.

Frequency: On occasion.

Reporters: Persons proposing to acquire control of a bank holding company or state member bank.

Annual reporting hours: 7,725.

Estimated average hours per response: 51.5.

Number of respondents: 150.

Small businesses are not affected.

General description of report:

This information collection is required by law (12 U.S.C. 1817(j)). Parts may be given confidential treatment at the applicant's request (15 U.S.C. 552(b)(4)).

This notification is mandatory under the Change in Bank Control Act, which seeks to maintain public confidence in the banking system by preventing anti-competitive or otherwise adverse combinations of banks. The form requests information regarding the factors that must be considered by the Board under the statute, including a description of the proposal, and financial and employment data concerning the acquiring party. The proposed revisions eliminate filing requirements for acquisitions of incremental shareholdings between 10 and 25 percent of a bank holding company or state member bank. Other changes are proposed to clarify information requests and to provide for uniform responses.

2. Report title: Annual Report of Foreign Banking Organizations; Foreign Banking Organization Confidential Report of Operations.

Agency form number: FR Y–2068.

OMB Docket number: 7100–0125.

Frequency: Annual.

Reporters: Foreign banking organizations.

Annual reporting hours: 11,453.

Estimated average hours per response: 19.9.

Number of respondents: 575.

Small businesses are not affected.

General description of report:

This information collection is mandatory (12 U.S.C. 1844(c), 3106, and 3108(a)) and is given confidential treatment (5 U.S.C. 552(b)(8)).

These reports request financial and structural information on foreign banking organizations and their U.S. activities in order to assess their ability to serve as a source of strength to their U.S. operations and to determine compliance with the Banking Holding Company Act and International Banking Act. The reports are being proposed for extension with minor technical changes and instructional clarifications.

3. Report title: Criminal Referral Form.

Agency form number: FR 2230.

OMB Docket number: 7100–0212.

Frequency: On occasion.

Reporters: State member banks, bank holding companies and their nonbank subsidiaries, Edge Act and Agreement corporations, and U.S. branches and agencies of foreign banks.

Annual reporting hours: 2040.

Estimated average hours per response: 0.6 hours.

Number of respondents: 3400.

Small businesses are affected.

General description of report:

This information collection is voluntary (12 U.S.C. 248(a)(1), 625, and 1844(c)) and is given confidential treatment (5 U.S.C. 552(b)(7) and 552a(k)(2)).

This report has been jointly designed and used by the federal financial institutions supervisory agencies, the Department of Justice, and the F.B.I. It is also used by the U.S. Secret Service and the U.S. Department of Treasury. The purpose of the reporting form is to detect and track suspected criminal misconduct involving financial institutions and persons associated with them. The proposed revisions would create a uniform reporting form and instructions, thus allowing the creation of a common database for use by all agencies.

Final approval under OMB delegated authority of the extension, without revision, of the following reports:

1. Report title: Application to Issue Capital Notes.

Agency form number: FR 4015.

OMB Docket number: 7100–0140.

Frequency: On occasion.

Reporters: State member banks.

Annual reporting hours: 10.

Estimated average hours per response: 1.

Number of respondents: 10.

Small businesses are affected.

General description of report:

This information collection is mandatory (12 U.S.C. 461(a) and 12 CFR 204.2(a)(1)(vii)(c) and is not given confidential treatment.

This letter form application must be filed by state member banks seeking

approval from the Federal Reserve to issue a capital note and to include it in its capital structure.

2. Report title: Statement of Purpose for an Extension of Credit Secured by Margin Stock.
Agency form number: FR U–1.
OMB Docket number: 78100–0115.
Frequency: Recordkeeping requirement, on occasion.
Reporters: Domestic commercial banks.
Annual reporting hours: 88,065.
Estimated average hours per response: .0031 hours.
Number of respondents: 13,400.
Small businesses are affected.
General description of report:

This information collection is mandatory (15 U.S.C. 78g, 78w) and is not given confidential treatment.

A purpose statement is required to be completed by a bank and its borrower whenever credit is secured directly or indirectly by any margin stock in an amount exceeding $100,000. The statement is not filed with the Federal Reserve, but is a recordkeeping form retained for a specified period by the lending bank. It is used to determine the purpose of the loan proceeds, to serve as an evidentiary tool to ascertain the intention of the parties involved, and to document the securities serving as collateral.

Board of Governors of the Federal Reserve System.
Dated: June 3, 1991.
William W. Wiles,
Secrtary of the Board.
[FR Doc. 91–13641 Filed 6–7–91; 8:45 am]
BILLING CODE 6210–01–M

Manufacturers National Corporation; Proposal to Provide Financial Advisory Services; Engage in Private Placement Activities; and Act as a Broker or Agent in Financial Transactions

Manufacturers National Corporation, Detroit, Michigan ("Applicant"), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (the "BHC Act"), and § 225.23 of the Board's Regulation Y (12 CFR 225.23), for permission to acquire 20 percent of the voting shares of W.Y. Campbell & Company, Detroit, Michigan ("Company"), and thereby engage in providing financial advisory services, private placement activities, and acting as an agent or broker in financial transactions. The activities will be conducted in the United States.

In particular, Applicant proposes to:

(1) Act as a financial adviser in connection with merger, acquisition, divestiture, financing, and similar transactions for nonaffiliated financial and nonfinancial institutions ("M&A Advisory Services");

(2) Perform valuations for nonaffiliated financial and nonfinancial institutions ("Valuation Services"), including:

(a) Valuations of companies (or one or more integral parts thereof) for purposes of merger, acquisition, divestiture, financing, and similar transactions;

(b) Tender and exchange offer valuations;

(c) Advice for management or bankruptcy courts on the viability and capital adequacy of financially troubled companies (and on the fairness of bankruptcy reorganizations);

(d) Valuation opinions on transactions in equity and debt securities;

(e) Valuation opinions on the fair market value of securities held in employee stock ownership trusts, pension or profit-sharing plans, charitable trusts, venture capital funds, and similar entities, or for estate tax purposes; and

(f) Valuation opinions on stock of publicly held and privately owned companies;

(3) Provide fairness opinions in connection with merger, acquisition, divestiture, and financing transactions for nonaffiliated financial and nonfinancial institutions ("Fairness Opinions");

(4) Provide financial feasibility studies, consisting of the evaluation of financial and other economic aspects of a proposed or pending project that should be considered by prospective investors in reaching investment decisions ("Feasibility Studies");

(5) Act as agent in the private placement of all types of securities, including providing related advisory services ("Private Placement Activities"); and

(6) Act as broker or agent in connection with merger, acquisition, divestiture, financing, and similar transactions for nonaffiliated financial and nonfinancial institutions ("M&A Agency Services").

The Board previously has approved applications by bank holding companies to provide M&A Advisory Services, Valuation Services, Fairness Opinions and Feasibility Studies, *Signet Banking Corporation*, 73 Federal Reserve Bulletin 59 (1987), and to engage in Private Placement Activities, *J.P. Morgan & Company Incorporated*, 76 Federal Reserve Bulletin 26 (1990). Applicant proposes to conduct these activities in substantial compliance with the Board's prior Orders. In connection with its Private Placement Activities, Applicant has indicated that it will not engage in the private placement of securities that are sponsored or advised by Applicant or any of its affiliates.

Applicant has proposed to act as a broker or agent in connection with financial transactions (M&A Agency Services), an activity that has not been approved previously by the Board. Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto."

A particular activity may be found to meet the "closely related to banking" test if it is demonstrated that banks have generally provided the proposed activity; that banks generally provide services that are operationally or functionally so similar to the proposed activity so as to equip them particularly well to provide the proposed activity; or that banks generally provide services that are so integrally related to the proposed activity as to require their provision in a specialized form. *National Courier Association v. Board of Governors*, 516 F.2d 1229, 1237 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y, 49 FR 806 (1984).

Applicant maintains that acting as a broker or agent in connection with financial transactions are within the array of services provided by banks. Applicant would advise clients as to the structure of a proposal, participate in negotiations on behalf of a client, and assist the client in obtaining financing. Applicant has committed that it would act solely as agent for clients in providing such services. Applicant has also indicated that its services will be rendered solely to the management and the board of directors of a client and that Applicant will not deal directly with individual shareholders (except to the extent that an officer or management official is also a shareholder).

Applicant contends that the proposed activities are closely related to banking because banks are engaging in such activities. In addition, Applicant asserts that the experience banks have in negotiating loan and other financing transactions equips banks particularly well to provide such assistance.

In determining whether a particular activity is a proper incident to banking, the Board considers whether the performance of the activity by an

affiliate of a holding company 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 interest, or unsound banking practices.

Applicant states that its acquisition of Company will increase competition. Applicant contends that the proposed acquisition will result in greater convenience to, as well as the provision of more specialized and comprehensive corporate services to, its corporate customers.

With respect to possible adverse effects, Applicant has indicated that Company's M&A Agency Services encompass only the merger, sale, and acquisition of businesses. Company does not involve itself in the sale or acquisition of real estate or loan portfolios for a client, except as an incident to the sale of a business. Applicant commits that Company will not represent both parties in a transaction and that Company will not loan funds to a client. Applicant commits to abide by the requirements of sections 23A and 23B of the Federal Reserve Act in situations in which a banking affiliate of Applicant extends loans to a client.

In order to eliminate conflicts of interest that may arise from the provision of the M&A Agency Services, M&A Advisory Services, Valuation Services, and delivery of Fairness Opinions and Feasibility Studies, Applicant has made the following commitments:

1.Company will act solely as agent for clients in providing such services;

2. Such services will not encompass the performance of routine tasks or operations for a client on a daily or otherwise continuous basis;

3. Company will render advice on an explicit fee basis only, without regard to correspondent balances maintained by its client at any depository institution subsidiary of Applicant;

4. Company will withhold from each subsidiary or affiliates of Applicant any confidential information received from Company's clients, and each subsidiary or affiliate of Applicant will withhold from Company any confidential information obtained from its customers, except with the consent of the client or customer or as expressly required by applicable law or regulation; and

5. Company will disclose its affiliation with Applicant to each potential client.

In publishing the proposal for comment the Board does not take a position on issues raised by the proposal. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal meets or is likely to meet the standards of the BHC Act.

Comments are requested on whether the proposed activities are "so closely related to banking or managing or controlling banks as to be a proper incident thereto," and whether the proposal as a whole 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 these questions must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why 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.

The application may be inspected at the offices of the Board of Governors of the Federal Reserve Bank of Chicago.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than July 8, 1991.

Board of Governors of the Federal Reserve System, June 4, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91–13659 Filed 6–7–91; 8:45 am]

BILLING CODE 6210-01-F

Midland States Bancorp, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than July 1, 1991.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Midland States Bancorp, Inc., Effingham, Illinois; to acquire 100 percent of the voting shares of State Bank of Farina, Farina, Illinois.

Board of Governors of the Federal Reserv System, June 4, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-13660 Filed 6-7-91; 8:45 am]

BILLING CODE 6210-01-F

United Community Bancorp, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such

as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 1, 1991.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. United Community Bancorp, Inc., Greenfield, Illinois; to acquire Roosevelt Interim Federal Savings Bank, Gillespie, Illinois, and thereby engage in operating a savings and loan association pursuant to § 225.25(b)(9) of the Board's Regulation Y. This activity will be conducted around Gillespie, Illinois.

Board of Governors of the Federal Reserve System, June 4, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-13661 Filed 6-7-91; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Statement of Organization, Functions, and Delegations of Authority

Part H, chapter HC (Centers for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–67776, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 56 FR 5220, February 8, 1991) is amended to reflect the following changes: (1) Revision of the functional statements for the Epidemiology Program Office (HCB) and the Office of the Director (HCB1), and (2) revision of the list of officials in the Order of Succession.

Section HC–B, Organization and Functions, is hereby amended as follows:

1. Delete in its entirety the functional statement for the Epidemiology Program Office (HCB) and substitute the following: (1) Manages the Epidemic Intelligence Service (EIS) Program through the recruitment, training, and assignment of epidemiologists; (2) manages the Preventive Medicine Residency Program through the selection, training, and assignment of Preventive Medicine Residents; (3) plans, develops, and edits the Morbidity and Mortality Weekly Report (MMWR), related publications, and various special reports; (4) serves as the focal point for the development of innovative methods for the collection, analysis, and communication of public health surveillance information; (5) provides epidemiologic assistance and epidemic aid through the field assignment of epidemiologists (6) provides consultation on epidemiology and surveillance to other Centers/Institute/Offices (CIOs) of CDC, other Federal agencies, state and local health departments, international organizations, and other nations; (7) facilities assistance and epidemic aid by managing the Epi-Aid system and coordinating with other CIOs of CDC; (8) plans, conducts, and evaluates research activities in various aspects of disease and injury control for global programs; (9) promotes the development of international field epidemiologic training programs; (10) serves as focus for applied epidemiologic training for CDC staff, state and local public health workers, and others; (11) in carrying out the above functions, collaborates, as appropriate, with other CIOs of CDC.

2. Delete in its entirety the functional statement for the Office of the Director (HCB1) and substitute the following: (1) Manages, directs, and coordinates the activities of the Epidemiology Program Office (EPO); (2) provides leadership and guidance on policy, program planning, program management, and operations; (3) provides leadership for the implementation of an integrated program of epidemiology and surveillance at CDC and at state and local governments; (4) provides liaison with other governmental agencies, international organizations, the Council of State and Territorial Epidemiologists, and other outside groups; (5) provides administrative, management, and support services, and coordinates with the appropriate CDC staff offices on program and administrative matters; (6) plans EPO programs directed towards reporting achievement of the Year 2000 Objectives and the strengthening of the public health infrastructure and does other program planning and evaluation for EPO by coordinating with the Office of Program Planning and Evaluation, CDC, and other appropriate CDC staff offices on program and administrative matters; (7) ensures scientific and technical quality of EPO programs; (8) provides administrative, information, and computer support services for EPO; (9) facilitates epidemiologic assistance by managing the epidemiologic aid system and coordinating with other CIOs of CDC; (10) advises the CDC Director on policy matters concerning EPO activities and CDC-wide epidemiologic and surveillance activities.

Section HC–C, Order of Succession, is hereby amended as follows:

In the listing of officials, delete item (3) and renumber items (4) through (9) as (3) through (8) respectively.

Effective Date: June 3, 1991.

Louis W. Sullivan,

Secretary.

[FR Doc. 91–13636 Filed 6–7–91; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

[Docket No. 91N–0211]

Drug Export; Blood Grouping Reagents: Anti-C (Anti-rh') (Monoclonal) BioClone for Slide, Tube, and Microplate Tests; Anti-E (Anti-rh") (Monoclonal) BioClone for Slide, Tube and Microplate Tests; Anti-e (Anti-hr") (Monoclonal) BioClone for Slide, Tube, and Microplate Tests

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ortho Diagnostic Systems, Inc., has filed an application requesting approval for the export of the biological products Blood Grouping Reagents Anti-C (Anti-rh') (Monoclonal) BioClone for Slide, Tube, and Microplate Tests; and Anti-E (Anti-rh") (Monoclonal) BioClone for Slide, Tube, and Microplate Tests; and Anti-e (Anti-hr") (Monoclonal) BioClone for Slide, Tube, and Microplate Tests to Belgium, Canada, Federal Republic of Germany, France, Italy, Japan, Portugal, Spain, and The United Kingdom.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, room 4–62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Carl J. Chancey, Center for Biologics Evaluation and Research (HFB–124),

Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8191.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of biological products that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Ortho Diagnostic Systems, Inc., Route 202, Raritan, NJ 08869, has filed an application requesting approval for the export of the biological products Blood Grouping Reagents Anti-C (Anti-rh') (Monoclonal) BioClone for Slide, Tube, and Microplate Tests; Anti-E (Anti-rh") (Monoclonal) BioClone for Slide, Tube, and Microplate Tests; and Anti-e (Anti-hr") (Monoclonal) BioClone for Slide, Tube, and Microplate Tests to Belgium, Canada, Federal Republic of Germany, France, Italy, Japan, Portugal, Spain, and The United Kingdom. The Blood Grouping Reagents Anti-C (Anti-rh") (Monoclonal) BioClone for Slide, Tube, and Microplate Tests; and Anti-E (Anti-rh") (Monoclonal) BioClone for Slide, Tube, and Microplate Tests; and Anti-e (Anti-hr") (Monoclonal) BioClone for Slide, Tube, and Microplate Tests are qualitative tests for recognition of the C(rh') antigen E(rh") antigen and/or e(rh") antigen on Human Red Blood Cells. The application was received and filed in the Center for Biologics Evaluation and Research on May 10, 1991 which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by June 20, 1991, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: May 31, 1991.

Thomas S. Bozzo,

Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 91–13720 Filed 6–7–91; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 91N–0212]

Drug Export; Coulter™ HIV p24 Antibody Assay

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Coulter Immunology has filed an application requesting approval for the export of the biological product Coulter™ HIV p24 Antibody (Ab) Assay to Australia, Austria, Belgium, Canada, Denmark, The Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and The United Kingdom.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Carl J. Chancey, Center for Biologics Evaluation and Research (HFB–124), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8191.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of biological products that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Coulter Immunology, 440 Coulter Way/West 20th St., Hialeah, FL 33010–2426, has filed an application requesting approval for the export of the biological product Coulter™ HIV p24 Ab Assay to Australia, Austria, Belgium, Canada, Denmark, The Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and The United Kingdom. The Coulter™ HIV p24 Ab Assay is an Enzyme Immunoassay for the detection of p24 antibody (Ab) to the human immunodeficiency virus in human plasma or serum. The application was received and filed in the Center for Biologics Evaluation and Research on August 21, 1990, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by June 20, 1991, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: May 31, 1991.

Thomas S. Bozzo,

Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 91–13721 Filed 6–7–91; 8:45 am]

BILLING CODE 4160–01–M

Relocation of the Dockets Management Branch

AGENCY: The Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the relocation of the Dockets Management Branch (DMB). On June 14, 1991, the DMB will move to the first floor of the Park Bldg., located on Parklawn Dr., Rockville, MD. The move will permit more efficient utilization of work and document storage space.

FOR FURTHER INFORMATION CONTACT:
Linda M. Quinones,
or
Jennie C. Butler, Dockets Management Branch (HFA-305), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-7542.

SUPPLEMENTARY INFORMATION: The DMB, which is part of the Office of Management and Operations, is responsible for many activities under 21 CFR 10.20. Major functions of the DMB include:

(1) Serving as the entry point for citizens petitions, comments, hearing requests, and other documents used in FDA rulemaking and administrative activities;

(2) Making these documents available for inspection by operating a public reading room;

(3) Providing copies of the official records maintained by the Dockets Management Branch in accordance with the Freedom of Information Act; and

(4) Providing advice and guidance regarding filing requirements pertaining to the documents handled by the DMB.

The new address for DBM will be rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857. The mailing code, HFA-305, as well as the hours of operation of the public reading room will remain the same. The business hours of the public reading room will continue to be 9 a.m. to 4 p.m., Monday through Friday. Telephone numbers for the DMB will also remain the same. Currently, the telephone numbers for the office are: 301-443-7542, 301-443-1751, 301-443-1753, and 301-443-0977.

Dated: June 5, 1991.

Gary Dykstra,

Acting Associate Commissioner fo. Regulatory Affairs.

[FR Doc. 91-13640 Filed 6-5-91; 10:48 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Statement of Organization, Functions and Delegations of Authority

Part F of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), (**Federal Register**, Vol. 56, No. 57, pg. 12375, dated March 25, 1991) is amended to reflect a change within the Office of Coordinated Care Policy and Planning. The specific change will establish two subordinate divisions. The Division of Coordinated Care Policy and Evaluation will be responsible for national coordinated health care legislative and regulatory policy. The Division of Planning and Promotion for Coordinated Care will be responsible for the promotion functions for coordinated health care.

The specific amendments to Part F. are described below

- A new section FJ.20.A, Division of Coordinated Care Policy and Evaluation (FJA), is established to read as follows:

A. Division of Coordinated Care Policy and Evaluation (FJA)

- Develops and coordinates legislative proposals, regulatory specifications, and other policy documents to establish coordinated care national policies and to address the Agency objectives for the development, qualification, contracting, and ongoing compliance of health maintenance organizations (HMOs), competitive medical plans (CMPs), preferred provider organizations (PPOs), and other coordinated systems of health care.
- Analyzes the manner in which the Agency objectives and policies are tied into pending or existing coordinated health care legislation and regulations. Evaluates national trends and their possible effect on Agency-wide activities.
- Reviews and analyzes policies regarding Federal beneficiaries in Medicare, CHAMPUS, and the Federal Employees Health Benefits' programs for coordination with coordinated care programs.
- Reviews and analyzes coordinated internal and external health care research, demonstration, and evaluation study activities.
- Develops presentation material for use with congressional committees and with the Office of Management and Budget related to the program and appropriation legislation affecting the coordinated health care objectives of the Administration.
- Develops presentation material for use with congressional committees and with the Office of Management and Budget related to the program and appropriation legislation affecting the coordinated health care objectives of the Administration.
- A new section FJ.20.B, Division of Planning and Promotion for Coordinated Care (FJB), is established to read as follows:

B. Division of Planning and Promotion for Coordinated Care (FJB)

- Develops and implements activities to promote coordinated health care programs to HMOs, CMPs, PPOs, employers, insurance companies, coordinated health care associations/organizations, and other professional medical and private groups, including Federal beneficiary and consumer groups.
- Develops and coordinates coordinated health care education and promotional programs within the Agency/Department to encourage greater access of Federal Medicare beneficiaries to HMOs, CMPs, PPOs, and other coordinated health care organizations. Supports the Agency/Department's efforts to move toward a pluralistic health care delivery system.
- Develops and supports the maintenance of close working relationships with national organizations representing the coordinated health care industry to enhance technical assistance options and to promote appropriate coordinated health care performance measurement standards.
- Develops, coordinates, and supports strategic planning activities for the coordinated health care program in the Agency and any other specific coordinated health care planning initiatives as required by the Administrator of the Agency. Establishes and maintains a system to monitor the planning schedule to assure appropriate coordination and completion of coordinated care activities within the Agency as established by the Administrator.
- Supports the liaison activities for the Agency for coordinated health care programs with other Federal/State programs and agencies, health care professional organizations/associations, trade associations and consumer groups.

Dated: May 24, 1991.

Robert A. Stroimer,

Associate Administrator for Management.

[FR Doc. 91-13675 Filed 6-7-91; 8:45 am]

BILLING CODE 4120-03-M

Health Resources and Services Administration

Availability of Funds for Nursing Education Loans for Service in Certain Health Facilities (Demonstration Program)

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of Availability of Funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that approximately $100,000 will be available in fiscal year (FY) 1991 for the second year of a demonstration program of educational loans, authorized by section 847 of the Public Health Service (PHS) Act. These loans will be made to assist individuals in their final year of nursing education in a school of nursing for the 1991–1992 academic year if they will enter into a contract with an eligible health facility to engage in full-time employment as a registered nurse for at least 1 year. The loans would be repaid for these nurses by their employers within 3 years under agreements provided in their employment contracts. Borrowers who fail to fulfill their employment contracts will assume responsibility for repaying the loans.

The HRSA, through this notice, invites nursing students who will enter their final year of nursing education in the 1991–2 academic year to apply for participation in this demonstration loan program. With these funds, HRSA estimates that approximately 10 loans can be made, averaging $10,000 each, covering the costs of full-time education and reasonable living expenses for the student's final (1991–1992) academic year. The authority to make loans under this program expires September 30, 1991.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. This program of service-obligated nursing education loans is related to the priority areas of improving access to primary care services for medically underserved populations in both rural and urban areas. Potential applicants may obtain a copy of Healthy People 2000 (Full report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone 202–783–3238).

DATES: To receive consideration for these loans, eligible individuals must submit their applications by September 1, 1991. Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date: or

(2) Sent on or before the deadline and received in time for submission to the reviewing program official. Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late applications will not be considered for funding and will be returned to the applicant.

ADDRESSES: Application materials may be obtained from and completed applications sent to the section 847 Loan Program, c/o Norris S. Lewis, M.D., Director, Division of Health Services Scholarships, Bureau of Health Care Delivery and Assistance, HRSA, room 7–18, 5600 Fishers Lane, Rockville, MD 20857; or by calling 1–301–443–1650 during office hours.

FOR FURTHER INFORMATION CONTACT: For general program information and technical assistance, please contact Mr. Clarke Gordon at the above address or telephone 301–443–1650 during office hours.

SUPPLEMENTARY INFORMATION: Section 847 of the PHS Act authorizes the Secretary to conduct a demonstration program of educational loans to nursing students who obtain employment contracts with eligible health facilities which will agree to repay the loan.

The maximum loan amounts are those required to meet the student's costs of nursing school tuition, books, fees, necessary transportation, and reasonable living expenses, as determined by the borrowers' schools, based on school budgets for full-time students in the borrowers' final year of nursing education. Loans awarded under this program bear interest at 5 percent per year on the unpaid balance of the loan, accruing from the date the borrower is no longer enrolled in the nursing program. The employing health facility has 3 years to repay the loan.

Eligible Applicants

To be eligible to participate in this program, an individual must:

(1) Be enrolled (or accepted for enrollment) for the 1991–2 academic year in the final year of his/her nursing education in a school of nursing. (A "school of nursing" means a collegiate, associate degree, or diploma school of nursing in a State.)

(2) Contract with an eligible health care facility (defined below) for full-time employment as a nurse upon completion of the applicant's nursing education, with the provision that the employer will repay the loan if the applicant is selected for participation in this program.

(3) Submit an application by the announced deadline.

Funding Preferences

In making loans, the Secretary will give preference for funding to applicants who are disadvantaged and minority individuals underrepresented in the nursing profession. "Disadvantaged" in this program refers to the financial inability of the applicant to afford full-time attendance at a school of nursing, as certified by the student financial aid administrator of the applicant's nursing school. "Minority individuals underrepresented in the nursing profession" in this program refers to applicants who are identified by their school registrars as blacks (African Americans), Hispanics, Native Americans, Alaska Natives, or Native Hawaiians. Applicants who meet both preference factors will be granted loan funds before applicants who meet only one of the preference factors.

Eligible Health Facilities

The eligible health facilties with which applicants may contract for employment under this program must be:

(1) Nonprofit hospitals or long-term care facilities certified under title XVIII or XIX of the Social Security Act;

(2) Located in geographic areas that are underserved with respect to the services of registered nurses; (The program will use the most recent edition of Counties in the United States with a Shortage of Nurses, first published May 1990 by the Office of Shortage Designation, Bureau of Health Care Delivery and Assistance, HRSA. This list, based on available data, identifies the quartile (622) of counties (or parishes) in the United States with the greatest shortage of nurses.) And,

(3) Willing to include in employment contracts with nurse student borrowers under this program the following provisions: (a) That the facility will repay all of the principal and interest on the loan made under this program within 3 years; (b) that the payments made by the facility on behalf of the borrower will be in addition to the pay the borrower would otherwise receive for such service; and (c) that if the facility violates the contract, the facility will be liable to the United States for all of the principal and interest due on the loan.

Other Award Information

Of the approximately $100,000 available to the program for the 1991 fiscal year, at least $35,000 must be reserved for loans to individuals who will be employed as nurses in a rural county listed in Counties in the United States with a Shortage of Nurses.

This program is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs, since payments to individuals are not covered.

The OMB Catalog of Federal Domestic Assistance number for this demonstration program is 93.930

Dated: May 1, 1991.

John H. Kelso,

Acting Administrator.

[FR Doc. 91-13722 Filed 6-7-91; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

National Cancer Institute; Meeting of the Cancer Center Support Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Center Support Review Committee, National Cancer Institute, on August 1 and 2, 1991, Hyatt Regency Bethesda, 1 Bethesda Metro Center, Bethesda, MD 20814.

This meeting will be open to the public on August 1 from 8 a.m. to 8:30 a.m., to review administrative details and other cancer center review issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public on August 1 from approximately 8:30 a.m. to adjournment on August 2 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Carole Frank, the Committee Management Officer, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide a summary of the meeting and the roster of committee members, upon request.

Dr. David E. Maslow, Scientific Review Administrator, Cancer Center Support Review Committee, National Cancer Institute, Westwood Building, room 804, National Institutes of Health, Bethesda, Maryland 20892 (301/496-2330) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.197, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Dated: May 22, 1991.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 91-13598 Filed 6-7-91; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Institute; Meeting of the Cancer Education Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Education Review Committee, National Cancer Institute, National Institutes of Health, July 10-12, 1991, Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20815.

This meeting will be open to the public on July 10 from 8:30 a.m. to 9 a.m. to discuss and review administrative details and other cancer education issues. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public on July 10 from 9 a.m. to recess and on July 11 and 12 from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Office, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708), will provide summaries of the meeting and rosters of committee members upon request.

Dr. Mary Bell, Scientific Review Administrator, Cancer Education Review Committee, National Cancer Institute, Westwood Building, room 834, National Institutes of Health, Bethesda, Maryland 20892, (301/496-7978), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Dated: May 22, 1991.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 91-13599 Filed 6-7-91; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Institute; Meeting of the Cancer Research Manpower Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Research Manpower Review Committee, National Cancer Institute, on June 27-28, 1991, The Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20815.

This meeting will be open to the public on June 27, 1991, from 8:30 a.m. to 9 a.m., to review administrative details and other cancer research manpower review issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public on June 27 from approximately 9 a.m. to adjournment on June 28 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Carole Frank, the Committee Management Officer, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. John W. Abrell, Executive Secretary, Cancer Research Manpower Review Committee, National Cancer Institute, Westwood Building, room 832, National Institutes of Health, Bethesda, Maryland 20892 (301/496-9767) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Dated: May 22, 1991.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 91-13600 Filed 6-7-91; 8:45 am]

BILLING CODE 4140-01-M

National Institute on Deafness and Other Communication Disorders; Meeting of the Communication Disorders Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Communication Disorders Review Committee on June 20-21, 1991. The Committee will meet at the Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland 20852. Notice of the meeting room will be posted in the hotel lobby.

The Committee meeting will be open to the public on June 20 from 8 a.m. until 8:30 a.m., to discuss administrative details relating to Committee business. Attendance by the public will be limited to space available.

The meeting of the Committee will be closed to the public on June 20 from 8:30 a.m. until recess and on June 21 from 8 a.m. until adjournment at approximately 2 p.m. in accordance with provision set forth in sections 552b(c)(4) and 52b(c)(6), title 5 U.S.C. and section 10(d) of Public Law 92-463, for the review, discussion, and evaluation of individual grant applications. These deliberations could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning the Committee meeting may be obtained from Dr. Marilyn Semmes, Scientific Review Administrator, National Institute on Deafness and Other Communication Disorders, room 400B, Executive Plaza South, Bethesda, Maryland 20892, 301-496-8683.

(Catalog of Federal Domestic Assistance Program No. 13.173 Biological Research Related to Deafness and Other Communicative Disorders.)

Dated: May 22, 1991.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 91-13601 Filed 6-7-91; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Office of the Assistant Secretary for Health; Statement of Organization, Functions and Delegations of Authority

Part H, Public Health Service (PHS), chapter HA (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (42 FR 61318, December 2, 1977, as amended most recently at 56 FR 6406, February 15, 1991), is amended to reflect a realignment of international and refugee health functions within the Office of the Assistant Secretary of Health under an Office of International and Refugee Health (HAL). This realignment will provide one central organization within OASH to be responsible for the establishment and implementation of interrelated policies, oversight and coordination of PHS efforts in the Department of Health and Human Services (DHHS) for international and refugee, entrant and alien health affairs.

Office of the Assistant Secretary for Health

Under part H, chapter HA, Office of the Assistant Secretary for Health, section HA-10, Organization, delete the list of organizations and substitute the following:

The Office of the Assistant Secretary for Health (HA) consists of the:

1. National AIDS Program Office (HAA).
2. Office of Communications (HAB).
3. President's Council on Physical Fitness and Sports (HAC).
4. Office of Health Legislation (HAJ).
5. Office of Equal Employment Opportunity (HAK).
6. Office of International and Refugee Health (HAL).
7. Office of Minority Health (HAM).
8. Office of the Surgeon General (HAN).
9. Office of Emergency Preparedness (HAP).
10. Office of Management (HAU).
11. National Vaccine Program Office (HA2).
12. Senior Advisor for Environmental Affairs (HA3).
13. Office of Scientific Integrity Review (HA4).
14. Office of Population Affairs (HA5).
15. PHS Executive Secretariat (HA6).
16. Office of Intergovernmental Affairs (HA7).
17. Office of Disease Prevention and Health Promotion (HA8).
18. Office of Health Planning and Evaluation (HA9).

Under section HA-20, Functions, following the statement for the News Division (HAB-3), delete the title and statement for the Office of International Health (HAE). Following the statement for the President's Council on Physical Fitness and Sports (HAC), delete the title and statement for the Office of Refugee Health (HAF), and add the following titles and statements:

Office of International and Refugee Health (HAL). The Office of International and Refugee Health (HAL) within the overall policy guidance of the DHHS Office of the Secretary and in consultation and cooperation with the Office of Intergovernmental Affairs, serves as the PHS and DHHS focal point for policy guidance, planning, evaluation and program coordination relating to international and refugee, entrant and alien health affairs.

Office of International Health (HAL3). Provides policy formulation, program direction, coordination and liaison of all PHS international health affairs. The Office: (1) Provides staff advice to the Secretary through the Deputy Assistant Secretary for International Health and the Assistant Secretary for Health on international health policies, plans, programs and activities; (2) prepares, directs and assesses the results of analyses and evaluation of selected international health policy issues and programs for PHS, DHHS, the Department of State, the Agency for International Development, and other Federal departments and agencies; (3) maintains liaison with and, as appropriate, represents the Department to international health institutions and organizations, the U.S. private sector, other department and agencies, and representatives of foreign governments on international health matters; (4) facilitates and provides oversight for technical cooperation in the health field with other departments and agencies, international organizations and requesting countries; (5) develops and coordinates interagency agreements with the Agency for International Development and other Federal agencies on international health matters; (6) recommends and promotes policies in multilateral health and health-related programs for implementation by international organizations, especially the World Health Organization (WHO), the Pan American Health Organization (PAHO), and the United Nations Children's Fund (UNICEF); (7) serves as the principal focal point in the Department for relationships with WHO, PAHO and UNICEF and arranges for the provision of technical consultation to these organizations; (8) analyzes policies, strategies, and budgets of international organizations as a basis for recommending U.S. policy towards and participation in the health-related programs of the organizations;

(9) serves as the primary focal point in PHS for relationships with other departments and agencies, the private sector, and representatives of foreign governments on health cooperation under bilateral arrangements; (10) develops and, as appropriate, implements international activities in cooperation with PHS and other agencies and facilities their participation in those activities; (11) provides leadership and staff support in intragovernmental international health policy, planning and coordination processes; and (12) provides staff support on international health matters to the Assistant Secretary for Health and other PHS officials and Office of the Assistant Secretary for Health staff offices.

Office of Refugee Health (HAL4). Provides for policy formulation, program direction, coordination, and liaison of all PHS refugee, entrant and alien health matters. Specifically, the Office: (1) Serves as the focal point for the direction and coordination of PHS efforts in all refugee, entrant and alien health matters (including mass immigration and repatriation emergencies); (2) develops and implements policy and guidelines relating to refugee, entrant and alien health and mental health screening and care; (3) directs and coordinates health and mental health operations at Immigration and Naturalization Service Processing Centers and provides guidance to the PHS agencies in meeting their responsibilities in this regard; (4) develops and administers interagency agreements between PHS and other Federal components and between OASH and the PHS agencies concerning specific assignments of program responsibility, the allocation of resources and the establishment of program accountability; (5) represents the Deputy Assistant Secretary for International Health and serves as the PHS focal point for liaison with the Office of Refugee Resettlement, other components of the DHHS, the Department of Justice, the Department of State, other Federal components, the private sector, and international organizations on all matters pertaining to refugee, entrant and alien health and mental health; and (6) reviews and evaluates PHS refugee, entrant and alien health activities to identify unmet needs and improve overall operations.

Section HA-30. Delegations of Authority. All delegations and redelegations of authority to the Director, Office of Refugee Health, and the Director, Office of International Health, that were in effect prior to the effective date of this reorganization shall continue in effect in the Deputy Assistant Secretary for International Health, pending further redelegations.

Dated: June 3, 1991.

Louis W. Sullivan,

Secretary.

[FR Doc. 91-13687 Filed 6-7-91; 8:45 am]

BILLING CODE 4150-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-920-01-4111-14; NDM 78719]

Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97-451, a petition for reinstatement of oil and gas lease NDM 78719, Bowman County, North Dakota, was timely filed and accompanied by the required rental accuring from the date of termination.

No valid lease has been issued effecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $10 per acre and 16⅔% respectively. Payment of a $500 administration fee has been made.

Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective as of the date of termination, subject to the original terms and conditions of the lease, the increased rental and royalty rates cited above, and reimbursement for cost of publication of this Notice.

Dated: May 22, 1991.

June A. Bailey,

Chief, Leasing Unit.

[FR Doc. 91-13588 Filed 6-7-91; 8:45 am]

BILLING CODE 4310-DN-M

Fish and Wildlife Service

Availability of a Draft Recovery Plan for the Black-capped Vireo for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability for public review of a draft recovery plan for the black-capped vireo. This migratory songbird occurs on private and public lands in west-central Oklahoma, through central Texas, to northern Mexico. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before July 15, 1991 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may examine a copy by contacting one of the following U.S. Fish and Wildlife Service field offices:

U.S. Fish and Wildlife Service, 711 Stadium Drive East, suite 252, Arlington, Texas 76011, commercial #817/885-7830, FTS 334-7830;

U.S. Fish and Wildlife Service, c/o Corpus Christi State University, Campus Box 338, 6300 Ocean Drive, Corpus Christi, TX 78412, commercial #512/888-3346, FTS 520-3346;

U.S. Fish and Wildlife Service, 222 S. Houston, suite A, Tulsa, Oklahoma, commercial #918/581-7458, FTS 745-7458.

Written comments and materials regarding the plan should be addressed to Robert M. Short, U.S. Fish and Wildlife Service, 711 Stadium Drive East, suite 252, Arlington, Texas 76011. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the Arlington, Texas address.

FOR FURTHER INFORMATION CONTACT: Robert Short, Field Supervisor, at the Service's Arlington, Texas office (see address above).

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and

comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised Recovery Plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

A draft recovery plan for the black-capped vireo (Vireo atricapillus) has been developed. The black-capped vireo was listed by the Service as an endangered species in 1987. The species is threatened by: (1) The brown-headed cowbird (*Molothrus ater*) which parasitizes vireo nests, and (2) habitat loss due to such factors as urbanization, range management, overbrowsing, and succession. The current breeding range extends from a few areas in west-central Oklahoma, through central Texas to northern Mexico (Coahuila). The draft recovery plan for this species is now available for technical and agency review.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: June 5, 1991.

Roger Abeyta,

Acting Regional Director.

[FR Doc. 91-13664 Filed 6-7-91; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF INTERIOR

Availability of a Draft Recovery Plan for Mimulus glabratus var. michiganensis (Michigan Monkey Flower) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for *Mimulus glabratus* var. *michiganensis* (Michigan monkey flower). This plant is known from only 12 occurrences in northern Michigan, where it is restricted to cold, alkaline springs and spring fed streams. Nine of the twelve occurrences are concentrated in the Mackinac Straits region. The Service solicits review and comments from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before July 10, 1991 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft plan may examine a copy during normal business hours at the Services's Twin Cities Regional Office, Division of Endangered Species, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111, telephone 612/725-3276, FTS 725-3276, or at the East Lansing Field Office, 1405 Harrison Road, East Lansing, Michigan 48823, telephone 517/337-6650. Persons wishing to obtain a copy of the draft recovery plan should contact the Twin Cities Regional Office. Written comments and materials regarding the plan should be mailed to the Twin Cities office. All comments and materials received will be available for public inspection, by appointment, during normal business hours at that office for the duration of the comment period.

FOR FURTHER INFORMATION CONTACT: William F. Harrison, at the above Twin Cities Regional Office address (612/725-3276; FTS 725-3276).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, criteria for recognizing recovery levels for downlisting or delisting them, and initial estimates of times and costs to implement the recovery measures needed.

The Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such plan would not promote the conservation of a particular species. Section 4(f) of the Act as amended in 1988 requires that public notice and an opportunity for public review and comment be provided during the recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

Mimulus glabratus var. *michiganensis* (Michigan monkey flower) was listed as an endangered species under the Act on June 21, 1990 (55 FR 25596). This species is currently extant at 12 sites in Benzie, Cheboygan, Emmet, Leelanau, and Mackinac Counties in northern Michigan. Seventy-five percent of the occurrences are concentrated in the Mackinac Straits region. The species is restricted to cold, alkaline springs and spring-fed streams. Biological limitations include an extremely low degree of fertility, strict habitat specificity, and a poor ability to disperse. Hydrological disruptions within or near the species' habitat, particularly those that modify or restrict water flow or result in the warming of the substrate, constitute the primary threat to this species' survivial.

The Michigan monkey flower is an aquatic to semi-aquatic perennial plant characterized by its mat forming, clonal growth habit. The stems may reach more than 40 cm in length, are lax and reclining at the base, and root freely at the lower leaf nodes, which produce numerous additional shoots. The opposite leaves are broadly ovate to rotund and may be coarsely sharp-toothed with petioles that are usually shorter than the blades. Bright yellow, snapdragon-like tubular flowers are produced from mid-June to mid-July. The recovery plan outlines strategies to protect and manage sites where the species occurs, continue to survey for new occurrences, conduct demographic, physiological, and breeding system studies to monitor and better understand population biology, and research on specific habitat requirements and genetic variability. The recovery objective is to secure long-term protection for the 12 extant occurrences.

Public Comments Solicited

The Service solicits written comments on this recovery plan. All comments received by the date specified above will be considered prior to approval of the plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: May 20, 1991.

Thomas J. Kerze,

Regional Director.

[FR Doc. 91-13642 Filed 6-7-91; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-522 (Preliminary)]

Minivans From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of a preliminary antidumping investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731-TA-522 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of minivans, provided for in headings 8703 and 8704 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. The Commission must complete preliminary antidumping investigations in 45 days, or in this case by July 15, 1991.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201, as amended by 56 FR 11918, Mar. 21, 1991), and part 207, subparts A and B (19 CFR part 207, as amended by 56 FR 11918, Mar. 21, 1991).

EFFECTIVE DATE: May 31, 1991.

FOR FURTHER INFORMATION CONTACT: Brian Walters (202-252-1198), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on May 31, 1991, by counsel on behalf of General Motors Corp., Detroit, MI, Ford Motor Co., Dearborn, MI, and Chrysler Motors Corp., Detroit, MI.

Participation in the Investigation and Public Service List

Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven (7) days after publication of this notice in the **Federal Register**. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this preliminary investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than seven (7) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on June 21, 1991, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Brian Walters (202-252-1198) not later than June 19, 1991, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written Submissions

As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before June 26, 1991, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three (3) days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of §§201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with §§201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules.

Issued: June 5, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91-13779 Filed 6-7-91; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Directed Service Order No. 1511]

Chicago Central & Pacific Railroad Co.—Directed Service—Cedar Valley Railroad Co.; Direct Service Order

AGENCY: Interstate Commerce Commission.

ACTION: Directed Service Order No. 1511.

SUMMARY: Directed Service Order No. 1511 authorizes the Chicago Central & Pacific Railroad Company (CCP), pursuant to 49 U.S.C. 11125 and without subsidy or other Federal compensation, to operate over lines of the Cedar Valley Railroad Company (CVR) for a period of sixty (60) days.

EFFECTIVE DATE: This order shall become effective at 12:01 a.m., June 5, 1991.

FOR FURTHER INFORMATION CONTACT: Bernard Gaillard (202) 275-7849 or Melvin F. Clemens, Jr. (202) 275-1559 [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Upon notification by shippers, railroad connections, and the Iowa Department of Transportation (IDOT) that the CVR had ceased operations over its lines without authority, and which was determined by the Commission to be the case, this order was entered pursuant to 49 U.S.C. 11125.

An on-site inspection of CVR by Commission staff indicated that a large number of cars loaded with perishable commodities were stranded on CVR as a result of its ceased operations. CCP offerd to relieve this situation and to provide essential service to shippers located on CVR as a "Directed Rail Carrier", uncompensated and without Federal subsidy under 49 U.S.C. 11125(b)(5).

The Commission herein certifies that the emergency exists which prompted entry of this order. This order will assure shippers of essential rail service at least for a period of sixty (60) days.

To purchase a copy of the decision, write to, call or pick up a copy in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington DC 20423. Telephone (202) 289–4357/4359.

Decided: June 4, 1991.

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

Sidney L. Strickland, Jr.

Secretary.

[FR Doc. 91–13685 Filed 6–7–91; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–301 (Sub-No. 6)]

Southrail Corp.—Abandonment—Between Whistler Station, AL and Waynesboro, MS; Findings

The Commission has found that the public convenience and necessity permit SouthRail Corporation to abandon its 75-mile line between milepost 4.7 near Whistler Station, AL, and milepost 79.7 near Waynesboro, MS, in Wayne and Greene Counties, MS, and Washington and Mobile Counties, AL.

A certificate will be issued authorizing abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable rail service to continue; 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 applicant no later than 10 days from publication of this notice. 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 1152.27.

Decided: June 3, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald. Commissioner McDonald, joined by Commissioner Simmons, dissented with a separate expression.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–13684 Filed 6–7–91; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Targeted Training Grants

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of grant program.

SUMMARY: The Occupational Safety and Health Administration (OSHA) has a grant program, Targeted Training, which awards funds to nonprofit organizations to address unmet needs for safety and health training and education in the workplace. This notice announces Targeted Training grant availability for training construction workers in the hazards of lead, small businesses in the new lockout/tagout and electrical work practices standards, and health care workers about the hazards of blood-borne diseases. The notice describes the scope of the grant program and provides information on how to obtain a grant application. Applications should not be submitted without first obtaining the detailed grant application package mentioned later in the notice.

Authority for this program may be found in section 21(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670).

DATES: Applications must be received by July 26, 1991.

ADDRESSES: Grant applications must be submitted to the OSHA Regional Office for the state in which the applicant is located. A complete listing of Regional Offices can be found in the addendum at the end of the supplementary information section of this notice.

FOR FURTHER INFORMATION CONTACT: Ronald Mouw, Chief, or Helen Beall, Training Specialist, Division of Training and Educational Programs, Office of Training and Education, Occupational Safety and Health Administration, U.S. Department of Labor, 1555 Times Drive, Des Plaines, Illinois 60018, telephone (708) 297–4810.

SUPPLEMENTARY INFORMATION:

Background

Section 21(c) of the Occupational Safety and Health Act provides for the education and training of employers and workers in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions. OSHA has used a variety of approaches over the years to fulfill its responsibilities under this section, one of which is the awarding of grants to nonprofit organizations to provide training and education to workers and employers.

The Targeted Training Program is OSHA's current grant program for training and education of workers and employers. Its goals include educating small businesses, training in new OSHA standards, and training in areas of special emphasis or recognized high hazard areas. Organizations awarded grants under this program will be expected to develop training and/or educational programs which address a target named by OSHA, reach out to workers and employers for whom the program is appropriate, and provide them with the training and/or educational program. Success is measured by the number of individuals participating in the program and evidence of their increased hazard recognition and abatement or compliance with standards.

Scope

The purpose of this notice is to announce the availability of funds for grants. Each grant awarded will be designed to provide training and education to small businesses in one of the following target areas.

1. Lead in construction. Among the building trades potentially exposed to lead are iron workers, demolition workers, painters, plumbers, heating/air-conditioning installers, electrical workers, carpenters, and workers involved in renovation, lead-based paint abatement, and remodeling. Grant programs are to reach out to such workers and provide education on the hazards of lead and measures to be taken by construction workers to avoid exposure to lead.

2. New lockout/tagout and electrical work practices standards. Standards on lockout-tagout and safe work practices involving electricity in general industry, principally in repair and maintenance of machinery, have recently been issued by OSHA. Grant programs are to reach out to small employers to provide them and their workers with information needed to comply with these two standards.

3. Blood-borne diseases in the health care industry. Workers in small health

care facilities are not always informed of precautions to be taken to prevent contracting blood-borne diseases. Grants are to provide outreach and education programs designed to provide health care workers, particularly in smaller establishments such as nursing homes, funeral homes and occupational health units in industrial facilities, with information about the hazards of blood-borne diseases and techniques for protecting workers from accidential infection.

Among the activities which may be supported under these grants are: Developing educational materials, conducting training, and conducting other educational activities designed to reach and inform workers.

Eligible Applicants

Any nonprofit organization which is not an agency of a State or local government is eligible to apply. For purposes of eligibility for this grant program, agencies of State and local governments do not include State or local government supported institutions of higher education. State or local government supported institutions of higher education are eligible to apply.

Nonsupportable Activities

Statutory and regulatory limitation, as well as the objectives of the grant program, prevent reimbursement for certain activities under these grants. These limitations include the following.

1. Any activities inconsistent with the goals and objectives of the Occupational Safety and Health Act of 1970.
2. Activities involving workplace largely precluded from enforcement action under section 4(b)(1) of the Occupational Safety and Health Act.
3. Activities for the benefit of State, county or municipal employees.
4. Production, publication or reproduction of training and educational materials, including programs of instruction, which have not been approved by OSHA.
5. Lobbying.
6. Trainig and other educational activities that primarily address issues other than recognition, avoidance, and prevention of unsafe or unhealthful working conditions. Examples include activities concerning workers' compensation, first aid, and publication of materials prejudicial to labor or management.
7. Activities which provide assistance to workers in arbitration cases or other actions against employers, or which provide assistance to employers and/or workers in the prosecution of claims against Federal, State or local governments.
8. Activities which directly duplicate services offered by OSHA, a State under a State Plan, or consultation programs provided by State designated agencies under sections 7(c)(1) of the Act.
9. Activities directly or indirectly intended to generate membership in the grant recipient's organization.

Administrative Requirements

Grant recipients that develop curriculums and/or educational materials with grant funds will provide copies of the curriculums and/or educational materials to OSHA by the end of the grant period.

The grant program will be administered in compliance with 41 CFR part 29–70 and OMB Circulars A–110, A–133 and A–21 or A–122. All applicants will be required to certify to a drug-free workplace in accordance with 20 CFR part 98 and to comply with the New Restrictions on Lobbying published at 29 CFR part 93.

The program is subject to matching share requirements. Grant recipients will be expected to provide a minimum of 20% of the total grant budget. For example, if the Federal share of the grantis $80,000 (80% of the grant), then the matching share will be $20,000 (20% of the grant), for a total grant of $100,000. The matching share may exceed 20%.

Evaluation Process and Criteria

Applications for grants solicited in this notice will be evaluated on a competitive basis by the Assistant Secretary for Occupational Safety and Health with assistance and advice from OSHA staff. The following factors, which are not ranked in order of importance, will be considered in evaluating grant applications.

1. Program design

a. The plan to develop and implement a training and education program which addresses one of the following targets.

i. Lead in construction.

ii. New lockout/layout and electrical work practices standards.

iii. Blood-borne diseases in the health care industry.

b. The number of workers to be reached by the program.

c. The number of small businesses to be reached by the program.

d. The appropriateness of the planned activities for the target selected.

e. The plan for evaluating the program's effectiveness in achieving its objectives.

f. The feasibility and soundness of the proposed work plan in achieving the program objectives effectively.

2. Program Experience

a. Prior occupational safety and health experience of the organization.

b. Previous and current training or education programs conducted by the organization.

c. Technical and professional expertise of present or proposed project staff.

3. Administrative Capability

a. Managerial expertise of the applicant as evidenced by the variety and complexity of current and/or recent programs it has administered.

b. Financial management capability of the applicant as evidenced by a recent report from an independent audit firm or a recent report from another independent organization qualified to render judgment concerning the soundness of the applicant's financial practices.

c. Evidence of the applicant's nonprofit status, preferably from the IRS.

d. The completeness of the application, including forms, budget detail, narrative and workplan, and required attachments.

4. Budget

a. The reasonableness of the budget in relation to the proposed program activities.

b. The proposed non-Federal share is at least 20% of the total budget.

c. The compliance of the budget with applicable Federal cost principles and with OSHA requirements contained in the grant application instructions.

In addition to the proceeding factors, the Assistant Secretary will consider other factors such as the overall geographical distribution and coverage of populations at risk.

Availability of Funds

There is approximately $750,000 available for this program. It is anticipated that the average Federal award will be $100,000, and that there will be a minimum of two grants for each of the three targets. Grants will be awarded for a twelve-month period.

Application Procedures

Those organizations that meet the eligibility requirements described above and are interested in conducting project activities as described may request a grant application package from the OSHA Regional Administrator responsible for the state in which the organization is located. A list of the names, addresses, and geographic areas of responsibility of Regional

Administrators is in the addendum to this notice.

All applications must be received no later than 4:30 p.m. local time, July 26, 1991.

Notification of Selection

Following review and evaluation, those organizations selected as potential grant recipients will be notified by a representative of the Assistant Secretary. An applicant whose proposal is not selected will also be notified in writing to that effect. Notice of selection as a potential grant recipient will not constitute approval of the grant application as submitted. Prior to the actual grant award, representatives of the potential grant recipient and OSHA will enter into negotiations concerning such items as program components, funding levels, and administrative systems. If negotiations do not result in an acceptable submittal, the Assistant Secretary reserves the right to terminate the negotiation and decline to fund the proposal.

Signed at Washington, DC, this fourth day of June, 1991.

Gerard F. Scannell,

Assistant Secretary of Labor.

Addendum

Region I

John B. Miles, Jr., Regional Administrator, U.S. Department of Labor-OSHA, 133 Portland Street, 1st Floor, Boston, Massachusetts 02114 (617) 565–7164—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region II

James W. Stanley, Regional Administrator, U.S. Department of Labor-OSHA, 201 Varick Street, room 670, New York, New York 10014 (212) 337–2378—New Jersey, New York, Puerto Rico, Virgin Islands.

Region III

Linda R. Anku, Regional Administrator, U.S. Department of Labor-OSHA, Gateway Building, suite 2100, 3535 Market Street, Philadelphia, Pennsylvania 19104 (215) 596–1201—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.

Region IV

R. Davis Layne, Regional Administrator, U.S. Department of Labor-OSHA, 1375 Peachtree Street, NE., suite 587, Atlanta, Georgia 30367 (404) 347–3573—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Region V

Michael G. Connors, Regional Administrator, U.S. Department of Labor-OSHA, 230 South Dearborn Street, room 3244, Chicago, Illinois 60604 (312) 353–2220—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

Region VI

Gilbert J. Saulter, Regional Administrator, U.S. Department of Labor-OSHA, 525 Griffin Square Building, room 602, Dallas, Texas 75202 (214) 767–4731—Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Region VII

John Phillips, Regional Administrator, U.S. Department of Labor-OSHA, 911 Walnut Street, room 406, Kansas City, Missouri 64106 (816) 426–5861—Iowa, Kanasas, Missouri, Nebraska.

Region VIII

Byron R. Chadwick, Regional Administrator, U.S. Department of Labor-OSHA, Federal Building, room 1576, 1961 Stout Street, Denver, Colorado 80294 (303) 844–3061—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.

Region IX

Frank L. Strasheim, Regional Administrator, U.S. Department of Labor-OSHA, 71 Stevenson Street, suite 415, San Francisco, California 94105 (415) 744–6670—American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territory of the Pacific Islands.

Region X

James W. Lake, Regional Administrator, U.S. Department of Labor-OSHA, 1111 Third Street, room 715, Seattle, Washington 98101 (206) 553–5930—Alaska, Idaho, Oregon, Washington.

To assist potential applicants, OSHA has assembled the following questions and answers.

Q. Can we get an extensions of the deadline?

A. No. Waivers for individual applications cannot be granted, regardless of the circumstances. A closing date may be changed only under extraordinary circumstances. Any change must be announced in the **Federal Register** and must apply to all applications.

Q. Will you help us prepare our application?

A. No. We will answer specific questions about application requirements and evaluation criteria and any other subjects which will help potential applicants understand the application package.

Q. How long should an application narrative be?

A. There is no specified length. Generally 10 to 15 pages is sufficient. However, the most important thing to remember when completing the narrative is to address all items requested in the application package and to provide enough description of proposed program activities so that reviewers have a thorough understanding of the proposal.

Q. How many copies of the application should I submit?

A. Submit one original and three copies. Please do not bind them.

Q. When will I find out if I am going to be funded?

A. You can expect to receive notification about two months after the application closing date.

Q. Can I obtain copies of the reviewers' comments?

A. Copies of reviewers' comments on their applications will be mailed to unsuccessful applicants upon written request.

Q. Can we budget for the lost time wages of employees participating in the educational program?

A. No. OSHA does not fund lost time wages in its grant programs.

Q. You request a copy of a recent audit but our organization has not had an audit. What do I submit?

A. Explain in the narrative when you expect an audit to be conducted. Submit a copy of your most recent IRS tax return for a nonprofit organization instead.

[FR Doc. 91–13663 Filed 6–7–91; 8:45 am]
BILLING CODE 4510–26–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Inter-Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Dance on Tour Section) to the National Council on the Arts will be held on June 25–26, 1991 from 9:30 a.m.—5 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public on June 25 from 9:30 a.m.—10 a.m. and 3 p.m.—5 p.m. and June 26 from 2 p.m.—5 p.m. The topics will be opening remarks, guidelines review/policy discussion—state and regional components.

The remaining portions of this meeting on June 25 from 10 a.m.—3 p.m. and June 26 from 9:30 a.m.—2 p.m. are for the

purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of March 5, 1991, as amended, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Martha Y. Jones, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Martha Y. Jones,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–13718 Filed 6–7–91; 8:45 am]

BILLING CODE 7537–01–M

Theater Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Theater Advisory Panel (Overview Section) to the National Council on the Arts will be held on June 24–25, 1991 from 9:30 a.m.-5:30 p.m. in room M–07 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public on June 24 from 9:30 a.m.-5:30 p.m. and June 25 from 9:30 a.m.-2 p.m. The topics will be an opening welcome and discussion of future directions for the Theater Program.

The remaining portion of this meeting on June 25 from 2 p.m.-5:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of March 5, 1991, as amended, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Martha Y. Jones, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Martha Y. Jones,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–13719 Filed 6–7–91; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Committee Management; Renewal

The Assistant Director for Engineering has determined that the renewal of the Advisory Committee for Design and Manufacturing Systems is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: Advisory Committee for Design and Manufacturing Systems.

Authority for this Committee will expire on June 5, 1993 unless it is renewed.

Dated: June 3, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91–13589 Filed 6–7–91; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design and Manufacturing Systems; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Name: Special Emphasis Panel in Design and Manufacturing Systems.

Date/Time: June 26–27, 1991—8:30 a.m. to 5 p.m.

Place: Rooms 1242 and 1243, National Science Foundation, 1800 G Street, NW., Washington, DC.

Type of Meeting: Closed.

Agenda: Review and evaluate proposals submitted under the Research in Intelligent Materials Handling Systems Program Announcement.

Contact: Dr. Louis A. Martin-Vega, Program Director, Division of Design and Manufacturing Systems, National Science Foundation, room 1128, Washington, DC 20550 (202) 357–5167.

Dated: June 4, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91–13590 Filed 6–7–91; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–334]

Beaver Valley Power Station, Unit No. 1; Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co., Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption to Facility Operating License No. DPR–66, issued to Duquesne Light Company (the licensee), for operation of the Beaver Valley Power Station, Unit No. 1, (BVPS–1) located in Beaver County, Pennsylvania.

Environmental Assessment

Identification of Proposed Action: The exemption, proposed by letter dated January 11, 1990, and supplemented by letters dated March 23, 1990 and April 29, 1991, would provide partial relief from the requirements of 10 CFR part 50, appendix A, General Design Criterion 57 (GDC 57) with respect to the valve configuration in the recirculation spray system heat exchanger (RSSHx) river water radiation monitor sample lines.

The Need for the Proposed Action: The BVPS–1 RSSHx heat exchanger river water radiation monitor sample lines do not have containment isolation valves that are either automatic, remote-manual, or locked closed. Therefore, this configuration does not meet the requirements of GDC 57 relating to containment isolation provisions for lines that penetrate containment but that are part of a closed system inside containment. Additionally, the Updated Final Safety Analysis Report does not describe this deviation from GDC 57. The proposed exemption would provide partial relief from the requirements of GDC 57 for this system by permitting the use of manually-operated isolation valves in the subject sample lines. The sample lines are normally open and must remain open following an accident to detect rapidly any radiation releases through an RSSHx tube leak. Although a radioactivity release eventually could be detected by means other than the normally open radiation monitors in the sample lines, it would take much longer to identify and isolate the leaking RSSHx. Therefore, locked-closed valves or automatic valves in the sample lines are not desirable from the standpoint of minimizing releases of radioactivity.

Environmental Impacts of the Proposed Action: The Commission has evaluated the environmental impacts of the proposed exemption and has determined that the probability of accidents has not been increased by the proposed alternative testing, and that post-accident radiological releases would not be greater than previously determined. Further, the Commission has determined that the proposed exemption does not affect routine radiological plant effluents or occupational radiological exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action: Since the Commission has concluded that the environmental effects of the proposed action are not significant, any alternative with equal or greater environmental impact need not be evaluated.

The principal alternative would be to deny the requested exemption. This would not reduce the environmental impact attributable to this facility, and would result in a larger expenditure of licensee resources to comply with the Commission's regulations.

Alternative Use of Resources: This action does not involve the use of resources not previously considered in the Final Environmental Statement related to operation of the Beaver Valley Power Station, Unit 1, dated July 1973.

Agencies and Persons Consulted: The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of no Significant Impact

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the application for exemption dated January 11, 1990, and supplemented by letters dated March 23, 1990 and April 29, 1991, which are 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 B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Rockville, Maryland, this 3rd day of June 1991.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc 91–13691 Filed 6–7–91; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Nuclear Waste; Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 32nd meeting on June 20, 1991, room P–110, 7920 Norfolk Avenue, Bethesda, MD, 8:30 a.m. until 5 p.m. The entire meeting will be open to the public. Notice of this meeting was published in the **Federal Register** on May 24, 1991 (56 FR 23945).

The purpose of the meeting will be to review and discuss the following topics:

A. Response to a Commission request concerning the Low-Level Waste form leachability and groundwater protection requirements in 10 CFR part 61.

B. Report by a Committee member on a recent visit to the West Valley Demonstration Project.

C. Results of the Joint Working Group on Expert Judgment and Human Intrusion meeting on June 18–19, 1991, and discussion of proposed ACNW report to NRC on use of expert judgment.

D. Report by a Committee member on discussions on the topic of coupled tectonic and hydrologic processes presented at the recent meeting of the American Geophysical Union.

E. Proposed response to the six questions for public comment issued with the Environmental Protection Agency's 40 CFR part 191, Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Waste, Working Draft 3, dated April 26, 1991.

F. Anticipated and proposed Committee activities, future meeting agenda, administrative, and organizational matters, as appropriate. The members will also discuss matters and specific issues that were not completed during previous meetings as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on June 6, 1988 (53 FR 20699). In accordance with these procedures, oral or written

statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and staff. The office of the ACRS is providing staff support for the ACNW. Persons desiring to make oral statements should notify the Executive Director of the office of the ACRS as far in advance as practical so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the Executive Director of the office of the ACRS, Mr. Raymond F. Fraley (telephone 301/492–4516), prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director or call the recording (301/492–4600) for the current schedule if such rescheduling would result in major inconvenience.

Dated: June 4, 1991.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 91–13698 Filed 6–7–91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–341]

Detroit Edison Co.; Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Detroit Edison Company (the licensee) to withdraw its May 18, 1990, application for proposed amendment to Facility Operating License No. NPF–43 for Fermi-2, located in Monroe County, Michigan.

The proposed amendment would have revised the Technical Specifications to allow extension of Fermi-2 full power operation beyond normal end of cycle during the current operating cycle. The extension of the cycle will be achieved by reducing the final feedwater temperature and increasing the core flow.

The Commission has previously issued a notice of Consideration of Issuance of Amendment published in the **Federal Register** on November 28, 1990 (55 FR 49449). However, by letter dated March 28, 1991, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated May 18, 1990, and the licensee's letter dated March 28, 1991, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and the Monroe County Library System, 3700 South Custer Road, Monroe County, Michigan 48161.

Dated at Rockville, Maryland this 28th day of May 1991.

For the Nuclear Regulatory Commission,

John F. Stang,

Project Manager, Project Directorate III–1, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 91–13690 Filed 6–7–91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–320–OLA–2; ASLBP No. 91–643–11–OLA]

General Public Utilities Nuclear Corporation (Possession Only License—Long Term Storage)

Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

General Public Utilities Nuclear Corporation, Three Mile Island Nuclear Station, Unit 2, Facility Operating License No. DPR–73

This Board is being established pursuant to a notice published by the Commission on April 25, 1991, in the **Federal Register** (56 FR 19128–29) entitled, "Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing." The proposed amendment would change the current TMI–2 operating license to a possession only license and modify the current Technical Specifications to allow for long-term storage of the facility. This storage period is termed Post-Defueling Monitored Storage or PDMS by the licensee.

The Board is comprised of the following Administrative Judges:

John H. Frye, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Frank F. Hooper, 4155 Clark Road, Ann Arbor, Michigan 48104.

Charles N. Kelber, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

All correspondence, documents and other materials shall be filed with the judges in accordance with 10 CFR 2.701.

Issued at Bethesda, Maryland, this 4th day of June 1991.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 91–13697 Filed 6–7–91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–322–OLA–3; ASLBP No. 91–642–10–OLA–3]

Long Island Lighting Co.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Long Island Lighting Co.

Shoreham Nuclear Power Station, Unit 1, Facility Operating License No. NPF–82, (License Transfer).

This Board is being established pursuant to a notice published by the Commission on March 20, 1991 in the **Federal Register** (56 FR 11768, 11781) entitled, "Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing." The proposed amendment would authorize the transfer of ownership of the Shoreham license, Facility Operating License NPF–82, from the Long Island Lighting Company (LILCO) (the licensee)

to the Long Island Power Authority (LIPA) upon or after amendment of the license to a non-operating status.

The Board is comprised of the following administrative judges:

Morton B. Margulies, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

George A. Ferguson, 5307 A1 Jones Drive, Columbia Beach, MD 20764.

Jerry R. Kline, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

All correspondence, documents and other materials shall be filed with the judges in accordance with 10 CFR 2.701. Issued at Bethesda, Maryland, this 3rd day of June 1991.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 91-13695 Filed 6-7-91; 8:45 am]

BILLING CODE 7590-01-M

[Materials License No. 35-17178-01; EA 89-223; Docket No. 30-12319-CivP; ASLBP No. 90-618-03-CivP]

Tulsa Gamma Ray, Inc.; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for Tulsa Gamma Ray, Inc. (Materials License No. 35-17178-01, EA 89-223) Docket No. 30-12319-CivP, is hereby reconstituted by appointing Administrative Judge Charles Bechhoefer in place of Administrative Law Judge Morton B. Margulies, who is unable to serve because of a schedule conflict.

As reconstituted, the Board is comprised of the following Administrative Judges: Charles Bechhoefer, Chairman, A. Dixon Callihan, Jerry R. Kline.

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Administrative Judge Charles Bechhoefer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Bethesda, Maryland, this 3rd day of June 1991.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 91-13696 Filed 6-7-91; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-29269; File No. SR-BSE-91-4]

Self-Regulatory Organizations; Filing of Proposed Rule Change and Amendments No. 1 and 2 by the Boston Stock Exchange, Inc. Relating to Price Protection of Limit Orders

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 13, 1991, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. On May 24 and May 29, 1991, the BSE filed Amendments No. 1 and 2, respectively, which further explain the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The BSE proposes to amend the Exchange's Rules of the Board of Governors to provide for the facilitation of customer "GTX" orders after the close of the 9:30 a.m. to 4 p.m. trading session.[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The BSE proposes to accept all GTX orders [2] entered by its member firms prior to 4 p.m. during the normal trading day.[3] These orders will be designated "GTX" on the specialists' books so that they can differentiate between those orders that would be eligible for the New York Stock Exchange's ("NYSE") off-hours Crossing Session I and those that would not.[4]

BSE specialists will have two options in handling GTX orders. A specialist may immediately transmit a "mirror" order through the NYSE's DOT system for all or part of a GTX order. Alternatively, the specialist may decide to accept the full risk and execute the order for his/her own account if a report is due as a consequence of trading on the NYSE during Crossing Session I.

Under the proposal, the market will close at 4 p.m. as usual. However, the BEACON [5] system will remain open until business is concluded shortly after 5 p.m. BSE member firms' order-match systems used to route orders to BEACON will also remain open, as will the systems supplied by various member firms that provide access to the NYSE's DOT system for BSE specialists.

From 4 p.m. through until the NYSE executes its transactions in Crossing Session I, the BSE trading floor will be staffed, including each specialist firm. During that period, the BEACON system will accept and execute cancellations of GTX orders, but will not permit the entry of any GTX orders.

At 5 p.m., the NYSE will execute its Crossing Session I. Those specialists who are customers in the DOT system and who receive reports or executions based on GTX orders previously entered by them will, before they position stock for their own accounts, execute all GTX

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[1] The exact text of the proposal was attached to Amendment No. 2 of the rule filing as Exhibit 1 and is available at the BSE and the Commission at the address noted in Item IV below.

[2] The GTX order is an unconditioned "good 'til cancelled" ("GTC") order designated by the entering broker as executable at 5 p.m. at the primary market closing price.

[3] The BSE proposal also defines two new order types, but does not propose to use these new order types at the present time. The BSE proposal defines a one-sided single stock order ("OS") as a buy or sell order (round lots only) entered after 4 p.m. for execution in an after-hours trading session and a two-sided single stock order ("TS") as a coupled buy and sell order (round and partial round lots permitted) entered after 4 p.m. for execution in an after-hours trading session.

[4] *See* Files No. SR-NYSE-90-52 and 90-53 in which the NYSE proposes to extend its trading hours beyond the 9:30 a.m. to 4 p.m. trading session to establish two trading sessions: Crossing Session I and Crossing Session II. Crossing Session I would permit the execution of single-stock single-sided closing-price orders and crosses of single-stock closing-price buy and sell orders. Crossing Session II would allow the execution of crosses of multiple-stock aggregate-price buy and sell orders. The Commission approved the NYSE's Off-Hours Trading sessions (Files No. SR-NYSE-90-52 and SR-NYSE-90-53) on May 20, 1991.

[5] The BSE's Automated Communications and Order-Routing Network ("BEACON") is an automated communication, order-routing and execution system.

orders on the books entitled to a report. If no trade occurs in a given stock, no orders will be executed in such stock and no reports will be rendered.

The specialists who have accepted risk, rather than enter GTX orders through the DOT system, will be required, pursuant to the BSE Execution Guarantee Rule,[6] to execute the GTX orders on the books at 5 p.m., or soon thereafter, to the extent of the volume that prints in the NYSE Crossing Session I, and assume the long or short positions overnight. The BSE will report those excutions to the consolidated tape as they occur and identify them by a special designator to be determined. The procedures the BSE proposes to follow will have virtually no impact upon the Exchange system.

Facilitating transactions effected at 5 p.m. will become part of the same day's record for purposes of all surveillance and compliance reports and will be subject to the same scrutiny that pertains to trading during the day.

In addition, the BSE requests limited exemptive relief from Rule 10a–1 of the Act ("short sale rule") to facilitate the potential execution of sell-short GTX orders which may become executable when the primary market closing price is reached.[7] The BSE believes that the GTX transactions that would occur at 5 p.m. would not be the type of transactions which Rule 10a–1 seeks to prohibit.

The proposed rule change is consistent with section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in facilitating transactions in securities, and remove impediments to and perfect the mechanism of a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[6] Section 33.01(c) of the BSE's Execution Guarantee Rule requires a specialist to fill all agency limit orders if the issue is trading on the primary market at the limit price, unless it can be demonstrated that such order would not have been executed if it had been transmitted to the primary market, or the broker and specialist agree to a specific volume-related or other criteria requiring a fill

[7] See letter from Karen A. Aluise, Regulatory Review Specialist, BSE, to Larry Bergmann, Associate Director, Division of Market Regulation, SEC, dated May 29, 1991.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participatants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All submissions should refer to File No. SR–BSE–91–4 and should be submitted by July 1, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 3, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–13676 Filed 6–7–91; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–29162; File No. SR–OCC–91–06]

Self-Regulatory Organizations; Options Clearing Corporation; Proposed Rule Change Relating to the Assessment of Applications for Clearing Membership and Business Expansion; Correction

In FR Document No. 91–11284 beginning on page 22031 for Monday, May 13, 1991, the release number for File No. SR–OCC–91–06 was incorrectly stated as 34–28162. The correct number is 34–29162.

Dated: June 4, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–13677 Filed 6–7–91; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–29268; File No. SR–CBOE–91–17]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Pilot Program Involving Debit Put Spreads in Broad-Based Indexes With European-Style Exercises

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 13, 1991, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to implement a one-year pilot program to assess the reasonableness of permitting debit put spreads in broadbased index options with European-style exercise ("debit put spreads") to be eligible to be maintained in cash accounts. Specifically, the CBOE proposes to add new margin rule 24.11A, which will provide:

Rule 24.11A—Debit Put Spread Cash Account Transactions

For the period beginning June 22, 1991 through June 20, 1992, debit put spread positions in broad-based index options classes with a European-style exercise traded on the Exchange (hereinafter

"debit put spreads") will be eligible to be maintained in a cash account as defined by Regulation T section 220.8, provided that the following procedures and criteria are met:

(*a*) The customer has received Exchange approval to maintain debit put spreads in a cash account carried by an Exchange member organization. A customer so approved is hereinafter referred to as a "spread exemption customer".

(*b*) The spread exemption customer has provided all information required on Exchange-approved forms and has kept such information current.

(*c*) The customer holds a net long position in each of the stocks of a portfolio which has been previously established or in securities readily convertible, and additionally in the case of convertible bonds economically convertible, into common stocks which would comprise a portfolio. The debit put spread position must be carried in an account with an Exchange member organization.

(*d*) The stock portfolio or its equivalent is composed of net long positions in stocks in at least four industry groups and contains at least twenty stocks, none of which accounts for more than fifteen percent of the value of the portfolio (hereinafter "qualified portfolio"). To remain qualified, a portfolio must at all times meet these standards notwithstanding trading activity in the stocks.

(*e*) A debit put spread in Exchange traded broad based index options with European-style exercises is defined as a long put position coupled with a short put position overlying the same broad based index and having an equivalent underlying aggregate index value, where the short put(s) expires with or before the long put(s), and the strike price of the long put(s) equals or exceeds the strike price of the short put(s). A debit put spread will be permitted in the cash account as long as it is continuously associated with a qualified portfolio of securities with a current market value at least equal to the underlying aggregate index value of the long side of the debit put spread.

(*f*) The qualified portfolio must be maintained with either an Exchange member organization, another broker-dealer, a bank, or securities depository.

(*g*) The spread exemption customer shall agree promptly to provide the Exchange any information requested concerning the dollar value and composition of the customer's stock portfolio, and the current debit put spread positions.

(*h*) The spread exemption customer shall agree to and any member organization carrying an account for the customer shall:

(*1*) Comply with all Exchange rules and regulations.

(*2*) Liquidate any debit put spreads prior to or contemporaneously with a decrease in the market value of the qualified portfolio, which debit put spreads would thereby be rendered excessive.

(*3*) Promptly notify the Exchange of any change in the qualified portfolio or the debit put spread position which causes the debit put spreads maintained in the cash account to be rendered excessive.

(*i*) If any member organization carryining a cash account for a spread exemption customer with a debit put spread position dealt in on the Exchange has a reason to believe that as a result of an opening options transaction the customer would violate this spread exemption, and such opening transaction occurs, then the member organization has violated Exchange Rule 24.11A.

(*j*) Violation of any of these provisions, absent reasonable justification or excuse, shall result in withdrawal of the spread exemption and may form the basis for subsequent denial of an application for a spread exemption hereunder.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Under the proposed pilot program, debit put spreads in broad-based index options with European-style exercises will be included as cash account transactions. Historically, short options transactions have been permitted to be effected and maintained in a cash account only where the short option is fully covered pursuant to § 220.8 of regulation T issued by the Board of Governors of the Federal Reserve ("FRB") under the Act.[1] Because a short option position is not considered to be "covered" by an offsetting long option, "uncovered" spread transactions must be effected in a margin account rather than a cash account.

Money managers have represented to the Exchange that an index covered write coupled with the purchase of an index debit put spread significantly increases the downside protection for the position. The protection is similar to an index covered write coupled with a long index put, which can be effected in the cash account. Adding the short index put substantially reduces the cost of the put protection, but adds no further risk, because there is no threat of early assignment. However, despite the fact that a debit put spread is fully paid for and has the same risk as a long put or a long call (*i.e.*, the debit paid for the position), the addition of the short put component relegates this position to the margin account.

The CBOE believes that permitting this type of put spread in a cash account will facilitate the use of a more effective portfolio protection strategies, especially for those customers who generally are prohibited from "margin" transactions, and therefore effect all of their securities activities in a cash account. Under the terms of the pilot, the Exchange also has agreed to submit a written report within nine months of the pilot's effectiveness.

The CBOE believes that the proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)(5) in particular in that it is designed to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any inappropriate burden on competition.

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[1] Section 220.8(a)(3)(ii) of Regulation T under the Act includes in permissible cash account transactions a creditor's issue, endorsement or guarantee of a put option for a customer if the creditor obtains cash in an amount equal to the exercise price of the option or holds in the account any of the following instruments with a current market value at least equal to the exercise price of the option and with one year or less to maturity: U.S. government securities, negotiable bank certificates of deposit, or bankers acceptances issued by a U.S. bank and payable in the U.S. A position comprised of offsetting options does not satisfy these criteria.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness on the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by July 1, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 3, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-13592 Filed 6-7-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-29262; File No. SR-MSTC-90-04; International Series Release No. 280]

Self-Regulatory Organizations; Midwest Securities Trust Co.; Order Approving a Proposed Rule Change Relating to the Designation of West Canada Depository Trust Company as a Correspondent Depository

On June 13, 1990, the Midwest Securities Trust Company ("MSTC") filed a proposed rule change (File No. SR-MSTC-90-04) with the Securities and Exchange Commission ("Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] The proposed rule change would designate West Canada Depository Trust Company ("WCDTC") as a Correspondent Depository under MSTC's rules. MSTC supplemented its filing by submitting several related documents throughout the summer and fall of 1990, and withdrew portions of the filing in January, 1991 and May, 1991.[2] Notice of the filing appeared in the **Federal Register** on January 25, 1991.[3] The Commission received seven comment letters supporting the proposed rule change.[4] For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

The proposed rule change would permit MSTC to designate as a Correspondent Depository under MSTC's rules the West Canada Depository Trust Company ("WCDTC"). Under MSTC's rules, a Correspondent Depository is a clearing corporation, custodian bank, nominee, or foreign clearing corporation at which MSTC maintains an account or securities on deposit or through which receipt and delivery of securities may be made as designated by MSTC.

WCDTC is the successor to the Vancouver Stock Exchange Services Corporation. WCDTC is a Canadian limited purpose trust company incorporated under the British Columbia Trust Companies Act and is subject to regulation by the British Columbia Superintendent of Financial Institutions. WCDTC is wholly owned by the Vancouver Stock Exchange, which was incorporated in 1907 and which is subject to the authority of the British Columbia Superintendent of Brokers.

A Correspondent Depository can serve several functions, one of which is that of a "Depository Satellite" under MSTC's rules. Pursuant to this filing, MSTC intends to use WCDTC only a Depository Satellite, which, under MSTC's rules, is a clearing corporation, custodian bank or nominee thereof, which receives from or releases to Participants securities and forwards or receives such securities to or from MSTC, a Correspondent Depository or a nominee thereof upon instructions from MSTC.[5] Pursuant to the agreement between MSTC and WCDTC, WCDTC will act as MSTC's non-exclusive agent and custodian in receiving securities deposited by MSTC participants or certain WCDTC-sponsored participants under the existing link [6] for crediting to their respective MSTC accounts.[7]

Each business day at 11 a.m. (Central time), information regarding each deposit received since 11:01 a.m. on the previous day will be telecopied to MSTC. MSTC will credit the participants' accounts at the time of this notification. WCDTC will safeguard the deposited securities and will hold them, with deposit tickets attached, segregated from other securities held by WCDTC, until forwarded to MSTC. Securities held overnight will be kept in WCDTC's vault.

If the deposited securities are U.S. securities, WCDTC will forward the securities directly to MSTC on the day their receipt was reported to MSTC. Securities will be shipped to MSTC via licensed air courier or other carrier

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[1] 15 U.S.C. 78s(b)(1).

[2] Originally, MSTC proposed in its filing to designate as Correspondent Depositories two additional foreign clearing entities—the Canadian Depository for Securities, Inc. ("CDS") and La Societe Inter-professionnelle pour la Compensation des Valeurs Mobilieres ("SICOVAM"). By letter dated January 11, 1991, MSTC withdrew those portions of the proposed rule change that apply to CDS. (See letter from Jeffrey Lewis, Associate Counsel and Assistant Secretary, MSTC, to Sandra Sciole, Special Counsel, Commission.) By letter dated May 16, 1991, MSTC withdrew those portions of the filing that relate to SICOVAM. (See letter from Jeffrey Lewis, Associate Counsel and Assistant Secretary, MSTC, to Sandra Sciole, Special Counsel, Commission.)

[3] Securities Exchange Act Release No. 28787 (January 16, 1991), 56 FR 2971.

[4] See *infra* at note 9.

[5] Midwest Securities Trust Company Rules, article I, rule 1.

[6] Under the terms of an outstanding no-action letter, WCDTC is a participant of MSTC. WCDTC settles securities transactions and maintains securities positions on behalf of its participants through accounts maintained at MSTC. See letter from Jonathan Kallman, Assistant Director, Commission, to Michael Wise, Associate Counsel, MSTC, dated September 12, 1985.

[7] Although this linkage does not contemplate that MSTC will have an account at WCDTC, the custody aspects of these services may be affected by some state commercial laws, including requirements concerning foreign custody of securities that are subject to the control of a clearing corporation (and the lack of conformity among U.S. jurisdictions). (See, *e.g.*, U.C.C. § 8-320.) MSTC has undertaken to monitor non-U.S. issues involved in this link that are eligible at other clearing agencies, and to report to the Commission when MSTC discovered dually-eligible issues.

agreed upon by the parties. If the deposited securities are Canadian securities, WCDTC will forward them to the Canadian transfer agent for re-registration in the MSTC nominee name, and arrange for delivery to MSTC via a licensed air courier or other carrier after the re-registration process. WCDTC will forward the securities to the Canadian transfer agents on the same day that their deposit was reported to MSTC. If Canadian securities are not re-registered in MSTC's nominee within 30 days of receipt, MSTC will reverse the credit for that deposit from the depositing participant's account.

Under the agreement, and in accordance with MSTC rules, WCDTC acknowledges that securities placed within its custody or control pursuant to the agreement will not be subject to any right, charge, security interest, lien or claim of any kind in favor of WCDTC or any person claiming through WCDTC, and that WCDTC will have no legal or equitable right, title or interest in or to such securities including, but not limited to, any right, title or interest in or to any principal or interest coupons, redemption proceeds, payments or payable amounts relating to any securities. In addition, the agreement contemplates that WCDTC will maintain adequate insurance coverage with respect to any securities which are in its custody pursuant to this agreement.

MSTC and WCDTC also have agreed that WCDTC will act as MSTC's agent for the transfer of Canadian securities.[8] Thus, any Canadian securities deposited into MSTC at any of its locations or Correspondent Depository locations may be forwarded to WCDTC for forwarding to the Canadian transfer agent to be registered in another name. WCDTC will arrange for the re-registered securities to be delievered to MSTC.

II. Comments

As noted above, the Commission received seven identical comment letters concerning this proposed rule change.[9] All of the commentators are users of the current link between MSTC and WCDTC, and support the proposed rule change. The commentators believe that the services which are the subject of this rule filing will add significantly to the efficiency and quality of the link. They believe that the proposed services will further reduce the delays, costs, and financial risk in the clearing and settlement of cross border trading.

III. Discussion

Safe and efficient processing of international transactions has become more important as the volume of international trading has grown. Despite any short-term slowdown in such trading, it is expected that the longer term outlook for international trading is very favorable, and that, with the anticipated increase in volume, there will be a greater demand and need for opportunities to clear and settle international transactions through safe, automated clearing systems.

For the reasons discussed below, the Commission believes that MSTC's proposed rule change is consistent with the Act, and in particular with section 17A of the Act. Section 17A(a)(1)(D) recognizes that the linking of clearance and settlement facilities will reduce unnecessary costs and increase the protection of investors and persons facilitating transactions by and acting on behalf of investors. Section 17A mandates that clearing agencies be registered with the Commission and that registration be conditioned upon the clearing agency having the capacity to facilitate the prompt and accurate clearance and settlement of securities transactions, and to safeguard securities and funds in its custody or control or for which it is responsible.

The Commission believes that MSTC's proposed arrangements with WCDTC whereby WCDTC is a Depository Satellite and MSTC's agent for interfacing with Canadian transfer agents is consistent with section 17A of the Act. By providing another facility (WCDTC) for deposit of securities into MSTC's accounts, MSTC will provide its participants with the ability to make earlier and more convenient deposits, and to receive earlier credit for the deposit in their MSTC accounts. By getting the securities credited earlier to the accounts, MSTC will provide earlier opportunity for participants to use those securities to settle transactions at MSTC. Such as arrangement therefore promotes prompt clearance and settlement.

With respect to acting as MSTC's agent for interfacing with Canadian transfer agents, WCDTC has more direct knowledge of and familiarity with Canadian transfer agents. WCDTC deals with Canadian transfer agents on a daily basis, and is familiar with the legal and customary practices of transfer agents in Canada. WCDTC has a Canadian address, and presumably obtains receipt of certificates faster than MSTC would obtain receipt through the international postal system. Earlier receipt of certificates means earlier certainty with respect to the value of deposited certificates. This is a benefit to MSTC because the earlier MSTC receives notice of defects in a certificate, the sooner it can reverse the credit to the depositing participant's account and the better it can limit the risk that the securities will have been transferred out of the account before the reversal of the credit can take place.

The proposed rule change includes safeguards to protect against risks inherent in the proposed services WCDTC will operate the Depository Satellite service under an ordinary negligence standard of care and the transfer agent interface service under a gross negligence standard of care. Under the MSTC/WCDTC agreement, WCDTC will maintain adequate insurance to protect against loss of certificates in transit pursuant to those services. WCDTC will not assert any lien against the securities it is holding for MSTC or any right to any payments, dividends, interest or other proceeds relating to the securities.

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[10] that the proposed rule change (SR–MSTC–90–04) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: May 31, 1991.

Jonathan G. Katz,

Secretary.

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[8] MSTC will not permit WCDTC to maintain any liens or interests in fully-paid-for securities held for the benefit of MSTC or its participants in connection with the transfer agent interface services.

[9] Comment letters were received from Golden Capital Securities Ltd., Georgia Pacific Securities Corporation, C.M. Oliver & Company Limited, and McDermid St. Lawrence Limited, all of Vancouver, British Columbia; Torrey Pines Securities, Solana Beach, California; Rocky Mountain Securities & Investments, Inc., Denver, Colorado; and National Securities Corporation, Seattle, Washington. All of the comment letters were received at the Office of the Secretary between March 26, 1991 and April 30, 1991.

[10] 15 U.S.C. 78s(b)(2).

[Release No. 34-29267; File No. SR-PHLX-91-14]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Floor Broker's Notice to the Trading Crowd

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 6, 1991, the Philadelphia Stock Exchange, Inc., ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX proposes to adopt Options Floor Procedure Advice ("OFPA") C-5, which will require an options floor broker who is also a registered options trader ("ROT") to notify the trading crowd at the time he seeks a market that he is acting in his capacity as a floor broker rather than as an ROT. Therefore, a ROT/Floor Broker will be presumed to be acting in the capacity of a ROT, absent a statement to the contrary.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The PHLX proposes to amend its rules by adding OFPA C-5, entitled ROTs Acting as Floor Brokers, which will require an options floor broker who is also a ROT to notify the trading crowd at the time he seeks a market that he is acting in his capacity as a floor broker rather than as an ROT. Therefore, under the proposal, when an ROT bids or offers, it will be presumed that he is acting on behalf of his own account, unless otherwise specified. OFPA C-5 provides an exception to the notification requirement for a floor broker representing an order in an issue in which he represented himself previously that day as an agent, provided the floor broker has obtained the prior approval of a floor official. The PHLX believes that the notice requirement will assure that proper priority is accorded to an order pursuant to the Exchange's priority-parity rules.[1]

Violations of OFPA C-5 will carry a fine of $250.00 for the first occurrence; $500.00 for the second occurrence; and thereafter, a sanction discretionary with the Business Conduct Committee.

The PHLX states that the rule change is proposed by the Exchange, pursuant to section 6(b)(5) of the Act, in order to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

[1] The PHLX recently amended its priority-parity rules in File Nos. SR-PHLX-90-20 and SR-PHLX-90-39. See Securities Exchange Act Release Nos. 28934 (March 4, 1991), 56 FR 10005 (foreign currency option priority-parity rules); and 29065 (April 10, 1991), 56 FR 15394 (equity priority-parity rules).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by July 1, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 3, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-13594 Filed 6-7-91; 8:45 am]

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[Rel. No. IC-18179/File No. 812-7705]

Family Life Insurance Co., et al; Application

June 3, 1991

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for order under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Family Life Insurance Company ("FLIC"), Merrill Lynch Variable Annuity Account (the "FLIC Account"), Merrill Lynch Life Insurance Company ("MLLIN"), Merrill Lynch Life Variable Annuity Separate Account (the "MLLIC Account"), Tandem Insurance Group, Inc. ("Tandem"), Tandem Variable Annuity Separate Account (the "Tandem Account"), Royal Tandem Life Insurance Company ("Royal Tandem"), Royal Tandem Variable Annuity Separate Account (the "Royal Tandem Account") and Merrill Lynch, Pierce, Fenner & Smith Incorporated ("MLPF&S").

RELEVANT 1940 ACT SECTIONS: Order requested pursuant to section 17(b) of the 1940 Act granting an exemption from section 17(a), pursuant to section 17(d) and Rule 17d-1 thereunder, approving certain joint arrangements, and pursuant to section 11(a) approving the terms of certain offers of exchange.

SUMMARY OF APPLICATION: Applicants seek an order (1) permitting certain affiliated transactions in connection with certain assumption reinsurance transactions, (2) approving any joint arrangement associated with such reinsurance transactions, and (3) approving the terms of any offers of exchange involved in such reinsurance transactions.

FILING DATE: The application was filed on March 27, 1991 and amended on May 24, 1991.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application or ask to be notified if a hearing is ordered. Any request must be received by the SEC by 5:30 p.m. on June 28, 1991. Request a hearing in writing, giving the nature of your interest, the reason for the request and the issues you contest. Serve the Applicants with the request personally or by mail, and also send a copy to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. FLIC and the FLIC Account, Park Place, Seattle, Washington 98101. MLLIC, the MLLIC Account, Tandem and the Tandem Account, 800 Scudders Mill Road, Plainsboro, New Jersey 08536. Royal Tandem and the Royal Tandem Account, 2 Penn Plaza, New York, New York 10021. MLPF&S, 250 Vesey Street, New York, New York 10281.

FOR FURTHER INFORMATION CONTACT: Michael V. Wible, Staff Attorney, at (202) 272–2026 or Nancy M. Rappa, Senior Attorney, at (202) 272–2622, Office of Insurance Products and Legal Compliance (Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. FLIC is a stock life insurance company organized under the laws of the State of Washington. FLIC is a wholly owned subsidiary of Merrill Lynch Insurance Group, Inc. ("MLIG") and an indirect wholly owned subsidiary of Merrill Lynch & Co., Inc., a diversified financial services holding company. The FLIC Account is a separate account of FLIC established to fund certain individual variable annuity contracts (the "FLIC Contracts"). The FLIC Account is registered under the 1940 Act as a unit investment trust, and registration statements relating to the FLIC Contracts have been filed pursuant to the Securities Act of 1933 (the "1933 Act"). All assets of the FLIC Account are invested in shares of Merrill Lynch Variable Series Funds, Inc. (the "Funds"), a management investment company registered under the 1940 Act.

2. MLLIC is a stock life insurance company organized under the laws of the State of Washington. MLLIC is a wholly owned subsidiary of FLIC and an indirect wholly owned subsidiary of Merrill Lynch & Co., Inc. MLLIC is authorized to sell variable annuities in twenty-nine states and the District of Columbia.

3. The MLLIC Account is a separate account of MLLIC newly established for the purpose of funding certain variable annuity contracts to be issued by MLLIC. The MLLIC Account will be registered under the 1940 Act as a unit investment trust, and registration statements relating to variable annuity contracts participating in the MLLIC Account ("MLLIC Contracts") will be filed pursuant to the 1933 Act. Like the FLIC Account, all assets of the MLLIC Account will be invested in shares of the Funds.

4. Tandem is a stock life insurance company organized under the laws of the State of Illinois. Tandem also is a wholly owned subsidiary of MLIG and an indirect wholly owned subsidiary of Merrill Lynch & Co., Inc. Tandem is authorized to sell variable annuities in the District of Columbia and twenty-eight states.

5. The Tandem Account is a separate account of Tandem newly established for the purpose of funding certain variable annuity contracts to be issued by Tandem. The Tandem Account will be registered under the 1940 Act as a unit investment trust, and registration statements relating to variable annuity contracts participating in the Tandem Account ("Tandem Contracts") will be filed pursuant to the 1933 Act. Like the FLIC Account and the MLLIC Account, all assets of the Tandem Account will be invested in shares of the Funds.

6. Royal Tandem is a stock life insurance company organized under the laws of the State of New York. Royal Tandem also is a wholly owned subsidiary of MLIG and an indirect wholly owned subsidiary of Merrill Lynch & Co., Inc. Royal Tandem is authorized to sell variable annuities in the state of New York.

7. The Royal Tandem Account is a separate account of Royal Tandem newly established for the purpose of funding certain variable annuity contracts to be issued by Royal Tandem. The Royal Tandem Account will be registered under the 1940 Act as a unit investment trust, and registration statements relating to variable annuity contracts participating in the Royal Tandem Account ("Royal Tandem Contracts") will be filed pursuant to the 1933 Act. Like the FLIC Account, the MLLIC Account and the Tandem Account, all the assets of the Royal Tandem Account will be invested in shares of the Funds.

8. The MLLIC, Tandem and Royal Tandem Contracts will be virtually identical to the FLIC Contracts except that in lieu of mortality and expense risk charges of 1.3% annually for non-tax qualified contracts and 1.0% annually for tax qualified contracts, the MLLIC, Tandem and Royal Tandem Contracts will have a distribution charge of .05% annually and mortality and expense risk charges of 1.25% annually for non-tax qualified contracts and .95% annually for tax qualified contrcts. The MLLIC, Tandem and Royal Tandem Contracts covered by the initial registration statements will be variable annuity contracts to be issued in exchange for the FLIC Contracts as part of the assumptive reinsurance transaction described below.

9. MLPF&S, the principal underwriter of the FLIC Contracts, has agrced to act as principal underwriter of the MLLIC, Tandem and Royal Tandem Contracts. MLPF&S, a broker-dealer registered under the Securities Exchange Act of 1934, is a member of the National Association of Securities Dealers.

10. Effective December 28, 1990, FLIC and MLLIC entered into an indemnity reinsurance agreement (the "Indemnity Agreement") relating to certain policies issued by FLIC including the FLIC Contracts. Under the Indemnity Agreement, MLLIC agreed to assume from FLIC, and indemnify FLIC for, and FLIC agreed to cede to MLLIC on an indemnity reinsurance basis, all of FLIC's liability under such policies to the extent not reinsured under any other reinsurance agreements. Notwithstanding MLLIC's obligations to FLIC under the agreement, FLIC remains solely liable to all policyholders.

11. On March 21, 1991, MLIG entered into a stock purchase agreement with a newly formed affiliate of Financial

Industries Corporation pursuant to which MLIG will transfer all of the outstanding stock of FLIC to such affiliate. Prior to the closing of the agreement, FLIC will transfer the MLIG all of the outstanding stock of MLLIC so that MLLIC will remain an indirect wholly owned subsidiary of Merrill Lynch & Co., Inc.

12. As required by provisions of the stock purchase agreement, FLIC, MLLIC, Tandem and Royal Tandem have entered into an assumption reinsurance agreement (the "Assumption Agreement") relating to all policies indemnity reinsured pursuant to the Indemnity Agreement. Under the Assumption Agreement, FLIC agrees to transfer all of its obligations and liabilities under such policies, including the FLIC Contracts, to MLLIC, Tandem or Royal Tandem on an assumptive reinsurance basis, and MLLIC, Tandem and Royal Tandem agree to assume all such obligations and liabilities transferred to them to the maximum extent permitted by law. MLLIC is expected to reinsure the FLIC Contracts to the extent practicable, with Tandem and Royal Tandem reinsuring the remainder.

13. It is anticipated that the transfer and assumption will take place in a series of transactions because MLLIC, Tandem and Royal Tandem combined do not have variable annuity authority in all jurisdictions in which FLIC has Contracts outstanding, and because all required state insurance authority clearances of the assumptive reinsurance of the policies may not have been obtained at the time of closing of the Assumption Agreement. Until such time as any policies that cannot be assumptive reinsured on the initial closing date of the Assumption Agreement can be assumptive reinsured, they will continue to be governed by the Indemnity Agreement. However, MLLIC will perform all functions necessary for the proper administration of the policies pursuant to an administrative services agreement between FLIC and MLLIC effective the same date as the closing of the stock purchase agreement.

14. The assumption reinsurance of the FLIC Contracts is subject to the Applicants having obtained from the SEC all necessary orders to permit the transactions, and having effective registration statements under the 1933 Act relating to the assumption reinsurance of the FLIC Contracts by MLLIC, Tandem and Royal Tandem. Upon satisfaction of all conditions to the closing of the Assumption Agreement as it relates to the FLIC Contracts, assets of the FLIC Account equal to the contract liabilities attributable to the variable portion of the those FLIC Contracts being assumptively reinsured will be transferred to MLLIC, Tandem or Royal Tandem as appropriate.

15. Upon the assumption reinsurance of a FLIC Contract, MLLIC, Tandem or Royal Tandem will issue an assumption certificate to each FLIC Contract owner. The assumption certificate will inform the FLIC Contract owner of the assumption by MLLIC, Tandem and Royal Tandem of all of FLIC's liabilities unde rthe FLIC Contract. In addition, the assumption certificate will inform the FLIC Contract owner of the reduction in the mortality risk charge assessed under the Contract by .05% annually and the provision for a distribution charge in the same amount. The Applicants represent that the change in asset charges will have no impact on the owner's FLIC Contract value.

16. After receipt of an assumption reinsurance certificate, a FLIC Contract owner will deal directly with MLLIC, Tandem or Royal Tandem, as appropriate, and any further premiums the owner wishes to apply to the FLIC Contract will be forwarded directly to MLLIC, Tandem or Royal Tandem for allocation tot he MLLIC, Tandem or Royal Tandem Account (the "Reinsuring Accounts").

17. Except for the change in the components of the charges assessed against the separate account, no change in any terms of the FLIC Contracts will be made by MLLIC, Tandem or Royal Tandem. Because shares of the Funds held by the FLIC Account will be transferred to the Reinsuring Accounts on the date a reinsurance transaction is effected, no interruption of investment performance is anticipated. No charge or expense will be incurred by the FLIC Account, the Reinsuring Accounts or the Funds in connection with the transfer of shares of the Funds. The assumption reinsurance of the FLIC Contracts will not change the number of accumulation or annuity units credited under thc FLIC Contracts or the vlaue of such units. Accordingly, contract values under MLLIC, Tandem or Royal Tandem Contracts will be same as they would have been under the FLIC Contracts had the assumption reinsurance transaction not occurred. There will be no tax consequences to FLIC Contract owners as a result of the assumption reinsurance of their FLIC Contracts.

18. Applicants anticipate that some jurisdictions may require that owners of policies assumptively reinsured by MLLIC, Tandem or Royal Tandem be afforded the right to opt-out of the assumption reinsurance of their policies. If, under such an opt-out provision, timely objection from the owner were received, the assumption reinsurance of the FLIC Contract would be canceled and, if the assumption reinsurance transaction had already occurred, the assets equal to the contract liabilities attributable to the variable portion of that FLIC Contract would be transferred from the Reinsuring Accounts back to the FLIC Account. Thereafter, the owner would deal directly with FLIC as to all aspects of his or her FLIC Contract, although the FLIC Contract would remain indemnity reinsured by MLLIC and MLLIC would perform all administrative services with respect to the FLIC Contract.

19. The Applicants submit that the proposed transfers of shares of the Funds meet the standards imposed by Section 17(b) of the 1940 Act. Applicants assert that the terms of the transfers are reasonable and fair because the only consideration to be received by the FLIC Account and to be paid by the Reinsuring Accounts is the Reinsuring Accounts' assumption of the contract liabilities held in the FLIC Account with respect to the variable portion of the FLIC Contracts being assumptively reinsured. Applicants represent that the value of the shares of the Funds to be transferred will equal the amount of the liabilities assumed and will be computed in conformity with the applicable provisions of the 1940 Act and rules thereunder.

20. The terms of the transactions are consistent with the policies of each separate account because the policy of both the FLIC Account and the Reinsuring Accounts is to invest exclusively in shares of the Funds. Finally, the proposed transactions are consistent with the general purposes of the Act because the interests of FLIC Contract owners are not adversely affected by the reinsurance of the FLIC Contracts. The terms of the FLIC Contracts will remain unchanged except for the change in the components of the charges against separate account assets. FLIC Contract values are unaffected by the transactions. Applicants represent that the proposed reinsurance of the FLIC Contracts affords owners the opportunity to have their FLIC Contracts remain with a company that is part of the Merrill Lynch group and that is committed to the issuance of variable annuities and other variable products. Accordingly, Applicants request an exemption pursuant to section 17(a) of the 1940 Act to the extent necessary to permit the transfers of shares of the Funds from the FLIC Account to the Reinsuring Accounts in connection with

the assumption reinsurance of the FLIC Contracts.

21. Applicants represent that the principal effect of the reinsurance transactions will be to substitute a new insurance company responsible for the performance of the FLIC Contract obligations. Although the participation of each registered investment company in the reinsurance arrangement is different from that of the other participants, such difference is attributable to the separate and distinct interests of each party to the transaction. Moreover, the fact that MLLIC, Tandem and Royal Tandem will allocate among them the FLIC Contracts to be reinsured will not be inconsistent with the policies and purposes of the Act, because the determination made in this regard will have no adverse effect on any of the Reinsuring Accounts or the contract owners that will participate therein. Applicants assert that because the Assumption Agreement is fair to FLIC Contract owners and will not affect the underlying investments on which the performance of their contracts depends, the requested relief pursuant to section 17(d) of the 1940 Act and rule 17d-1 thereunder should be granted.

22. The assumption reinsurance of the FLIC Contracts will involve the issuance of MLLIC, Tandem or Royal Tandem Contracts in exchange for FLIC Contracts. Certain states may require that FLIC Contract owners resident in that state be given the right to object to the exchange by opting-out of the reinsurance of their FLIC Contracts. Where such a right is provided by state law, an offer of exchange will exist to which the provisions of sections 11(a) and (c) will apply.

23. Applicants represent that any offers of exchange involved in the assumption reinsurance transactions would satisfy all of the conditions of rule 11a–2 under the 1940 Act and would be permitted by that rule if MLLIC, Tandem and Royal Tandem were affiliates of FLIC at the time the offers of exchange are made. Although MLLIC, Tandem and Royal Tandem were affiliates of FLIC at the time the Assumption Agreement was executed and therefore, at the time when MLLIC, Tandem and Royal Tandem became contractually obligated to assumptively reinsure the FLIC Contracts, they may not be so affiliated at the time any assumptive reinsurance of the FLIC Contracts takes effect. Accordingly, Applicants request an order pursuant to section 11(a) approving the terms of any offers of exchange involved in the assumption reinsurance of the FLIC Contracts.

24. Applicants assert that because no charges will be assessed in connection with the assumption reinsurance of the FLIC Contracts by MLLIC, Tandem and Royal Tandem, no element of the practices of "switching" and "reloading," the abuses at which section 11(a) was directed, will be present in the assumption reinsurance of the FLIC Contracts. No provisions of the FLIC Contracts will be changed upon their assumption, except for the change in the components of the charges assessed against separate account assets. However, the Applicants assert that the aggregate charges of the MLLIC, Tandem and Royal Tandem Contracts will be identical to those of the FLIC Contracts.

25. Contract owners will have the same opportunity as they currently have to invest in the same underlying Funds. The number and value of the accumulation and annuity units credited under MLLIC, Tandem and Royal Tandem Contract at the time a FLIC Contract is assumptively reinsured will be the same as they would have been if the assumption reinsurance transaction had not taken place.

26. If a FLIC Contract owner should elect to opt-out of the assumption reinsurance after the transaction has occurred, the number and value of the accumulation units and annuity units credited under his or her FLIC Contract upon its reissue will be the same as if the reinsurance had not taken place. Neither the reinsurance of the FLIC Contracts nor the election to opt-out of the reinsurance transaction will incur adverse tax consequences to contract owners.

27. Applicants state that the only material change resulting from the reinsurance of the FLIC Contracts is a change in the insurance company directly responsible to the FLIC Contract owners for the perrformance of FLIC Contract obligations.

Therefore, Applicants request an order pursuant to section 11(a) approving the terms of any offer of exchange involved in the assumption reinsurance of the FLIC Contracts.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland

Deputy Secretary.

[FR Doc. 91–13678 Filed 6–7–91; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–18180; File No. 812–7711]

First SunAmerica Life Insurance Company, et al.; Application

June 3, 1991

AGENCY: Securities and Exchange Commission (the "Commission" or the "SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: First SunAmerica Life Insurance Company ("SunAmerica"), Variable Account One (the "Separate Account"), and Royal Alliance Associates, Inc. ("Royal Alliance").

RELEVANT 1940 ACT SECTIONS: Exemption requested under section 6(c) from sections 26(a) and 27(c)(2) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order permitting the deduction of mortality and expense risk charges from the assets of the Separate Account under certain flexible payment deferred variable annuity contracts.

FILING DATE: The application was filed on April 15, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests must be received by the SEC by 5:30 p.m. on June 28, 1991 and should be accompanied by proof of service on 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. Applicants, 565 Park Avenue, 8th Floor, New York, New York 10022.

FOR FURTHER INFORMATION CONTACT: L. Bryce Stovell, Attorney-Adviser, at (202) 504–2272, or Nancy M. Rappa, Senior Attorney, at (202) 272–2060, Office of Insurance Products and Legal Compliance (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from the Commission's Public Reference Branch.

Applicants' Representations

1. SunAmerica is a stock life insurance company organized under New York law. The Separate Account was established by SunAmerica to fund certain variable annuity contracts (the "Contracts"). Royal Alliance, a broker-dealer that is registered under the Securities Exchange Act of 1934, is the Separate Account's principal underwriter.

2. The Contracts, which will be made available to "qualified" and "non-qualified" retirement plans, will be funded through twelve divisions of the Separate Account. Each of these divisions, in turn, will invest in shares of one of twelve portfolios of the Separate Account's underlying investment medium, the Anchor Series Trust. The registration statement for the Contracts (File No. 33–39888), filed with the Commission on April 9, 1991 pursuant to the Securities Act of 1933, is incorporated by reference.

3. During the accumulation period of the Contracts, withdrawals that exceed a withdrawal without withdrawal charge amount may be subject to a sales charge, termed the "withdrawal charge". Withdrawal charges will vary in amount depending upon the Contract year in which the purchase payment being withdrawn was made. Withdrawals will be allocated to purchase payments on a first-in first-out basis so that all withdrawals are allocated to purchase payments to which the lowest withdrawal charge applies.

WITHDRAWAL CHARGE TABLE

Contribution year	Withdrawal charge (expressed as percentage of purchase payments)
First	5
Second	4
Third	3
Fourth	2
Fifth	1
Sixth and later	0

4. An "annuity charge" also may be imposed upon certain annuitizations. The amount of this annuity charge equals the withdrawal charge that would apply if the Contract was being surrendered.

5. For assuming the risks that the life expectancy of an annuitant will be greater than that assumed in the guaranteed annuity purchase rates, for providing the death benefit prior to the annuity date, and for waiving the withdrawal charge in the event of the death of the annuitant, SunAmerica deducts a mortality risk charge from the assets of the Separate Account at an annual rate of 0.90% of the daily net asset value of each division.

6. If the mortality risk charge is insufficient to cover the actual costs of assuming the mortality risk, SunAmerica will bear the loss; however, if the charge proves more than sufficient, the excess will be gain to SunAmerica. To the extent SunAmerica realizes any gain, those amounts may be used at its discretion, including offsetting losses experienced when the mortality risk charge is insufficient. The mortality risk charge may not be increased under the Contract.

7. During the accumulation period of the Contracts, owners may allocate and transfer amounts among the various divisions of the Separate Account and to SunAmerica's general account. However, if all or part of a Contract owner's interest in a Separate Account division is transferred to another division within thirty days of the issue date or a previous transfer, a transfer fee of $25 is imposed. The transfer fee is at cost with no margin included for profit.

8. An annual records maintenance charge of $30 also is charged against each Contract. This charge reimburses SunAmerica for expenses incurred in establishing and maintaining records relating to a Contract. The amount of this charge is guaranteed and cannot be increased by SunAmerica.

9. In addition, SunAmerica deducts an administrative expense charge from each division of the Separate Account which is equal on an annual basis to .15% of the daily net asset value of each division. This charge is designed to cover those administrative expenses which exceed the revenues from the records maintenance charge. SunAmerica believes that the administrative expense charge has been set at a level that will recover no more than the actual costs associated with administering the Contracts. In the event it exceeds the amount necessary to reimburse SunAmerica for its administrative expenses the charge will be appropriately reduced. In no event will this charge be increased.

10. SunAmerica bears the risk that the records maintenance charge and the administrative expense charge will be insufficient to cover the cost of administering the Contracts and the Separate Account. For assuming this expense risk, SunAmerica deducts an expense risk charge from the Separate Account at an annual rate of 0.35% of the daily net asset value of each division.

11. If the expense risk charge is insufficient to cover the actual cost of administering the Contracts and the Separate Account, SunAmerica will bear the loss; however, if the charge is more than sufficient the excess will be a gain to SunAmerica. To the extent SunAmerica realizes any gain, those amounts may be used at its discretion, including offsetting losses when the expense risk charge is insufficient. The expense risk charge may not be increased under the Contract.

12. Applicants represent that the mortality and expense risk charges are reasonable in amount as determined by industry practice with respect to comparable annuity products. Applicants base this representation on their analysis of publicly available information about similar industry practices, taking into consideration such factors as current charge levels and the existence of expense charge guarantees and guaranteed annuity rates. SunAmerica will undertake to maintain at its home office a memorandum, available to the Commission upon request, setting forth in detail the methodology used in determining that the level of risk charges is within the range of industry practice.

13. To the extent that the withdrawal charge is insufficient to cover all sales commissions and other promotional or distribution expenses, SunAmerica may use any of its corporate assets, including potential profit which may arise from the mortality and expense risk charge, to make up any difference. However, SunAmerica has concluded that there is a reasonable likelihood that the Separate Account's distribution financing arrangement will benefit the Separate Account and its investors. SunAmerica represents that it will maintain and make available to the Commission upon request a memorandum setting forth the basis of such conclusion.

14. SunAmerica further represents that the assets of the Separate Account will be invested only in management investment companies which undertake, in the event they should adopt a plan for financing distribution expenses pursuant to Rule 12b–1 under the 1940 Act, to have such plan formulated and approved by its board of directors, the majority of whom are not "interested persons" of the management investment company within the meaning of section 2(a)(19) of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-13679 Filed 6-7-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-18178; International Series Release No. 281; 812-7571]

The Tokio Marine and Fire Insurance Company, Limited; Notice of Application

June 3, 1991.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

APPLICANT: The Tokio Marine and Fire Insurance Company, Limited.

RELEVANT 1940 ACT SECTIONS: Exemption requested under section 6(c) from all provisions of the 1940 Act.

SUMMARY OF APPLICATION: Applicant seeks an order granting exemption from all provisions of the 1940 Act in connection with any future offer and sale of its equity and debt securities in the United States.

FILING DATES: The application was filed on August 1, 1990, and an amendment to the application was filed on February 14, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving 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 July 2, 1991, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, c/o Troland S. Link, Esq., Davis Polk & Wardwell, 1 Chase Manhattan Plaza, New York, New York 10005.

FOR FURTHER INFORMATION CONTACT: H.R. Hallock, Jr., Special Counsel, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant, a Japanese joint stock corporation, is engaged in the business of writing marine, fire and casualty, automobile and allied lines of insurance—generally referred to, in accordance with Japanese usage, as non-life insurance. Applicant is the largest non-life insurance company in Japan. Through its underwriting agents, subsidiaries and affiliates, Applicant sells insurance in 30 countries and territories and is licensed to sell insurance in all 50 States of the United States and the District of Columbia.

2. For the fiscal year ended March 31, 1989, Applicant reported total direct premiums written of Y960,689,000,000 (approximately $7,277,947,000 at the rate of Y132 to the dollar, the approximate rate of exchange in effect on March 31, 1989), of which 97.8% was generated by its Japanese operations and 2.2% by its overseas operations. Applicant's United States operations generated 1.6% of direct premiums written.

3. Shares of Applicant's common stock are listed on the Tokyo Stock Exchange and on the seven other stock exchanges in Japan. Since 1963, American Depositary Shares representing shares of Applicant's common stock have been trading in the over-the-counter market in the United States and, since 1986, in the NASDAQ National Market System. As of March 31, 1989 Applicant had 1,467,623,000 shares of common stock outstanding, of which approximately 2% was held by investors in the United States, directly or through American Depositary Shares.

4. Applicant is subject to regulation or approval by the Minister of Finance of Japan ("MOF") in most principal areas of its operations, including commencement and methods of doing business, premium rates, agency commissions and accounting and investment matters. The non-life insurance industry in Japan, which includes Applicant, is also regulated by the Insurance Business Law, the Law concerning Non-Life Insurance Rating Organizations and the Law concerning the Control of Insurance Soliciting, as well as by cabinet orders, ministerial ordinances and various rules and regulations promulgated by the MOF. Applicant is also a member of the Marine and Fire Insurance Association of Japan, the Fire and Marine Insurance Rating Association of Japan and the Automobile Insurance Rating Association of Japan, which organizations play an important role in the fixing of premium rates and the regulation of business practices.

5. In the United States, Applicant, operating through its United States Branch, writes general liability, workers' compensation, inland marine, ocean marine, automobile and other lines of insurance.[1] Insurance written by Applicant's United States Branch is sold through two wholly-owned New York subsidiaries, Tokio Marine Management, Inc. and Tokio Re Corporation, which act as agents for Applicant's United States Branch. Applicant's United States Branch and its subsidiaries are subject to regulation and supervision in all 50 States and the District of Columbia.

6. In order to increase share ownership by investors in the United States and to raise funds in the United States capital markets, Applicant wishes to offer and sell its debt and equity securities, including subscription rights, in the United States. Applicant seeks an exemption under section 6(c) of the 1940 Act from all provisions thereof with respect to any future issuance of its securities in the United States.

Applicant's Legal Analysis

1. Section 6(c) of the 1940 Act provides that the SEC, by order upon application, may conditionally or unconditionally exempt any person from the provisions of the 1940 Act. Since it is a foreign insurance company, Applicant is applying to the SEC because of uncertainty as to whether Applicant would be deemed to be an "investment company" for purposes of the 1940 Act.

2. Applicant notes that the SEC has proposed certain amendments to Rule 6c-9 as promulgated under the 1940 Act. Investment Company Act Release No. 17682 (Aug. 17, 1990). Applicant represents that if the proposed amendents to Rule 6c-9 of the 1940 Act were effective as of the date of the applicant, it would satisfy the definition of "foreign insurance company" contained in paragraph (b)(4) of the proposed amendments to Rule 6c-9. Applicant is an insurance company organized under the laws of Japan that is (i) regulated as such by the MOF, (ii) engaged primarily and predominantly in (A) the writing of insurance agreemen s of the type specified in Section 3(a)(8) of the Securities Act of 1933, except for the

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[1] Applicant's United States Branch is not a separately incorporated entity. However, funds sufficient to cover liabilities and statutory deposits, as required by law, are retained in trust for the exclusive benefit of the United States Branch, its policy holders and creditors.

substitution of supervision by Japanese government insurance regulators for the regulators referred to in that section and (B) the reinsurance of risks on such agreements underwritten by insurance companies and (iii) not operated for the purpose of evading the provisions of the 1940 Act.

3. Pending the effectiveness of such amendments, approval of the application would be consistent with the requirements of section 6(c) that an exemption thereunder be necessary or appropriate in the public interest, be consistent with the protection of investors and be consistent with the purposes of the 1940 Act. An exemption is in the public interest because, in the absence thereof, the Applicant could be effectively precluded from the future sale of securities in the United States due to the uncertainty as to whether the Applicant should register as an investment company and also because of the substantial burdens and costs involved in registering as an investment company. As noted above, the Applicant is subject to significant Japanese regulation and supervision, as well as being subject to extensive State regulation and supervision of its operations in the United States, thereby affording protection to investors which is at least comparable to that provided by the 1940 Act. Finally, insurance companies such as the Applicant were not within the intended purview of the 1940 Act, so that approval of the application is consistent with the purposes of the 1940 Act.

Applicant's Condition

If the requested order is granted, the Applicant agrees to the following condition:

Applicant shall comply with the proposed amendments to Rule 6c–9 of the 1940 Act, as such amendments are currently proposed and as they may be reproposed, adopted or amended.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–13680 Filed 6–7–91; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended May 31, 1991

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 47558
Date filed: May 29, 1991
Parties: Members of the International Air Transport Association
Subject: TC3 Reso/C 0068 dated May 10, 1991

TC3 (except US Territories) Expedited Reso intended effective date: August 1, 1991.	R–1 to R–3
TC12 Reso/C 0898 dated May 1, 1991, Canada-Middle East Resos, intended effective date: October 1, 1991.	R–4 to R–5

Docket Number: 47559
Date filed: May 29, 1991
Parties: Members of the International Air Transport Association
Subject: TC3 Reso/C 0069 dated May 10, 1991

TC3 (to/from US Territories) Expedited Reso 553, intended effective date: August 1, 1991.	R–1
TC12 Reso/C 0895 dated May 1, 1991, North Atlantic Areawide (USA/US Territories) Reso 015aa & Reso 501 intended effective date: October 1, 1991.	R–2 to R–3
TC12 Reso/C 0899 dated May 1, 1991, North Atlantic (USA/US Territories-Middle East) Reso 001b & Reso 002 intended effective date: October 1, 1991.	R–4 to R–5
COMP Reso/C 0470 dated May 8, 1991, COMPOSITE Reso 004z intended effective date: August 1, 1991 TC123 Reso/C 0027 dated May 8, 1991.	R–6
TC1—South Asian Subcontinent via Atlantic (to USA/US Territories) Expedited Reso 002kk intended effective date: August 1, 1991.	R–7

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 91–13584 Filed 6–7–91; 8:45 am]

BILLING CODE 4910–62–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended May 31, 1991

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 47556.
Date filed: May 28, 1991.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 25, 1991.
Description: Application of World Air Network Co., Ltd., pursuant to section 402 of the Act and subpart Q of the Regulations requests a foreign air carrier permit to engage in charter foreign air transportation of persons, property and mail between points in Japan and points in the United States.

Docket Number: 47561.
Date filed: May 30, 1991.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 27, 1991.
Description: Application of Consorcio Aviaxa, S.A. de C.V., pursuant to section 402 of the Act and subpart Q of the Act, applies for a foreign air carrier permit to engage in charter foreign air transportation of persons, property and mail between points in Mexico and points in the United States.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 91–13585 Filed 6–7–91; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: June 4, 1991.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsyulvania Avenue, NW., Washington, DC 20220.

Bureau of Alchohol, Tobacco and Firearms

OMB Number: 1512–0472.

Form Number: ATF Form 5630.5, ATF Form 5630.7.
Type of Review: Revision.
Title: Special Tax Registration and Return.
Description: 26 U.S.C. chapters 51, 52 and 53 authorize the collection of an occupational tax from persons engaging in certain alcohol, tobacco or firearms businesses. ATF F 5630.5 and/or ATF F 5630.7 is used to both compute and report the tax, and as an application for registry as required by statute. Upon receipt of the tax, a special tax stamp is issued.
Respondents: Individuals or households, businesses or other for-profit, small businesses or organizations.
Estimated Number of Repsondents: 90,700.
Estimated Burden Hours Per Repsonse: 48 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 72,560 hours.
Clearance Officer: Robet Marsarsky (202) 566–7077, Bureau of Alchol, Tobacco and Firearms, room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports, Management Officer.

[FR Doc. 91–13666 Filed 6–7–91; 8:45 am]

BILLING CODE 4810–31–M

Public Information Collection Requirements Submitted to OMB for Review

Date: June 4, 1991.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515–0097.
Form Number: None.
Type of Review: Extension.
Title: Customs Regulations Relating to Copyrights.
Description: Copyright owners who choose to record a copyright with Customs for import protection must establish validity of the copyright, pay an administration fee, and provide samples and other information to aid Customs officers in identifying pirated copies.
Respondents: Businesses or other for-profit.
Estimated Number of Respondents: 600.
Estimated Burden Hours Per Response: 1 hour.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 600 hours.
Clearance Officer: Ralph Meyer (202) 566–9182, U.S. Customs Service, Paperwork Management Branch, room 6316, 1301 Constitution Avenue, NW., Washington, DC 20229.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 91–13667 Filed 6–7–91; 8:45 am]

BILLING CODE 4820–02–M

Bureau of Alcohol, Tobacco and Firearms

Granting of Relief, Federal Firearms Privileges

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of granting of restoration of federal firearms privileges.

SUMMARY: The persons named in this notice have been granted restoration of their Federal firearms privileges by the Director, Bureau of Alcohol, Tobacco and Firearms.

As a result, these persons may lawfully acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Karl Stankovic, Firearms Enforcement Branch, Firearms Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, (202–566–7258).

SUPPLEMENTARY INFORMATION: In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted restoration of Federal firearms privileges with respect to the acquisition, transfer, receipt, shipment, or possession of firearms. These privileges were lost by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year or because they otherwise fell within a category of persons prohibited by Federal law from acquiring, transferring, receiving, shipping or possessing firearms.

It has been established to the Director's satisfaction that the circumstances regarding the applicants' disabilities and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the restoration will not be contrary to the public interest.

The following persons have been granted restoration:

Abbott, Ralph Bertrend, W4437 Faro Springs Road, Hilbert, Wisconsin, convicted on July 13, 1984, in the Circuit Court of Winnebago County, Oshkosh, Wisconsin.

Alberts, Albert Alvin, 300 Kings Canyon, Yukon, Oklahoma, convicted on October 25, 1982, in the United States District Court, Western District of Oklahoma.

Balke, Jack Benny, N1376 County Trunk HH, Fremont, Wisconsin, convicted on June 6, 1983, in the Outagamie County Circuit Court, Appleton, Wisconsin.

Barbeau, Jay Allen, Post Office Box 2045, Jenkins Road, Bowling Green, Kentucky, convicted on September 7, 1972, in the United States District Court, Windsor, Vermont.

Bedell, David Nicholas, Rural Route 3, Box 51, Neillsville, Wisconsin, convicted on March 25, 1985, in the Clark County Circuit Court, Neillsville, Wisconsin.

Bellman, Charles Jarl, Rural Route 1, Box 89E, Waubay, South Dakota, convicted on January 16, 1984, in the United States District Court for the Judicial District of Sioux Falls, South Dakota.

Biffle, Michael Steve, 1001 West Woodlawn, Duncan, Oklahoma, convicted on October 17, 1977, in the Fifth Judicial District Court, Stephens County, Oklahoma.

Briggs, Charles Wesley Senior, 508 Vilas Street, Box 265, Onalaska, Wisconsin, convicted on June 1, 1979, in the Circuit Court of Vilas County, Eagle River, Wisconsin.

Brown, James Robert, 281 Hidden Hills Estate, Jacksonville, Alabama, convicted on April 30, 1980, in the United States District Court, State of Nevada.

Buchanan, Cecil Joseph, Rural Route 5, Box 5546, Farnklin Hill Estates, East Stroudsburg, Pennsylvania, convicted on April 14, 1964, in the Court of Quarter Sessions of Susquehanna County, Pennsylvania.

Camp, Rowan Edward, Rural Route 1, Russell, Kansas, convicted on May 30, 1986, in the United States District Court, Topeka, Kansas.

Cherek, Alan Patrick, 1504 Tulip Lane, Wausau, Wisconsin, convicted on May 4, 1984, in the Marathon County Circuit Court, Branch II, Wausau, Wisconsin.

Company, The Boeing, Post Office Box 3707, M/S 13–08, Seattle, Washington, convicted on October 30, 1989, in the United States District Court, Eastern District of Virginia.

Dalton, Jennie Viola, Post Office Box 88, Boyds, Washington, convicted on August 7, 1987, in the Superior Court, Steven County, Washington.

Day, John Burke, 8733 Center Hill Road, Olive Branch, Mississippi, convicted on February 26, 1952, in the Criminal Court of Shelby County, Memphis, Tennessee.

Dobson, Raymond Scott, 2525 Highway 115, Colorado Springs, Colorado, convicted on November 27, 1974, in the Fourth Judicial District, El Paso County, Colorado Springs, Colorado.

Dowling, Charles A. Junior, Post Office Box 231, Addison, Maine, convicted on April 12, 1983, in the Superior Court, Machias, Maine.

Finch, Reginald Marion Junior, 1824 North Whitney Drive, Apartment 1, Appleton, Wisconsin, convicted on June 22, 1964, in the Mobile County Court, Mobile, Alabama.

Fontanari, Andy Lee, 578 Rio Hondo, Grand Junction, Colorado, convicted on March 31, 1966, in the Mesa County District Court, Grand Junction, Colorado.

Galonis, Peter Edward, 1821 Bundy Street, Scranton, Pennsylvania, convicted on November 10, 1982, in the United States District Court, Middle District of Pennsylvania, Scranton, Pennsylvania.

Gaudette, Todd Lee, RFD 3, Milton, Vermont, convicted on November 24, 1986, in the Vermont District Court, Chittenden Circuit, Vermont.

Gray, Charles Norman, 253 Hammond Street, Apartment 1, Bangor, Maine, convicted on February 13, 1974, in the Superior Court, Bangor, Maine.

Gullion, Terry Wayne, Post Office Box 311, Port Royal, Kentucky, convicted on October 25, 1982, in the United States District Court, Eastern Judicial District of Kentucky, Lexington, Kentucky.

Hailey, David Wayne, 1067 Everett Street, Scooda, Mississippi, convicted on March 15, 1983, in the United States District Court, Southern District of Mississippi.

Hansen, Mark Jerome, N6322 County G, Scandinavia, Wisconsin, convicted on August 31, 1981, in the Waupaca County Circuit Court, Branch II, Waupaca, Wisconsin.

Harrison, James Scott, 144 Frank Street, Whitaker, Pennsylvania, convicted on July 9, 1981, in the Court of Common Pleas, Allegheny County, Pittsburgh, Pennsylvania.

Hendrix, James Austin, 511 East 5th Street, Bay Minette, Alabama, convicted on May 20, 1983, in the United States District Court, Mobile, Alabama.

Herbert, Dennis Dale, U2158 1st Avenue, Spencer, Wisconsin, convicted on September 26, 1984, in the Clark County Circuit Court, Neillsville, Wisconsin.

Holmes, Scott Michael, 1611 East Broadway Street, Mount Pleasant, Michigan, convicted on March 8, 1985, in the Circuit Court for the County of Isabella, Michigan.

Hooper, Thomas James, 4843 Aylesworth, Grand Rapids, Michigan, convicted on March 20, 1986, in the United States District Court, Western Judicial District of Michigan.

Howard, George Henreid, 3815 F Pride Court, Aberdeen Proving Ground, Maryland, convicted on February 25, 1970, in the Cirucit Court of Prince Georges County, Maryland.

Hudson, Vicki Marie, Route 1, Town and Country MHP, B–8, Pittsburgh, Kansas, convicted on December 3, 1987, in the District Court, Crawford County, Kansas.

Jackson, Terry Wayne, 406 Kentucky Avenue, Hanceville, Alabama, convicted on May 7, 1971, in the Cullman County Circuit Court, Alabama.

Jenkins, Patrick Eugene, 317 Summerwood Drive, Bristol, Tennessee, convicted on March 1969 in the Circuit Court, Sullivan County, Tennessee; September 21, 1970, Twenty-eighth Judicial Circuit Court of Virginia, City of Bristol, Virginia; and also on October 5, 1970, Circuit Court of Washington County, Virginia.

Kelsey, Daniel Frank, 8240 Glenbrook Avenue, Cottage Grove, Minnesota, convicted on December 15, 1983, in the United States District Court, Southern District of Florida.

Kraft, David Lawrence, 17 School Street, Ashville, Ohio, convicted on December 7, 1982, and December 27, 1982, in the United States District Court for the Southern District of Ohio, Columbus, Ohio.

Kuhns, Kenneth Richard, E 8022 Sprague Avenue, Spokane, Washington, convicted on February 20, 1970, and on October 28, 1980, in the Spokane County Superior Court, Spokane, Washington.

Lane, Clarence Arthur, 34602 State Road, 54 West, Zephyrhills, Florida, convicted on August 28, 1957; April 12, 1963; and also on April 17, 1969, in the United States District Court, Tampa, Florida.

Langille, Cyril Alfred, 314 Southeast 3rd Place, Dania, Florida, convicted on October 1, 1951, in the United States District Court, Southern Judicial District of Florida, Jacksonville, Florida.

Laursen, Peter Allen, N1549 Wafle Road, Mauston, Wisconsin, convicted on August 12, 1985, in the Circuit Court of LaCrosse County, Wisconsin.

Lea, William Miller, 806 Thomas Street, Brownsville, Tennessee, convicted on November 17, 1987, in the United States District Court, Western District of Tennessee.

Lee, James Dwight, 2664 Dunlap Avenue, Guntersville, Alabama, convicted on June 11, 1973, in the Circuit Court of Cullman County, Alabama.

Lowery, Billy Dale, 1209 Terry Circle, Albertville, Alabama, convicted on May 21, 1984, in the United States District Court, Middle District of Alabama.

Maahs, Roger Keith, 8052 County Trunk Highway U West, Beetown, Wisconsin, convicted on March 1, 1984, in the Grant County Circuit Court, Branch One, Lancaster, Wisconsin.

Mayfield, James Ralph, Route 3, Box 207, Canton, Mississippi, convicted on June 8, 1987, in the United States District Court, Southern District of Mississippi.

Mesler, Clifford Owens, Box 498, Low Street, Shinglehouse, Pennsylvania, convicted on November 28, 1984, in the United States District Court, Middle District of Pennsylvania.

Minnich, Rick L., 325 East Main Street, Apartment 3, Mechanicsburg, Pennsylvania, convicted on September 14, 1982, in the Court of Common Pleas, Cumberland County, Pennsylvania.

Morgan, Delmar Dale, 1539 Stratford Drive, Adrian, Michigan, convicted on February 26, 1980; September 3, 1981; and also on June 12, 1981, in the Lenawee County Circuit Court, Michigan.

Murphy, Thomas Clayton, Route 5, Box 637, Cleveland, Tennessee, convicted on August 1, 1975, in the Criminal Court, Bradley County, Tennessee.

Nixon, Hershel Paul, 4481 Highway Z, New Melle, Missouri, convicted in March 1981, in the United States District Court, Eastern District of Missouri, St. Louis, Missouri.

Olds, Jeffrey Scott, 529 West Jenkins Street, Winamac, Indiana, convicted on April 11, 1985, and on June 17, 1985, in the Courty Court of Pulaski County, Indiana.

Polito, Ronald Nickolaus, 5007 Northwest 26th Avenue, Fort Lauderdale, Florida, convicted on April 8, 1975, in the Circuit Court of Broward County, Florida.

Pruiett, James Mark, 409 Collinwood, South Fulton, Tennessee, convicted on August 8, 1979, in the Circuit Court, Union City, Obion County, Tennessee.

Prust, Gregory Raymond, Route 2, Box K17, Spencer, Wisconsin, convicted on December 8, 1986, in the Circuit Court of Wood County, Branch Three Court, Wisconsin Rapids, Wisconsin.

Rayfield, Franklin Delano, HCR Route 77, Box 136, Annapolis, Missouri, convicted on August 31, 1987, in the United States District Court, Eastern District of Missouri.

Reedy, Mark Gerard, 1606 North 72d Street, Apartment 8, Omaha, Nebraska, convicted on January 1, 1972, in the Douglas County District Court, Omaha, Nebraska.

Roberts, Lee Jack, Post Office Box 442, Panama City, Florida, convicted on January 27, 1987, in the Circuit Court, Fourteenth Judicial District, Bay County, Florida.

Robinson, Herbert Emerson, 18915 Pinehurst, Detroit, Michigan, convicted on March 19, 1957, and on July 31, 1957, in the Common Pleas Court, Dayton, Ohio.

Schaeffer, Walter Russell, 110 Weathervane Drive, Cherry Hill, New Jersey, convicted on September 18, 1986, in the United States District Court, Middle District of Pennsylvania, Scranton, Pennsylvania.

Smith, Michael Patrick, 411 West 4th Street, Marshfield, Wisconsin, convicted on November 26, 1973, in the Circuit Court, Clark County, Wisconsin.

Sowieja, Ronald Charles, 331 South Eaton, Apartment 11, Greenwood, Wisconsin, convicted on October 31, 1978, in the Clark County Circuit Court, Neillsville, Wisconsin.

Spangler, Charles Eugene, Route 3, Black River Falls, Wisconsin, convicted on December 9, 1963, in the Woods County Court, Wisconsin Rapids, Wisconsin; on June 14, 1965, in the Rock County Court, Beloit, Wisconsin; and also on November 11, 1985, in the Jackson County Court, Black River Falls, Wisconsin.

Sparrow, Jerry Glenn, 3181 Bardstown Road, Lawrenceburg, Kentucky, convicted on December 8, 1982, in the Anderson County Circuit Court, Kentucky.

Starr, Jimmie Lewis, Route 5, Box 61, Auburn, Alabama, convicted on July 15, 1986, in the United States District Court, Eastern Division, Middle District of Alabama.

Stein, Robert Joel, 2327 Tulane, Lawton, Oklahoma, convicted on October 31, 1984, in the United States District Court, Western Judicial District of Oklahoma, Oklahoma City, Oklahoma.

Stewart, Thomas Maxwell, 80 Lake Loraine Circle, Shalimar, Florida, convicted on January 26, 1987, in the Circuit Court of Walton County, Florida.

Stoddard, Melvin Merton, 1619 Doddridge Avenue, Cloquet, Minnesota, convicted on September 9, 1985, in the Sixth Judicial District Court, County of Carlton, Carlton, Minnesota.

Thayer, William Paul, 29 Saint Laurent Place, Dallas, Texas, convicted on May 8, 1985, in the United States District Court for the District of Columbia.

Thomas, Frederick George, 3403 Atlantic Avenue, Erie, Pennsylvania, convicted on January 12, 1981, in the Erie County Court of Common Pleas, Erie, Pennsylvania.

Thomas, Monroe Charles, 2634 Nassau Street, Sarasota, Florida, convicted on January 29, 1979, in the Twelfth Judicial Circuit Court, Sarasota County, Sarasota, Florida.

Tolver, Steve Allen, 307 North 6th Avenue, Hartford, Alabama, convicted on July 28, 1982, in the District Court of Geneva County, Alabama.

Triana, Eric Robert, 29 South Mill Street, Northeast, Pennsylvania, convicted on January 16, 1986, in the Pennsylvania Court of Common Pleas, Erie County, Pennsylvania.

Van Price, Emery Lloyd, 622 Forrest Street, Wausau, Wisconsin, convicted on December 29, 1980, in the Sheboygan County Circuit Court, Sheboygan, Wisconsin.

Waldrop, Lawrence Ralph, 2128 Little Coveway, Quinton, Alabama, convicted on December 13, 1963, and on June 28, 1976, in the Circuit Court of Jefferson County, Alabama.

Watkins, Milton Charles Junior, 74 Endicott Street, Second Floor, Johnson City, New York, convicted on May 14, 1975, in the Broome County Court, Binghamton, New York.

Compliance with Executive Order 12291

It has been determined that this notice is not a "major rule" within the meaning of Executive Order 12291, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Signed: May 23, 1991.

Stephen E. Higgins,

Director.

[FR Doc. 91-13668 Filed 6-7-91; 8:45 am]

BILLING CODE 4810-31-M

Customs Service

[T.D. 91-53]

Extension of Analyses for Which Chem Coast, Inc., a Customs accredited Commercial Laboratory, has Been Accredited to Perform

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of additional analyses for which Chem Coast, Inc., a Customs accredited commercial laboratory, has been accredited to perform.

SUMMARY: Chem Coast, Inc. of La Porte, Texas, a Customs accredited commerical laboratory under § 151.13 of the Customs Regulations (19 CFR 151.13), has been given an extension of its commercial laboratory accreditation, effective at its La Porte, Texas laboratory facility, to include the following analyses: Reid Vapor Pressure; Saybolt Universal Viscosity; percent by weight sulfur of petroleum products; percent by weight lead in gasoline; sediment by extraction; percent composition by weight benzene, toluene xylene; and xylene isomer content of mixed xylenes.

SUPPLEMENTARY INFORMATION: Part 151 of the Customs Regulations provides for the acceptance at Customs Districts of laboratory test results of certain products from Customs accredited commercial laboratories. Chem Coast, Inc., which holds Customs accreditation for the performance of certain laboratory analyses, has applied to Customs to extend its accreditation to include the performance of additional analyses at its La Porte, Texas laboratory. Review of Chem Coast, Inc.'s qualifications shows that the extension is warranted and, accordingly, has been granted.

EFFECTIVE DATE: 5-30-91.

FOR FURTHER INFORMATION CONTACT:
Ira S. Reese, Special Assistant for Commercial and Tariff Affairs, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Ave. NW., Washington, DC 20229 (202–566–2446).

Dated: May 31, 1991.

J.E. Harrell,

Acting Director, Office of Laboratories and Scientific Services.

[FR Doc. 91–13591 Filed 6–7–91; 8:45 am]

BILLING CODE 4820–02–M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 111
Monday, June 10, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, June 12, 1991.

LOCATION: Room 556, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. *CFC Winners Circle Award* (10 minutes)

Chairman Jacqueline Jones-Smith will present the Combined Federal Campaign Winners Circle plaque.

2. *Infant Cushions NPR*

The staff will brief the commission on a Notice of Proposed Rulemaking (NPR) addressing the risk of injury and death presented by infant cushions.

3. *Automatic Residential Garage Door Operators*

The Commission will consider a final rule specifying requirements for automatic residential garage door operators as stated in Section 203 of the Consumer Product Safety Improvement Act of 1990.

For a Recorded Message Containing the Latest Agenda Information, Call (301) 492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, (301) 492–6800.

Dated: June 5, 1991.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 91–13829 Filed 6–6–91; 1:21 pm]

BILLING CODE 6355–01–M

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Thursday, June 13, 1991, see times below.

LOCATION: Room 556, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

10:00 a.m.

1. *Pride in Public Service Award* (10 minutes)

The Commission will present the Pride in Public Service Award to June's recipient.

2. *Ibuprofen—Child-Resistant Packaging*

The staff will brief the Commission on a proposed rule to require child-resistant packaging for over-the-counter drugs containing ibuprofen.

3. *Voluntary Standards Quarterly Report*

The staff will brief the Commission on voluntary standards activities carried out during the second quarter of FY 1991.

2:00 p.m.

4. *International Affairs Quarterly Report*

The staff will brief the Commission on international affairs activities carried out during the second quarter of FY 1991.

For a Recorded Message Containing the Latest Agenda Information, Call (301) 492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, (301) 492–6800.

Dated: June 5, 1991.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 91–13830 Filed 6–6–91; 1:21 pm]

BILLING CODE 6355–01–M

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Friday, June 14, 1991, 10:00 a.m.

LOCATION: Room 556, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

Section 15 Interpretive Rule

The Commission will consider those portions of the draft Federal Register Notice proposing amendments to the Commission rules interpreting Section 15 of the Consumer Product Safety Act concerning whether Section 15 reporting requirements should apply to voluntary standards the Commission may have relied on prior to the enactment of the 1990 Consumer Product Safety Improvement Act.

For a Recorded Message Containing the Latest Agenda Information, Call (301) 492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 492–6800.

Dated: June 5, 1991.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 91–13831 Filed 6–6–91; 1:21 pm]

BILLING CODE 6355–01–M

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on June 13, 1991, from 10:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT:

Curtis M. Anderson, Secretary to the Farm Credit Administration Board, (703) 883–4003, TDD (703) 883–4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited pace available), and parts of this meeting will be closed to the public. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

B. New Business

1. St. Paul FCB—Expansion of Acquired Property Operations
2. Freedom of Information Act Regulations
3. Disclosure to Shareholders Regulations
4. FCA Board Travel and Honoraria Policy
5. FCS Building Association—Jackson FLB(R) Liquidation of Assests

Closed Session*

A. Unfinished Business

1. Government-Sponsored Enterprises-Agency Options

B. New Business

1. Enforcement Actions.

Session closed to the public—exempt pursuant to 5 U.S.C. 552b(c)(8), (9) and (10).

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 91-13883 Filed 6-6-91; 3:48 pm]

BILLING CODE 6705-01-M

FEDERAL COMMUNCIATIONS COMMISSION

FCC To Hold Open Commission Meeting, Thursday, June 13, 1991

June 6, 1991.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, June 13, 1991, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Item No, Bureau, and Subject

1—General Counsel Mass Media—Title: Proposed Codification of the Commission's Political Programming Policies. Summary: The Commission will consider a *Notice of Proposed Rule Making* regarding political broadcasting obligations arising under the Communication Act.

2—Mass Media—Title: In the Matter of Television Satellite Stations; Review of Policy and Rules (MM Docket No. 87-8). Summary: The Commision will consider adoption of a *Report and Order* on the television satellite policy and rules.

3—Mass Media—Title: Cable Television Technical and Operational Requirements (MM Docket No. 85-38). Summary: The Commission will consider whether to issue a *Notice of Proposed Rule Making* concerning technical standards for cable television systems.

4—Mass Media—Title: Reexamination of the Effective Competition Standard for the Regulation of Cable Television Basic Service Rates (MM Docket No. 90-4, MM Docket No. 84-1296). Summary: The Commission will consider whether to revise its effective competition standard for the regulation of basic cable television rates and the standards for rate regulation of such rates.

5—Common Carrier—Title: Petition for the Expedited Declaratory Ruling filed by the Operator Service Providers of America (OSPA). Summary: The Commission will consider OSPA's request that the Commission declare invalid a Tennessee statute insofar as it applies to interstate operator services.

6—Common Carrier—Title: Amendments of Part 69 of the Commission's Rules Relating to the Creation of Access Charge Subelements for Open Network Architecture (CC Docket No. 89-79); Policy and Rules Concerning Rates for Dominant Carriers (CC Docket No. 87-313). Summary: The Commission will consider adoption of a *Report and Order and Order on Further Reconsideration and Supplemental Notice of Proposed Rule Making.*

7—Private Radio—Title: Spectrum Efficiency in the Private Land Mobile Bands in Use Prior to 1968. Summary: The Commission will consider adoption of a *Notice of Inquiry* concerning changes in technical rules and general policies regarding use of various private land mobile bands primarily below 470 MHz.

8—Chief Engineer—Title: An Inquiry Relating to Preparation for the International Telecommunications Union World Administrative Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum (GEN Docket No. 89-554). Summary: The Commission will consider adoption of a *Report* in this proceeding.

9—Field Operations—Title: An Inquiry into Possible Technical Improvements in the Emergency Broadcast System. Summary: The Commission will consider whether to initiate an inquiry dealing with improvements to the Emergency Broadcast System.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Steve Svab, Office of Public Affairs, telephone number (202) 632-5050.

Issued: June 6, 1991.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91-13845 Filed 6-6-91; 2:25 pm]

BILLING CODE 6712-01-M

Corrections

Federal Register
Vol. 56, No. 111
Monday, June 10, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Forest Service

Transfer of Administrative Jurisdiction; Lake Isabella and Pine Flat Lake Projects, California

Correction

In notice document 91-11441 beginning on page 22393, in the issue of Wednesday, May 15, 1991, make the following correction:

On page 22394, in the third column, in Exhibit B-1, in Section 19, insert "," after "SE¼".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-015]

Television Receivers, Monochrome and Color, From Japan; Final Results of Antidumping Duty Administrative Reviews

Correction

In notice document 91-12775 beginning on page 24370, in the issue of Thursday, May 30, 1991 make the following corrections:

On page 24371, in the second column, in the third full paragraph, in the fifth line from the bottom "receivable" is misspelled. In the same column, in the same line, insert "balance, we used the average of Victor's monthly accounts receivable" after "receivable".

BILLING CODE 1505-01-D

DEPARTMENT OF DEFENSE

48 CFR Parts 243, 249, and 252

Department of Defense Federal Acquisition Regulation Supplement; Contract Modifications and Termination of Contracts

Correction

In rule document 91-12459 beginning on page 24030, in the issue of Tuesday, May 28, 1991, make the following correction:

On page 24031, in the first column, the title for **Nancy L. Ladd** should read "*Colonel, USAF, Director, Defense Acquisition Regulations Council*".

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 89-552; FCC 91-74]

Private Land Mobile Radio Services; Use of the 220-222 MHz Frequency Band

Correction

In rule document 91-9397 beginning on page 19598, in the issue of Monday, April 29, 1991, make the following correction:

§ 90.73 [Corrected]

On page 19601, in the first column, the section heading following ammendatory instruction 15 should read as shown above.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 211

[Docket No. 90N-0376]
RIN 0905-AA73

Current Good Manufacturing Practice in Manufacturing, Processing, Packing, or Holding of Drugs; Proposed Amendment of Certain Requirements for Finished Pharmaceuticals; Reopening of Comment Period

Correction

In proposed rule document 91-9211 beginning on page 16048, in the issue of Friday, April 19, 1991, make the following corrections:

1On page 16049, in the first column, in the **SUMMARY**, in the second line "extending" should read "reopening".

2On the same page, in the same column, in **FOR FURTHER INFORMATION CONTACT**, in the second line "363" should read "362".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 90-AGL-23]

Alteration to Transition Area; Bellaire, MI

Correction

In rule document 91-5782 beginning on page 10362, in the issue of Tuesday, March 12, 1991, make the following correction:

On page 19363, in the first column, in the second full paragraph, in the seventh line, insert "to Antrim County Airport, the FAA determined that a reduction in the existing" after "procedure".

BILLING CODE 1505-01-D

federal register

Monday
June 10, 1991

Part II

Federal Retirement Thrift Investment Board

5 CFR Part 1620

Nonappropriated Fund Employees; Interim Rule With Request for Comments

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1620

Nonappropriated Fund Employees

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Interim rule with request for comments.

SUMMARY: The Executive Director of the Federal Retirement Thrift Investment Board (Board) is publishing in part 1620 interim rules governing the Thrift Savings Plan (TSP) participation of persons who move to Nonappropriated Fund (NAF) instrumentalities of the Department of Defense (DOD) and U.S. Coast Guard (Coast Guard). The interim rules implement sections 10, 11, 13 and 14 of the Portability of Benefits for Nonappropriated Fund Employees Act of 1990, Public Law 101–508 (the Act), which added subsections 8347(p)(1) and 8461(n)(1) to title 5 of the United States Code to allow certain NAF employees to participate in the TSP.

DATES: These interim rules are effective June 10, 1991. Comments must be received on or before August 9, 1991.

ADDRESSES: Comments may be sent to: Michelle C. Malis, Federal Retirement Thrift Investment Board, 805 Fifteenth Street NW., Washington, DC. 20005.

FOR FURTHER INFORMATION CONTACT: Michelle C. Malis, (202) 523–6367.

SUPPLEMENTARY INFORMATION: The Act provides that certain employees who move from the DOD and Coast Guard to NAF instrumentalities are eligible to participate in the TSP by virtue of their election to be covered by the Civil Service Retirement System (CSRS) or the Federal Employees' Retirement System (FERS). Those employees who are eligible to make an election to be covered by CSRS or FERS must have 5 or more years of civilian service creditable under subchapters 83 or 84 of title 5 of the United States Code prior to the move, have moved without a break in service of more than 3 days from the DOD or Coast Guard to employment in an NAF instrumentality of the DOD or Coast Guard, respectively, and have not previously had an opportunity to make such an election pursuant to the provisions of the Act.

Section 1620.90 provides that the regulations in subpart G apply to any employee of an NAF instrumentality of the DOD or Coast Guard who elects to be covered by CSRS or FERS pursuant to the Act.

Section 1620.91 contains definitions of terms used in subpart G.

Section 1620.92 sets forth the procedures which the NAF instrumentality must follow for eligible employees who move to the NAF instrumentalities on or after November 5, 1990 (the date of enactment of the Act) and who elect to continue to be covered by FERS or CSRS. If an employee had made a TSP election which is still in effect at the time of the move, TSP contributions will continue uninterrupted. If an employee does not have a current TSP election in effect, he or she will be permitted to make an election to contribute to the TSP in the first TSP Open Season during which he or she is eligible to do so under 5 U.S.C. 8432. The NAF instrumentality must permit such employees to make future elections to contribute to the TSP from basic pay during appropriate Open Season periods. If an employee elects to continue to be covered by FERS, the NAF instrumentality must also make contributions to the TSP on behalf of such employees as set forth in 5 U.S.C. 8432(c). Contributions which have not been made on behalf of an employee who moved on or after November 5, 1990 but before the date of publication of these regulations and who elected continued FERS or CSRS coverage will be made up according to the error correction procedures contained in part 1605. Similarly, error correction procedures will apply for payment of TSP contributions where they are not made because an employee moves to an NAF instrumentality but does not make an immediate election with respect to CSRS or FERS coverage. Lost earnings will not be paid on these contributions unless the NAF instrumentality does not make the contributions within the time frames required by these regulations.

Section 1620.93 applies to employees who moved to an NAF instrumentality before November 5, 1990 but after December 31, 1986. This section is divided into two main parts, one addressing future TSP contributions and the other addressing retroactive TSP contributions. With respect to future contributions, this section provides that an employee who elects to be covered by CSRS or FERS may elect to make future contributions to the TSP within 30 days of the date of his or her election to be covered by FERS or CSRS, or within 30 days of the date of publication of these regulations, whichever is later. Deductions from an employee's pay will begin no later than the pay period following the election to contribute to the TSP. Agency Automatic (1%) Contributions are made only on behalf of employees who elect to be covered by FERS and those contributions are to begin no later than the pay period following that coverage election or the date these regulations are published, whichever is later. Agency Matching Contributions are made only on behalf of employees who elect to be covered by FERS and to contribute to the TSP. Such contributions are to begin at the same time as the employee's contributions begin.

The second part of this section addresses the procedures for retroactive or make-up contributions. Section 13 of the Act provides that the Executive Director of the Board shall take action to ensure that employees who moved between January 1, 1987 and the effective date of the Act, November 5, 1990, receive all the benefits of the Act as if the Act were in effect at the time of their move. This subsection provides a means for those individuals to receive the agency contributions which they would have received had they been eligible to participate in the TSP since the time of their move and to make contributions from future pay reflecting amounts which they would have been eligible to contribute. It is designed to avoid any gaps in TSP participation resulting from a move which took place between January 1, 1987 and November 5, 1990.

Agency Automatic (1%) Make-up Contributions will be made only on behalf of employees who elect to be covered by FERS. The NAF instrumentality must pay to the Thrift Savings Fund an amount which represents the Agency Automatic (1%) Contribution which the NAF instrumentality would have made for all pay periods during which the employee would otherwise have been eligible to receive the Agency Automatic (1%) Contribution beginning with the date of the employee's move to the NAF instrumentality and ending with the date that Agency Automatic (1%) Contributions begin following the employee's election to be covered by FERS.

Employees who elect to be covered by CSRS or FERS will have the opportunity to elect to make up contributions representing the amount of employee contributions for which the employee would otherwise have been eligible. The make-up contributions will be deducted from the employee's current pay according to a schedule established by the employee and the NAF instrumentality. Agency matching make-up contributions will be paid at the same time the employee contributions to which they relate are paid.

An employee will have 60 days from the date of his or her election to be covered by FERS or CSRS or from the

date of the publication of these regulations, whichever is later, to make an election regarding make-up contributions. The employee may terminate that election at any time. If an employee separates from Federal service or covered NAF employment, the employee may accelerate the contribution by lump sum payment from the employee's final salary pay. If an employee dies, the retroactive contributions will terminate as of the final salary payment. Retroactive contributions will be reported for investment by the NAF instrumentality according to the employee's current TSP allocation election. If the employee is not making current TSP contributions, the employee may file an election form specifically for the investment of the retroactive contributions. This section also contains other administrative rules concerning make-up contributions.

Section 1620.94 provides that an employee who was employed by an NAF instrumentality and vested in the NAF retirement system who later becomes employed by a Federal government agency and elects to remain covered by the NAF retirement system is not eligible to contribute to the TSP.

Section 1620.95 sets forth the responsibility of the NAF instrumentalities to deduct employee contributions and to contribute employee and employer contributions to the Thrift Savings Fund each pay period in accordance with Board procedures.

Section 1620.96 provides that the NAF instrumentalities are responsible for deducting TSP loan payments and transmitting those payments to the TSP recordkeeper in accordance with Board procedures.

Section 1620.97 sets forth procedures regarding the transmission of information relating to employees who move to an NAF instrumentality.

Section 1620.98 provides that all NAF instrumentalities employing any individuals covered by these regulations must notify those employees of the application of these regulations as soon as possible after their date of publication.

Section 1620.99 explains that all NAF instrumentalities and individuals covered by these regulations are also governed by the regulations set forth in chapter VI of title 5, Code of Federal Regulations.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

Waiver of Notice of Proposed Rulemaking and 30-Day Delay of Effective Date

Pursuant to 5 U.S.C. 553 (b)(B) and (d)(3), I find that in view of the requirements of Public Law 101–508 good cause exists for waiving the general notice of proposed rulemaking and for making these regulations effective in less than 30 days. Public Law 101–508 gave certain employees the immediate right to participate in the TSP by virtue of their election to be covered by CSRS or FERS while employed by an NAF instrumentality. These regulations are necessary to establish procedures for allowing such employees to participate.

List of Subjects in 5 CFR Part 1620

Employee benefit plans, Government employees, Retirement, Pensions.

Federal Retirement Thrift Investment Board

Francis X. Cavanaugh,

Executive Director.

For the reasons set out in the preamble, part 1620 of chapter VI of title 5 of the Code of Federal Regulations is amended as set forth below.

1. The authority citation for part 1620 is revised to read as follows:

Authority: 5 U.S.C. 8474; 5 U.S.C. 2101 note.

2. New subpart G is added to part 1620 to read as follows:

Subpart G—Nonappropriated Fund Employees

Sec.

Subpart G—Nonappropriated Fund Employees

§ 1620.90 Scope.

This subpart applies to any Nonappropriated Fund (NAF) instrumentality employee of the Department of Defense (DOD) or U.S. Coast Guard (Coast Guard) who elects to be covered by the Civil Service Retirement System (CSRS) or the Federal Employees' Retirement System (FERS) pursuant to sections 10 and 11 of the Portability of Benefits for Nonappropriated Fund Employees Act of 1990 (5 U.S.C. 8347(p), 8461(n)).

§ 1620.91 Definitions.

(a) As used in this subpart—*Covered by* means paying contributions to the Civil Service Retirement and Disability Fund under either CSRS or FERS.

(b) *Basic pay* means the pay from the NAF instrumentality used to compute the amount the individual is required to contribute to the Civil Service Retirement and Disability Fund as a condition for participating in CSRS or FERS, as the case may be.

(c) *Move* means moving from a position covered by CSRS or FERS at the DOD or Coast Guard to an NAF instrumentality of the DOD or Coast Guard, respectively, without a break in service of more than 3 days.

§ 1620.92 Employees who move to an NAF instrumentality on or after November 5, 1990.

(a) Any Thrift Savings Plan (TSP) elections:

(1) Made during an employee's previous employment by an employee who moves to an NAF instrumentality on or after November 5, 1990 and who elects to continue to be covered by CSRS or FERS; and

(2) Which are still in effect as of the date of the move, shall be implemented by the NAF instrumentality and shall begin with the date of the move.

(b) If an employee who moves to an NAF instrumentality on or after November 5, 1990 does not have a current election to contribute to the TSP, he or she shall be permitted to make such an election during the first TSP Open Season, as described in 5 CFR 1600.2, during which he or she is eligible to do so under 5 U.S.C. 8432.

(c) An employee who moves to an NAF instrumentality on or after November 5, 1990, and who elects to continue to be covered by FERS or CSRS, must be permitted to elect to make future contributions to the Thrift Savings Fund from his or her basic pay for which he or she is eligible under 5 U.S.C. 8432 or 5 U.S.C. 8351 during the appropriate Open Seasons.

(d) For an employee who moves to an NAF instrumentality on or after November 5, 1990 and elects to continue to be covered by FERS, the NAF instrumentality must also contribute each pay period to the Thrift Savings

Fund in accordance with Board procedures on behalf of such employee, any amounts which the employee is eligible to receive under 5 U.S.C. 8432(c).

(e) In the case of an employee who moves to an NAF instrumentality on or after November 5, 1990 and who elects to continue to be covered by CSRS or FERS, any TSP contributions described in 5 U.S.C. 8432 or 8351 for which such employee is eligible and which are not made in accordance with this section because the employee moved before the date of publication of these regulations, or because the employee moves to the NAF instrumentality but does not make an immediate election to be covered by CSRS or FERS, shall be made up according to the error correction procedures contained in part 1605 of this chapter. No lost earnings will be paid on these contributions unless the NAF instrumentality does not make the contributions within the time frames required by these regulations.

§ 1620.93 Employees who moved to an NAF instrumentality prior to November 5, 1990 but after December 31, 1986.

(a) Future TSP contributions.

(1) Employee contributions. Employees who moved to an NAF instrumentality prior to November 5, 1990 but after December 31, 1986, and who elect to be covered by FERS or CSRS as of the date of such move, may elect to make any future contributions to the TSP in accordance with 5 U.S.C. 8432(a) or 8351(b)(2) within 30 days of the date of their election to be covered by FERS or CSRS, or within 30 days of the date these regulations are published, whichever is later. Such contributions shall begin being deducted from the employee's pay no later than the pay period following their election to contribute to the TSP. Any TSP election which may have been in effect at the time of the employee's move will not be effective for any future contributions.

(2) Agency Automatic (1%) Contributions. If an employee who moved to an NAF instrumentality prior to November 5, 1990 but after December 31, 1986, elects to be covered by FERS, the NAF instrumentality must also contribute each pay period to the Thrift Savings Fund on behalf of such employee any amounts which the employee is eligible to receive under 5 U.S.C. 8432(c)(1), beginning no later than the pay period following the employee's election to be covered by FERS, or the pay period following the date these regulations are published, whichever is later.

(3) Agency Matching Contributions. If an employee who moved to an NAF instrumentality prior to November 5, 1990 but after December 31, 1986, elects to be covered by FERS and also elects to make contributions to the TSP pursuant to paragraph (a)(1) of this section, the NAF instrumentality must also contribute each pay period to the Thrift Savings Fund on behalf of such employee any amounts which the employee is eligible to receive under 5 U.S.C. 8432(c)(2), beginning at the same time as the employee's contributions are made pursuant to paragraph (a)(1) of this section.

(b) Retroactive TSP contributions

(1) Without regard to any election to contribute to the TSP under paragraph (a)(1) of this section, the NAF instrumentality shall take the following actions with respect to an employee who moved to an NAF instrumentality prior to November 5, 1990 but after December 31, 1986, and who elects to be covered by CSRS or FERS as of the date of the move:

(i) Agency Automatic (1%) Make-up Contributions. The NAF instrumentality shall, within 30 days of the date of the employee's election to be covered by FERS, or the date these regulations are published, whichever is later, contribute to the Thrift Savings Fund an amount representing the Agency Automatic (1%) Contribution for all pay periods during which the employee would have been eligible to receive the Agency Automatic (1%) Contribution under 5 U.S.C. 8432 beginning with the date of the move and ending with the date that Agency Automatic (1%) Contributions begin under paragraph (a)(2) of this section. Lost earnings will not be paid on these contributions unless the contributions are not made by the NAF instrumentality within the time frames required by these regulations.

(ii) Employee Make-up Contributions.

(A) Within 60 days of the election to be covered by FERS or within 60 days of the date of publication of these regulations, whichever is later, an employee who moved to an NAF instrumentality prior to November 5, 1990 but after December 31, 1986, and who elects to be covered by FERS, may make an election regarding employee make-up contributions. The employee may elect to contribute all or a percentage of the amount of employee contributions which the employee would have been eligible to make under 5 U.S.C. 8432 between the date of the move and the date employee contributions begin under paragraph (a)(1) of this section or, if no such election is made under paragraph (a)(1) of this section, the date that Agency Automatic (1%) Contributions begin under paragraph (a)(2) of this section.

(B) Within 60 days of the election to be covered under CSRS or within 60 days of the date of publication of these regulations, whichever is later, an employee who moved to an NAF instrumentality prior to November 5, 1990 but after December 31, 1986, and who elects to be covered by CSRS, may make an election regarding make-up contributions. The employee may elect to contribute all or a percentage of the amount of employee contributions which the employee would have been eligible to make under 5 U.S.C. 8351 between the date of the move and the date employee contributions begin under paragraph (a)(1) of this section or, if no such election is made under paragraph (a)(1) of this section, the pay period following the date the election to be covered by CSRS is made.

(C) Deductions made from the employee's pay pursuant to an employee's election under paragraph (b)(1)(ii) (A) or (B) of this section, as appropriate, shall be made according to a schedule that meets the requirements of paragraphs (b) (2) and (3) of this section.

(iii) Agency Matching Make-up Contributions. The NAF instrumentality must pay to the Thrift Savings Fund any matching contributions attributable to employee contributions made under paragraph (b)(1)(ii)(A) of this section that the NAF instrumentality would have been required to make under 5 U.S.C. 8432(c), at the same time that such employee contributions are contributed to the Fund.

(2) The NAF instrumentality may set a ceiling on the number of pay periods over which the contributions referred to in paragraph (b)(1)(ii) of this section may be made; however, this ceiling may not be less than two times the number of pay periods in which the payments could have been made. The payment schedule must begin no later than the pay period following the date the employee elects such schedule and it may not contain more than four times the number of pay periods in which the payment could have been made.

(3) If the agreed-upon payment schedule cannot be met because the employee has insufficient net pay or because the employee has reached an annual ceiling for tax-deferred contributions under 26 U.S.C. 402(g) or 415, the payment schedule will be suspended until the employee is again able to make full payments through payroll deductions. Pay periods for which an employee is unable to make payments because of insufficient net pay or a ceiling on tax-deferred contributions, will not be counted

against the maximum number of pay periods applicable to the schedule and the maximum number of applicable pay periods must be extended accordingly.

(4) If an employee chooses to contribute the make-up amount, he or she may subsequently terminate that decision at any time and that termination shall be irrevocable. If an employee separates from Federal or covered NAF employment, the employee may accelerate the contribution by lump sum payment from the final salary payment. If the employee dies, the retroactive contributions of the deceased employee will be terminated as of the final salary payment.

(5) The make-up payment amount is not subject to the maximum pay period contribution limitations; however, these amounts must be included when determining amounts subject to annual ceilings on contributions under 26 U.S.C. 402(g) or 415.

(6) In the event an employee does not have sufficient net pay to make all of the TSP deductions, the employee's regular TSP deduction shall take precedence over the employee's payment schedule contribution.

(7) Make-up contributions shall be reported for investment by the NAF instrumentality when contributed according to the employee's election form for current contributions (TSP–1). If the employee is not making current contributions, the retroactive contributions shall be invested according to an election form (TSP–1) filed specifically for that purpose.

§ 1620.94 Employees who move from an NAF instrumentality to a Federal government agency.

An employee employed by an NAF instrumentality who later is employed by a Federal government agency and elects to remain covered by the NAF retirement system is not eligible to participate in the TSP.

§ 1620.95 Payment of TSP contributions.

The NAF instrumentality shall deduct any employee contributions authorized under this section from the pay of the employee each pay period and shall remit such amounts to the Thrift Savings Fund in accordance with this subpart and Board procedures. The NAF instrumentality shall contribute any future employer contributions to the Thrift Savings Fund each pay period in accordance with this subpart and Board procedures. The NAF instrumentality shall contribute make-up contributions to the Thrift Savings Fund in accordance with this subpart and Board procedures.

§ 1620.96 Loan payments.

NAF instrumentalities shall deduct and transmit TSP loan payments for employees who elect to be covered by CSRS or FERS to the recordkeeper in accordance with part 1655 and Board procedures. Loan payments may not be deducted and transmitted for employees who were covered by CSRS or FERS and who move to an NAF instrumentality and elect to be covered by the NAF retirement system. Such employees will be considered to have separated from government service and must prepay their loans or a taxable distribution will be declared.

§ 1620.97 Transmission of information.

Any employee who moves to an NAF instrumentality shall be reported by the losing agency to the TSP recordkeeper as having moved to an NAF instrumentality of the DOD or Coast Guard rather than as having separated from government service. If the employee subsequently elects not to be covered by CSRS or FERS, the employee will be reported by the NAF instrumentality as having separated from government service as of the date of the move. The NAF instrumentality will then prepare and submit Form TSP–18, Validation of Retirement Information, to the TSP recordkeeper.

§ 1620.98 Notices.

All NAF instrumentalities employing any individuals covered by § 1620.90 of this part must notify affected employees of the application of these regulations as soon as possible after June 10, 1991.

§ 1620.99 Other regulations.

NAF instrumentalities and individuals covered by § 1620.90 of this part are governed by the regulations in chapter VI of title 5, Code of Federal Regulations, to the extent that those regulations are not inconsistent with this subpart.

[FR Doc. 91–13480 Filed 6–7–91; 8:45 am]
BILLING CODE 6760–01–M

federal register

Monday
June 10, 1991

Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

Section 312 Rehabilitation Loan Program Investor Properties With Loans of $200,000 or Above; Notice of Funding Availability

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-91-3241; FR2983-N-01]

Section 312 Rehabilitation Loan Program Investor Properties With Loans of $200,000 or Above; Funding Availability

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of Funding Availability (NOFA) for Fiscal Year 1991 for Investor Property Loans of $200,000 or above.

DATES: Applications for Section 312 Rehabilitation Loans of $200,000 or more to investor-owners, including nonprofit corporations, will be accepted by HUD at the respective HUD Field Office at any time after the date of this notice. In no event, however, will such applications be accepted by HUD any later than c.o.b. August 1, 1991. Applications must be submitted through the designated Local Processing Agency which operates the Section 312 Program in the locality.

SUMMARY: This NOFA announces HUD's funding for the Section 312 Rehabilitation Loan Program for loans of $200,000 or above. Although the Section 312 program is a demand-type program and thereby not normally subject to rules of competition, the Department has made these loans subject to the requirements governing competitive programs under section 102 of the HUD Reform Act of 1989, as implemented by regulations at 24 CFR part 12. Thus, the Reform Act Rule governing the publication of funding availability, application procedures and selection criteria, and the requirements for disclosure by applicants of information on loan competitions, would cover all section 312 investor-owner loans of $200,000 and above. While other section 312 loans, including investor-owner loans in lesser amounts, are not covered, this NOFA addresses them to the extent relevant in the selection for funding of the covered loans.

This NOFA contains information concerning the following:

(a) The availability of funds and the funding system for all section 312 loans;

(b) Applicant eligibility and the application process, including how to apply and how funding decisions will be made for loans of $200,000 and above; and

(c) A checklist of steps and exhibits involved in the application process.

FOR FURTHER INFORMATION CONTACT: Richard R. Burk, Director, Rehabilitation Loans and Urban Homesteading Division, Department of Housing and Urban Development, room 7168, 451 7th Street, SW., Washington, DC 20410, Telephone (202) 708–1367 or for hearing- and speech-impaired persons, (202) 708–0564. (These telephone numbers are not toll-free).

SUPPLEMENTARY INFORMATION: The information collection requirements contained in this notice have been approved under the Paperwork Reduction Act of 1980 by the Office of Management and Budget (OMB), and were assigned OMB Control Number 2506–0076, expiration date September 30, 1993.

I. Purpose and Substantive Description

This NOFA announces the availability of funds that may be used to make direct Federal loans of $200,000 or above to investor-owners, including nonprofit corporations, under the application procedures and the funding system. Although not subject to 24 CFR part 12 and this notice, loans of less than $200,000 for the rehabilitation of investor-owned properties or of owner-occupied single-family properties, will also be made using the funds assigned to HUD Regional Offices and Field Offices as described in this NOFA.

(a) Authority

Section 312(b) of the Housing Act of 1964, as amended, 42 U.S.C. 1452b, authorizes HUD to make loans for rehabilitation for single-family, multifamily residential, mixed-use and nonresidential properties in federally aided Community Development Block Grant, and Urban Homesteading areas identified by local governments. The section 312 program was designed to assist in eliminating and preventing the development and spread of slums and blight, to encourage localities and property owners to upgrade and preserve existing neighborhoods and to rehabilitate private properties. The program operates as a cooperative venture between the Federal government which furnishes the loan funds and local governments' Local Processing Agencies (LPAs) which process the loans subject to HUD requirements. Local Processing Agency (LPA) means the public agency designated by the locality to operate the section 312 Program under a program participation agreement with HUD. (See chapter 13 of the section 312 Handbook, HUD Handbook 7375.01, REV-2, CHG-2).

Pursuant to the HUD Appropriations Act for FY 1991 (Pub. L. 101-507, approved November 5, 1990), this NOFA announces the funding of the section 312 Loan Program for FY 1991 for loans of $200,000 or above. Although section 312 funds are available for all types of loans, only the application procedures for loans of $200,000 or above are addressed in this NOFA. However, the basic structure of the funding system for all section 312 loans will be described in this Notice to the extent relevant to the selection process for funding loans of $200,000 and above.

(b) Allocation Amounts

This NOFA announces the anticipated availability for all section 312 loans of $144,000,000 derived from repayments and recaptures of prior years' obligations. There is no Federal set-aside of these funds for any category of loans, whether for single family, multifamily, nonresidential or mixed-use property. The funds will be allocated to each Regional Office based upon a two-part formula, representing "need" (50%) and "performance" (50%). The "need" measurement is based on the pro rata share of Fiscal Year 1990 Community Development Block Grant (CDBG) allocations by Region. The "performance" measurement is based upon three criteria: (1) "Fund usage" as measured by the percent of assigned funds obligated by each Region in Fiscal Year 1990; (2) "Project completion" as measured by the percent of Fiscal Year 1990 loans completed on time; and (3) "Delinquency" as measured by the percent of Fiscal Years 1983–1990 loans which are delinquent. The Regional Offices must sub-allocate at least 90 percent of all funds to Field Offices in accordance with the same allocation system. The 10 percent retained will be sub-allocated by the Regional Offices to fund approvable applications on a Region-wide basis in the order prescribed under the procedures set forth in this NOFA for which insufficient funds are available at the Field Offices.

On April 18, 1991, an initial allocation of $50 million was distributed to the Regional Offices in accordance with the allocation system described above. Subsequent allocations will be made as the funds become available from additional repayments and recaptures. Applicants can inquire as to the availability of funds at the respective Field Offices.

For Fiscal Year 1991, there is no cap on the amount of funds available for any individual loan.

(c) Eligibility

Investor-owners, including those whose loan requests are $200,000 or

more, qualify for loans at an interest rate set by the Treasury rate for loans of comparable terms (currently around 8 percent), except as stated later in this paragraph.

An investor-owner is:

1. An applicant who owns a one-to-four dwelling unit property, but does not occupy a dwelling unit in that property as a principal residence; or

2. An applicant who owns a multifamily residential (5 or more units), nonresidential, or mixed-use property, regardless of whether he or she occupies a dwelling unit in that property as a principal residence.

All corporations, partnerships and other legal entities are considered investor-owners.

One special class of investor-owner applicants is comprised of private, nonprofit corporations, which includes any private organization (including a State or locally chartered nonprofit organization) that is organized under State or local laws and has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual. If such a private, nonprofit corporation meets certain conditions set forth in notice CPD 91–05, the substance of which was earlier published in the Federal Register at 55 FR 31241, it qualifies for a loan at 3.25 percent interest rate. Otherwise, it pays the same interest rate as other investor-owners. Another special class of investor-owners is comprised of cooperatives in which at least 80 percent of the residents are at 80 percent of the median income or below. These loans qualify for an interest rate of 3 percent. (See the section 312 Rehabilitation Loan Program Handbook (HUD Handbook 7375.01 REV–2), section 2–3a(2)).

(d) The Section 312 Funding System for All Loans

For all loan applications, including those which are $200,000 or more, the applications must meet the HUD requirements to qualify for section 312 funds. The HUD requirements for the section 312 program are set forth in 24 CFR part 510, the loan application package, and other issuances, copies of which are available from the HUD Field Office and/or the Local Processing Agency (LPA). The investor-owner loan application package is comprised of the application for Investor Properties (HUD Form 6243) and the section 312 Rehabilitation Loan Program Handbook (HUD Handbook 7375.01 REV–2). For convenience, the above-cited regulation and loan application package applicable to the category of section 312 loan being applied for are collectively referred to herein as the "program requirements" in this NOFA.

Under the funding system, loans are made on a first-come, first-served basis, subject to the availability of funds. The system operates as follows:

1. All loan applications, HUD Form 6230 (for owner-occupied 1–4 unit properties) and HUD Form 6243 (for investor-owner properties) are received in the office of the respective Field Office CPD Director.

2. Each application is logged in by date received and assigned a number.

3. Each application is checked for completeness within three working days of submission. The standards for completeness for applications for Section 312 Rehabilitation Loans for Owner-Occupants of 1–4 Unit Properties are contained in the checklist set forth in section K of HUD Form 6230. The standards for completeness for applications for section 312 Rehabilitation Loans for Investor Properties, including those for $200,000 or above and for the set-aside of funds described in section 5, are contained in the checklist set forth in section K of HUD Form 6243.

If the application is incomplete, it is removed from the log table and returned to the LPA with instructions to complete it. A corrected application may be resubmitted, in which case it will be logged in by date the resubmission is received and will follow the procedures outlined in 1–3 above, as if it were a new application.

4. If an owner-occupant application (HUD–6230) is determined to be complete, it is reviewed by the Rehabilitation Management Specialist for compliance with the appropriate program requirements and, if in compliance, is approved for an obligation of funds. These loan applications are approved in the order logged in and ahead of any owner-investor loan applications logged in on the same date by the Field Office.

When received on the same day, loan applications for Owner-Occupants 1–4 Unit Properties (HUD Form 6230) from low income applicants have statutory priority for funding over all other loan applications for section 312 funds.

5. An investor-owner application (HUD–6243) may take a two-step funding path. Basic, preliminary information may be submitted to receive a set-aside of funds. (See section K of Form 6243 for details).

If a HUD–6243 application is determined to be complete and eligible for purposes of a cash management system set-aside, the Rehabilitation Management Specialist reserves the funds with the Cash Management Contractor and notifies the LPA and applicant that they have 60 days or until August 1, 1991 (whichever is first) to submit the remaining exhibits required for a complete application for loan approval. It will retain its place in line throughout its review even though these exhibits may be submitted later.

An investor-owner application does not have to be submitted for a cash management set-aside. It may be initially submitted as a complete application for loan approval.

When a HUD–6243 application is determined to be complete and eligible for loan approval, i.e., it meets all program requirements, it is approved for funding. Subject to paragraph 4, these loan applications are approved in the order logged in, except if two or more investor-owner applications are received on the same date by the Field Office, priority is given first to applications from nonprofit owners that qualify for the 3.25 percent interest rate and second to applications from cooperatives that qualify for the 3 percent interest rate. Within these two groups, priority is given in the order the applications provide the highest percentage of units affordable to low- and moderate-income families after rehabilitation.

Investor-owner loans below $200,000 are approved by the Field Office CPD Director. Investor-owner loans for $200,000 or above are approved by the Field Office CPD Director and forwarded for concurrence to the Director of the Office of Urban Rehabilitation in HUD Headquarters.

If the Director of Urban Rehabilitation finds the Field Office Director's approval acceptable, his concurrence is noted in section O of the application, HUD Form 6243. If unacceptable, the application is disapproved by the Director as noted by his nonconcurrence in section O and his reasons for disapproval shall be stated in section P of the application.

II. Application Process

Application packages are available from the respective HUD Field Office and/or LPA for the city or area. A list of HUD Offices and contact persons appears at the end of this notice.

Complete applications for loan approval for investor-owners (HUD 6243) for loans $200,000 or above must be received no later than c.o.b. August 1, 1991, at the respective HUD Field Office. The deadline for applications for all other loans is established by each HUD Field Office.

Applications can be submitted by the prospective borrower only with the

assistance and the approval of the LPA, as described in the loan application package.

III. Checklist of Application Submission Requirements

A checklist of required application submission documents may be found in section K on page 7 of HUD Form 6243.

IV. Corrections to Deficient Applications

After the August 1, 1991, deadline, an applicant may only cure any technical deficiencies relating to an otherwise fundable application. An applicant will not be permitted to improve his or her proposal by filing statements that address substantive requirements after that date. An applicant will, however, be permitted to provide clarifying information to resolve any conflicting information contained in the loan package. The HUD Field Office will notify an applicant's LPA of the deficiency by telephone, followed by notification in writing. The applicant must submit corrections received by HUD within 14 calendar days of the date of the written notification.

V. Other Matters

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that this Notice does not have "federalism implications" because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of power and responsibilities among the various levels of government. This Notice announces funding for an established rehabilitation program.

Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this notice does not have potential significant impact on family formation, maintenance, and general well-being.

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. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays 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.

All references relating to certifications, Executive Orders, and other directives are found in HUD Form 6243 and the instructions to the Form.

Authority: Section 312 of the Housing Act of 1964, 42 U.S.C. 1452b.

Dated: May 30, 1991.

Anna Kondratas,

Assistant Secretary for Community Planning and Development.

[FR Doc. 91–13632 Filed 6–7–91; 8:45 am]

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federal register

Monday
June 10, 1991

Part IV

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Section 8 Assistance under the Loan Management Set-Aside (LMSA) Program; Notice of Funding Availability

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing— Federal Housing Commissioner

[Docket No. N-91-3247; FR-3045-N-01]

Section 8 Assistance Under the Loan Management Set-Aside (LMSA) Program; Notice of Fund Availability

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of Fund Availability for Fiscal Year 1991.

DATES: Application is due on or before July 10, 1991. To be acceptable, applications must conform to requirements set forth in this Notice and the Loan Management Set Aside program application requirements found in 24 CFR part 886. An application received after the aforementioned due date will only be considered under the "emergency" procedures described in this Notice and only to the extent that sufficient LMSA resources are available at the time of the application.

SUMMARY: This Notice of Fund Availability (NOFA) announces the availability of approximately $240 million in Section 8 funds for Loan Management Set-Aside (LMSA) assistance. In the body of this document is information concerning the following:

(a) The purpose of the NOFA and information regarding eligibility, available LMSA assistance, and selection criteria;

(b) Application processing, including how to apply and how selections will be made; and

(c) A checklist of steps and exhibits involved in the application process.

FOR FURTHER INFORMATION CONTACT: William Schick, Chief, Program Support Branch, Office of Multifamily Housing Management, Department of Housing and Urban Development, room 6164, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 708-2654. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Information Collection Requirements

The Office of Management and Budget has approved the Loan Management Set-Aside Program under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520) and has assigned it OMB control number 2502-0407.

I. Purpose and Substantive Description

(a) Authority

The Loan Management Set-Aside ("LMSA") program provides special allocations of Housing Assistance Payments ("HAP") under section 8 of the United States Housing Act of 1937, 42 U.S.C. 1437f. Title 24 of the Code of Federal Regulations, part 886, subpart A sets forth rules for administration of the LMSA program. Matters addressed in the LMSA regulation include: (1) Application contents (§ 886.105), (2) requirements for HUD approval of applications (§ 886.107), (3) owner responsibilities under the program (§ 886.119), and (4) rules governing Federal preferences in the selection of tenants (§ 886.132). The primary purpose of the LMSA program is to reduce claims on the Department's insurance fund by aiding those FHA-insured or Secretary-held projects with immediately or potentially serious financial difficulties. First priority is given to projects with presently serious financial problems which are likely to result in a claim on the insurance fund in the near future. To the extent that resources remain available, assistance also may be provided to projects with potentially serious financial problems which, on the basis of financial and/or management analysis, appear to have a high probability of producing a claim on the insurance fund within approximately the next five years.

(b) Allocation Amounts

This Notice of Funding Availability (NOFA) announces availability of at least $240.6 million from Fiscal Year 1991 Section 8 LMSA program funds for purposes of avoiding claims on the Department's insurance fund. Pursuant to this Notice, HUD is accepting applications for assistance under the LMSA program from owners of FHA-insured or Secretary-held multifamily projects with immediately or potentially serious financial difficulties. All LMSA assistance awarded from these Fiscal Year 1991 program funds will have a term of five years, with no contractual provision for renewal of the contract at the end of the five-year term. This NOFA does not govern non-competitive assistance awards under the Section 8 LMSA program pursuant to specific regulatory authority (e.g., LMSA assistance as a prepayment plan of action incentive under § 248.231(e) or such assistance under § 219.325(b)(4) to alleviate the effect of rent increases resulting from debt service on capital improvement loans).

(c) Eligibility

Projects eligible for LMSA assistance include: (1) Any existing subsidized or unsubsidized multifamily residential project subject to a mortgage insured under any section of the National Housing Act; (2) any such project subject to a mortgage that has been assigned to the Secretary; (3) any such project acquired by the Secretary and thereafter sold under a Secretary-held purchase money mortgage; and (4) a project for the elderly financed under section 202 of the Housing Act of 1959 (except projects receiving assistance under 24 CFR part 885). References to HUD-Held or Secretary-Held projects throughout this Notice include any project which meets one of the descriptions in (2)-(4) above.

(d) Selection Criteria/Ranking Factors

(1) Application Review

Each application for assistance under the LMSA program will be reviewed by the HUD Field Office having jurisdiction over the project in question. Within 10 days of receipt of each completed application, the HUD Field Office must notify the chief executive of the unit of general local government in which the proposed assistance is to be provided of the opportunity for comment on the application (see 24 CFR part 791). After providing the opportunity for local government review and comment, the HUD Field Office will decide whether the application meets regulatory approval requirements described in § 886.107. The Field Office's approval of the application must be based on the following determinations:

(i.) HUD's Fair Housing requirements are met;

(ii.) The HUD-approved unit rents are approvable within the limitations described in § 886.110, which are based on HUD's Fair Market Rents;

(iii.) The residential units meet the housing quality standards set forth in § 866.113, except for such variations as HUD may approve;

(iv.) A significant number of residents, or potential residents in the case of projects having a vacancy rate over 10 percent, are eligible for and in need of Section 8 assistance;

(v.) The proposed Section 8 assistance would not affect other HUD-related multifamily housing within the same neighborhood in a substantially adverse manner. Examples of such adverse effects are substantial move-outs from nearby HUD-related multifamily housing, or substantial diversion of prospective applicants from such projects to the subject project;

(vi.) The project has presently serious financial problems, which are likely to result in a claim on the insurance fund in the near future, or the project has potentially serious financial problems which, on the basis of financial and/or management analysis, appear to have a high probability of producing a claim on the insurance fund within approximately the next five years;

(viii.) The proposed Section 8 assistance for the project would solve an identifiable problem and provide a reasonable assurance of long-term project viability. A determination of long-term viability must be based on the following findings:

(A) The project is not subject to any serious problems that are non-economic in nature. Examples of such problems are poor location, structural deficiencies or disinterested ownership;

(B) The owner is in substantial compliance with the Regulatory Agreement. Owners are not diverting project funds for personal use. No dividends have been paid during any period of financial difficulty;

(C) The current management agreement has been approved by HUD, and the management agency is in substantial compliance with the HUD-approved management agreement. Financial records are adequately kept. Occupancy requirements are being met. Marketing and maintenance programs are being carried out in an adequate manner, based upon available financial resources;

(D) The project's problems are primarily the result of factors beyond the control of the present ownership and management;

(E) The major problems are traceable to an inadequate cash flow;

(F) The proposed Section 8 assistance would solve the cash flow problem by: (1) Making it possible to grant needed rent increases; and (2) Reducing turnover, vacancies and collection losses;

(G) The owner's plan for remedying any deferred maintenance, financial problems, or other problems is realistic and achievable; there is positive evidence that the owner will carry out the plan. Examples of such evidence are the owner's past performance in correcting problems and, in the case of profit-motivated owners, any cash contributions made to correct project problems.

(ix.) For projects with a history of financial default, financial difficulties or deferred maintenance, any plan for remedying defaulted or deferred obligations submitted pursuant to § 886.105(d) must be adequate in HUD's determination.

In its review of an application, the HUD Field Office will consider recent physical inspections, management reviews, and tenant complaints and comments. If there is no detailed HUD physical inspection report dated within one year of the date an application for LMSA assistance is received in the reviewing office and containing a description and estimated cost of required repairs, or there is no comprehensive management review report within the same period, the HUD Field Office may schedule a comprehensive inspection and/or management review in conjunction with its review of the application for LMSA assistance. Final approval of the LMSA application and execution of a subsidy contract in such case, will be contingent upon satisfactory modification of the owner's plan to include solutions for any additional problems discovered in the scheduled review(s).

After HUD Field Offices have determined which applications meet LMSA program requirements, the projects which are both eligible for, and in need of, additional LMSA assistance must be reported to HUD Headquarters for further consideration under the competitive selection procedures outlined in this Notice. Projects awarded subsidy from Fiscal Year 1991 LMSA program funds may be selected under "general" or "emergency" procedures as described below. If an application can be approved only on certain conditions, the HUD Field Office must notify the owner of the conditions and specify a time limit by which those conditions must be met. A project with a conditional approval may be reported to Headquarters by the HUD Field Office for further processing under procedures set forth below; however, execution of an LMSA contract for any units which may be allocated to the project in the Headquarters process, will be contingent upon the owner's compliance with the approval conditions. Where the HUD Field Office concludes that an application will not meet LMSA program requirements, processing of the application is completed upon the Field Office's notification to the applicant of the reasons for disapproval.

(2) General LMSA Funding

(i.) *Annual needs survey.* Fiscal Year 1991 general funding awards will be selected from projects approved by HUD Field Offices and reported to HUD Headquarters in response to the Fiscal Year 1991 annual needs survey. The Field Offices' needs survey responses will be due in HUD Headquarters after the due date announced in this Notice for program applications. HUD Field Office staff must determine and report to Headquarters the minimum number of LMSA units needed to cure each project's vacancy and cash flow problems, subject to a limit on total project-based Section 8 assistance for projects with unsubsidized mortgages of 40 percent of total units in the project. When the respective HUD Field Office determines that a project with an unsubsidized mortgage needs Section 8 assistance above the 40 percent level, or when the project was developed as a retirement service center, a recommendation by the Field Office will be subject to further review under the emergency procedures described below. In all such cases, the Field Office's justification for LMSA units must document that project management has an aggressive and workable plan in place for leasing the market rate units in the project. A project is considered unsubsidized for the purpose of LMSA funding selections if the HUD mortgage is unsubsidized. The definition of subsidized project for purposes of section 203 of the Housing and Community Development Amendments of 1978, which includes projects with over 50 percent of total units assisted under certain Section 8 subprograms, pertains to management and disposition of projects which have been acquired by HUD and is not applicable to projects eligible for LMSA assistance.

HUD Field Offices will include in their needs survey reports, data needed by HUD Headquarters to classify approved projects into four priority categories and to establish a funding score for each project.

(ii.) *Determination of Priority Category.* Fiscal Year 1991 LMSA funds will be allocated in the following order of priority:

(A) Insured projects with presently serious financial problems likely to result in a mortgage insurance claim in the near future;

(B) Insured projects with potentially serious financial problems which appear to have a high probability of producing a mortgage insurance claim within approximately the next five years;

(C) HUD-held and Section 202 projects with presently serious financial problems; and

(D) HUD-held and Section 202 projects with potentially serious financial problems.

For purposes of determining which projects will be classified in Category A for insured projects and Category C for HUD-held and Section 202 projects, HUD will consider a project to have "presently serious financial problems" if

either of the following two financial ratios is less than or equal to zero:

Income/Expense Ratio, defined as follows: (Net Income or Loss Before Depreciation LESS Annual Debt Service and Reserve Payments) Times 100 Divided by: Total Annual Cost of Operating the Project

or,

Ratio of Surplus Cash (or Deficiency) to Monthly Mortgage Payment, defined as follows: Total Cash LESS Total Current Obligations Divided by: Total Monthly Mortgage Payment

A negative income/expense ratio occurs when there was a net loss during the period or when net income before depreciation was less than annual debt service plus reserve payments. The project did not generate sufficient cash flow from operations in the previous year to cover its cash requirements, suggesting cash flow difficulties which were possibly severe and, if left unresolved, are likely to result in financial problems in the current year. Comparison to the total cost of operating the project provides an indication of the seriousness of any negative cash throw-off, since the size of the problem generally varies directly with the absolute value of the ratio.

The second ratio approximates the project's Mortgage Payment Coverage Ratio and is negative when there is a cash deficiency, i.e., the surplus cash calculation is less than zero. A cash deficiency means that cash available to the project at the end of the period, including any subsidy vouchers due for the period, is less than the amount needed to cover current obligations. A cash deficiency points to a severe liquidity problem since the project cannot even meet its past obligations without some form of relief. Calculation of the ratio of surplus cash (deficiency) to the total mortgage payment provides an indication of the project's ability to make the next mortgage payment after past obligations are met, without depending upon the next month's rent collections.

The two ratios defined above will be calculated using financial data contained in the project's annual audited financial statement for calendar year 1990, except for projects with fiscal year end dates later than December 31, 1990 where the most recent annual audited financial statement for a fiscal year period ending in 1990 or later will be used.

A result of zero or less on either of the two ratios suggests that the project has a present financial problem. These ratios were selected because they provide a straightforward means of identifying projects with cash flow difficulties. Projects with both ratios in the positive range may be added to Category A for insured projects or Category C for HUD-held projects based on written justifications by HUD Field Offices documenting appropriate circumstances. For example, a substantial increase in vacancies in recent months may warrant elevating the project's priority category. The justifications will be reviewed by Headquarters staff in the Office of Multifamily Housing Management, who will resolve any issues with the respective HUD Regional and Field Offices and approve, or disapprove, the change in priority.

(iii.) *Determination of Ranking Within Priority Category.* The number of projects which can be funded from Fiscal Year 1991 resources will depend upon the units and budget authority designated in Field Office approvals. If LMSA program funds are available to fund some, but not all of the projects in a given priority category (after funding all projects in higher priority categories), any project selections from the given category will follow from a ranking of projects within that category using a funding score. A maximum score of 100 points (95 points for HUD-held projects) may be accumulated on the basis of the following project characteristics and maximum point potentials:

(A) Occupancy—25 points. Calculation: No. of occupied units Divided by Total Units in the project. Lower values yield higher points.

(B) Owner advances or contributions since October 1, 1988—25 points. Calculation: Total of owner advances or contributions during the period Divided by Total Units in the project. Larger values yield higher points.

(C) Tenants paying in excess of 40 percent of their income for rent—15 points. Calculation: No. of units occupied by tenants paying over 40 percent of their income for rent Divided by Total units in the project. Larger values yield higher points.

(D) Income/Expense Ratio—15 points. Calculation: As defined above. Smaller values yield higher points.

(E) Ratio of Surplus Cash (Deficiency) to Total Monthly Mortgage Payment—15 points. Calculation: As defined above. Smaller values yield higher points.

(F) For HUD-insured projects only, Mortgage balance per dollar of additional subsidy—5 points. Calculation: Mortgage principal balance Divided by Proposed LMSA annual contract authority. Larger values yield higher points.

(iv.) *Funding for Selected Projects.* For all projects selected for funding in Fiscal Year 1991, the number of additional Section 8 units allocated will be the number of LMSA units recommended by the HUD Field Office, provided that HUD Headquarters confirms the Field Office's determination that the projects have met all program requirements. However, an allocation may not exceed the difference between total units in the project and the number of units already assisted under project-based tenant subsidy contracts (project-based Section 8 subprograms, Rent Supplement and Rental Assistance Payments). Also, if the Field Office's recommendation exceeds the sum of vacant units plus the number of tenants paying more than 40 percent of income for rent, the respective HUD Regional Office must review and approve the number of LMSA units recommended.

If approved, notification of a general funding award will be made through the HUD Field Office. If an application can be approved only on certain conditions, HUD will notify the owner of the conditions and specify a time limit by which those conditions must be met. Disapproved applicants will also be notified with a statement of the grounds for disapproval.

(3) Emergency LMSA Funding.

Up to five percent of the LMSA funds announced in this Notice may be made available for funding projects recommended to HUD Headquarters by the respective HUD Field Offices for emergency LMSA assistance. Projects which meet one of the three conditions listed below may be considered for emergency funding pursuant to this NOFA:

(i.) The project is submitted to HUD Headquarters separately from the Fiscal Year 1991 needs survey;

(ii.) The project was recommended on the Fiscal Year 1991 needs survey, but was not selected in the general funding process; or

(iii.) The project is encumbered by an unsubsidized HUD mortgage and the project either was developed as a retirement service center, or requires more units than permitted under the General LMSA Funding section of this NOFA to alleviate emergency conditions which will likely result in a mortgage assignment in the near future or which involve matters affecting the health and safety of tenants.

All application and Field Office review procedures pertaining to the LMSA program must be carried out for emergency recommendations. In addition, an emergency recommendation must have written concurrence from the Director of Housing in the appropriate

HUD Regional Office. HUD Field Offices must demonstrate that provision of the proposed LMSA units is likely to avert a mortgage default or assignment in the near future, and the request to HUD Headquarters must explain why funds are needed on an emergency basis. Headquarters will not consider any emergency funding request which does not have written Regional Office concurrence.

After the deadline for HUD Field Offices' responses to the annual needs survey, only emergency requests will be accepted by HUD Headquarters for processing from Fiscal Year 1991 LMSA program funds. In all cases governed by these emergency procedures, consideration will only be given to the extent that sufficient LMSA resources are available to fund the proposed assistance. HUD Headquarters must review Field Office justifications and must find that provision of LMSA units is an appropriate response to the circumstances documented by HUD Field staff. If an emergency request is approved, notification of the subsidy award will be made through the HUD Field Office.

II. Application Process

(a) Completed applications must be submitted to the HUD Field Office having jurisdiction over the multifamily property for which assistance is requested.

(b) For consideration under the General LMSA Funding procedures set forth previously in this Notice, a completed LMSA application must be submitted within 30 days from the date of publication of this Notice, or the application deadline date specified in this Notice, whichever is later. If submitted on the application deadline date, the completed application package must be received by the official close of business in the HUD Field Office receiving the application. (Contact the respective HUD Field Office for the official close of business hour at that office.)

Applications received after the due date specified in this NOFA will be considered for LMSA assistance only if the Secretary determines that such assistance is needed immediately in response to emergency circumstances and only to the extent that sufficient Fiscal Year 1991 LMSA budget authority remains to satisfy the subsidy requirement.

(c) A complete application must be submitted in an envelope, package, or binding which includes all parts of the application in their entirety as they are described in the next section of this NOFA.

(d) An owner who applied for LMSA assistance in a prior year and did not receive the desired number of units may re-apply in order to receive reconsideration of the request in Fiscal Year 1991. The Fiscal Year 1991 LMSA application must contain current information and conform to all requirements outlined in this Notice.

III. Checklist of Application Submission Requirements

(a) LMSA applications must meet the requirements for eligible projects set forth in § 886.105 of the LMSA regulations, and must include:

(1) Information on gross income, family size and amount of rent paid to the project by families currently in residence;

(2) Information on vacancies and turnover;

(3) Estimate of effect of the availability of the requested section 8 LMSA assistance on marketability of units in the project;

(4) For projects having a history of financial default, financial difficulties or deferred maintenance, a plan and a schedule for remedying such defaulted or deferred obligations.

To be credible, the owner's plan and schedule for remedying defaulted or deferred obligations, including deferred maintenance, must clearly state each problem being addressed and for each stated problem, the plan must enumerate proposed actions for curing the problem. Proposed actions must be presented in trackable form, with the specific dates that each action would begin and end if the requested LMSA subsidy were awarded.

Further, the plan must include a statement of the sources and uses of all financial resources needed to complete the plan, including any cash contributions from the owner.

Since HUD's approval must be based in part on evidence that the plan will be carried out, the owner must incorporate in the proposed improvement plan a certification that the plan will be executed as presented and that sources of funds identified in the plan, other than the LMSA assistance applied for, will be available by the scheduled dates (any conditions must be stated, e.g. "subject to HUD approval of Flexible Subsidy"). The certification must include a statement that the owner has made every effort to secure funding from all possible funding sources and must be accompanied by supporting documentation of those efforts. Finally, the owner's certification must include a statement of the owner's agreement to modify the plan, prior to execution of an LMSA contract, for the purpose of including any changes which the HUD Field Office determines are necessary to address problems not identified or inadequately addressed in the plan, as indicated by recent HUD physical inspections, management reviews or records of tenant complaints and comments, or by HUD physical inspections and/or management reviews which may be scheduled in conjunction with review of the LMSA application.

(5) Total number of units by unit size (by bedroom count) for which section 8 assistance is requested; and

(6) Affirmative Fair Housing Marketing Plan on Form HUD–935.2.

In addition to the application submission requirements cited in the LMSA regulation, the following items must be included in the LMSA application package:

(7) All documentation required by HUD Notice 90–17, Combining Low-Income Housing Tax Credits (LIHTC) with HUD Programs, and/or the Notice of administrative guidelines to be applied to assistance programs of the Office of Housing published on April 9, 1991 (56 FR 14436).

(8) All disclosures, certifications and other reporting required by 24 CFR 12.32; or a certification with respect to other government assistance, as required by 24 CFR 12.52(d). Part 12 of title 24 of the Code of Federal Regulations was published on March 14, 1991 (56 FR 11042).

(9) Disclosures and verification requirements for Social Security and Employer Identification Numbers, as provided by 24 CFR part 750.

(10) Certification and disclosure according to HUD Notice H–90–27 entitled "OMB's Guidance on New Government-wide Restrictions on Lobbying" issued April 13, 1990.

(11) Form HUD–2530, Previous Participation Certificate(s) for all principals requiring clearance under those procedures.

(12) A written certification stating that the owner will comply with the provisions of the Fair Housing Act, title VI of the Civil Rights Act of 1964, Executive Orders 11063 and 11246, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, section 3 of the Housing and Urban Development Act of 1968, as well as with all regulations issued pursuant to these authorities.

(13) Certification that the applicant will comply with the governmentwide rule implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended, codified at 49 CFR part 24. The HUD Handbook is 1378,

Tenant Assistance, Relocation and Real Property Acquisition.

(b) Copies of HUD forms and notices cited in the list of application requirements may be obtained from the HUD Field Office having jurisdiction over the project to which the application applies.

IV. Corrections to Deficient Applications

(a) After the submission date for applications, no changes to application documents will be accepted, except for correction of technical deficiencies which do not alter the substance of the application materials. Examples include a missing certification, or missing signature. (Reasonable changes to the owner's corrective plan resulting from negotiations with the HUD Field Office during the application review period, are not governed by this section.)

(b) HUD will notify an applicant in writing, shortly after the application response deadline, of any technical deficiencies in the application. The applicant must submit corrections within 14 calendar days from the date of HUD's letter notifying the applicant of any such deficiency.

(c) The applicant must submit corrections to the same HUD Field Office at which the original application was filed, by the official close of business on the 14th calendar day following the date of the HUD letter notifying the applicant of the deficiency. The applicant must submit the corrected document(s) with a separate written summary of all changes from the original submission.

V. Other Matters

(a) HUD regulations in 24CFR part 50, implementing section 102(2) (C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities, and programs specified in 50.20. Since the activities set forth in this Notice are within the exclusion set forth in 50.20(d), no environmental assessment is required, and no environmental finding has been prepared.

(b) *Executive Order 12612, Federalism.* The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this NOFA does not have "federalism implications" because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of power and responsibilities among the various levels of government.

(c) *Executive Order 12606, the Family.* The General Counsel, as the Designated Official under Executive Order 12606, *the Family,* has determined that this NOFA does not have potential significant impact on family, formation, maintenance, and general well-being.

Authority: Section 8 of the United States Housing Act of 1937, 42 U.S.C. 1437f.

Dated: May 30, 1991.

Arthur J. Hill,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 91-13634 Filed 6-7-91; 8:45 am]

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federal register

Monday
June 10, 1991

Part V

Environmental Protection Agency

40 CFR Part 761

Disposal of Polychlorinated Biphenyls (PCBs); Advanced Notice of Proposed Rulemaking and Availability of Draft Guidance

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS-66009; FRL 3845-4]

Disposal of Polychlorinated Biphenyls

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: EPA is providing advance notice of proposed rulemaking (ANPRM) for the disposal of certain classes of PCBs and PCB Items and certain other areas of the PCB regulations under the Toxic Substances Control Act (TSCA). EPA is considering amending its TSCA PCB disposal regulations [40 CFR 761.60] to address (1) alternative disposal methods to those currently permitted which do not pose an unreasonable risk of injury to human health and the environment, (2) classes of PCBs and PCB Items not contemplated by the disposal regulations, and (3) regulatory requirements for existing classes of PCBs and PCB Items. EPA is soliciting written comments on these and other areas of the PCB regulations. This ANPRM also constitutes an "initiation of a proceeding" under TSCA section 6 in response to a petition filed under TSCA section 21 (Refs. 1 and 2) which EPA granted by letter dated June 8, 1990 (Ref. 3).

DATES: Written comments on the ANPRM or other issues raised by this notice must be submitted on or before August 9, 1991.

ADDRESSES: Three copies of comments identified with the document control number (OPTS-66009) must be submitted to: TSCA Public Docket Office (TS-793), Office of Toxic Substances, rm. NE G004, Environmental Protection Agency, 401 M St., SW., Washington DC 20460. A public record has been established and is available in the TSCA Public Docket Office at the above address from 8 a.m. to 12 noon, and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, rm. E-543B, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551, FAX (202) 554-5603 (document requests only).

SUPPLEMENTARY INFORMATION: Elsewhere in this issue of the **Federal Register**, EPA is soliciting comments on a draft guidance document regarding disposal alternatives to chemical waste landfills for non-liquid PCBs.

I. Background

The TSCA PCB disposal regulations are set forth in 40 CFR 761.60. In general, the scope of the TSCA PCB disposal regulations is limited to PCBs and PCB Items with concentrations of 50 parts per million (ppm) and above [40 CFR 761.1(b)]. PCBs and PCB Items contaminated at levels less than 50 ppm may be regulated if the original PCB material was contaminated at levels of 50 ppm or above [40 CFR 761.1(b)]. The general regulation regarding the disposal of PCBs requires disposal in an incinerator that complies with 40 CFR 761.70 [40 CFR 761.60(a)(1)]. There are five exceptions to this general regulation for various categories of PCBs which are set forth in § 761.60(a)(2), (3), (4) and (5) and (e).

These exceptions provide additional methods of PCB disposal other than incineration for the categories of PCBs listed under each exception. These methods include chemical waste landfill, high efficiency boiler, a method approved by the Regional Administrator of the Region in which the material is located, and an approved alternative method of destruction equivalent to incineration. Each of these additional disposal methods is not necessarily available for all categories of PCB waste. The TSCA PCB disposal regulations prescribe the method of disposal that is available for each category of material. PCBs which do not fall into one of these five exceptions must be incinerated in accordance with the general regulation stated in 40 CFR 761.60(a)(1).

Certain classes of PCB Items are regulated for disposal under 40 CFR 761.60(b),(c), and (e). Currently, PCB Articles are regulated under 40 CFR 761.60(b). PCB Containers are regulated under 40 CFR 761.60(c). Procedures for obtaining approval for an alternate method of destroying PCBs and PCB Items are provided at 40 CFR 761.60(e). The regulatory requirement for a PCB Item may prescribe a particular method of disposal for the Item itself (such as incineration or disposal in a chemical waste landfill) or specify a means for rendering the Item unregulated for disposal (such as draining the Item of PCB liquids). To determine how particular classes of PCB Items are regulated for disposal, the appropriate regulatory provision at 40 CFR 761.60 should be consulted.

II. Advanced Notice of Proposed Rulemaking For PCB Disposal Regulations

Since the Agency first promulgated its PCB use and disposal regulations in 1978 and 1979, EPA's knowledge about the universe of PCB materials has increased greatly. The Agency has gained valuable knowledge and experience regarding the various sources and uses of PCB materials. Many other disposal alternatives to incineration have been identified since that time.

Over the past 12 years, EPA has had the opportunity to evaluate and draw conclusions about the effectiveness of the PCB regulations in preventing an unreasonable risk to human health and the environment from exposure to PCBs and their economic impact. At the present time, EPA is investigating whether new and innovative technologies (e.g., biodegradation, solvent extraction from soils and *in-situ* vitrification) are potential regulatory disposal options that effectively and safely manage PCBs. EPA is also considering re-examining the scope of PCBs and PCB Items subject to the disposal regulations. The objective of the anticipated rulemaking is to modify the current PCB regulations to allow for maximum flexibility in controlling PCBs or PCB Items based on their risk to human health and the environment while providing for the Regions to make site-specific decisions about PCB disposal options to the maximum extent possible.

The purpose of this Advanced Notice of Proposed Rulemaking (ANPRM) is to announce the Agency's intent to reconsider portions of its PCB regulations based upon information and experience acquired over the past 12 years in dealing with PCBs. EPA solicits written comments that will assist EPA in achieving this objective.

One type of information the Agency is soliciting for its proposed rulemaking relates to alternative disposal methods. The Agency welcomes comments on the effectiveness of various disposal alternatives in reducing the toxicity, volume or mobility of the PCBs; the range of environmental media applicable to each disposal alternative; the cost of each disposal alternative; and the potential for any environmental impact resulting from use of the disposal alternative (e.g., cross-media pollution, incidental environmental impact).

In addition to alternative disposal methods for PCBs, EPA wishes to solicit comments on disposal of classes of PCBs and PCB Items which EPA was unaware of when it promulgated the

original disposal regulations. Comments should identify such PCBs and PCB Items and should provide EPA with either risk information or other clear information which establishes whether disposal of these items according to various methods poses a risk of injury to health or the environment.

EPA also wishes to receive comments on currently regulated PCBs and PCB Items for which there do not exist adequate regulatory disposal alternatives. Comments regarding currently regulated PCBs or PCB Items should address the specific inadequacy of the regulatory alternative (e.g., inadequate disposal facility capacity, undue financial burden, adverse environmental impact from current disposal alternatives). Examples of PCBs and PCB Items currently under consideration for more flexible regulation include large volume, non-liquid PCB wastes such as contaminated shredder waste; large volume PCB Items such as natural gas pipeline; mixed wastes such as PCB/radioactive wastes; and PCBs and PCB Items not originally contemplated by the disposal regulations such as household wastes (e.g., used paint), PCBs in HVAC gaskets and PCBs in gaskets and felt sound-dampening material in marine applications. Although some of these PCBs or PCB Items are concurrently regulated by other Federal, State or local law, EPA is seeking to address the problems presented by the TSCA regulations alone.

A. Large Volume, Non-Liquid PCB Wastes

EPA is requesting comment on additional disposal methods for large volume, non-liquid PCB wastes that do not present an unreasonable risk. Currently, these materials may be disposed of in an incinerator that complies with 40 CFR 761.70, in a chemical waste landfill that complies with 40 CFR 761.75, or pursuant to an approved alternate method of destruction equivalent to incineration, 40 CFR 761.60(e).

Since 1978, EPA has permitted the disposal of non-liquid PCB wastes in chemical waste landfills (43 FR 7153). In 1978, the Agency believed that this disposal method represented a practical alternative to incinerating these materials. EPA now believes that there are additional disposal methods that do not pose an unreasonable risk of injury to human health or the environment for some large volume, non-liquid PCB wastes. Examples of large volume, non-liquid PCB wastes include those from the shredding of automobiles, white goods and industrial scrap, as well as certain classes of soils, sludges and sediments.

Alternative disposal methods permitted by EPA include thermal destruction, physical separation, solidification/stabilization, biological and chemical dechlorination technologies. These methods are discussed at greater length in the draft guidance document, "Interim Guidance On Non-Liquid PCB Disposal Methods To Be Used As Alternatives To A 40 CFR 761.75 Chemical Waste Landfill (CWL)" (Ref. 4) which may be obtained by contacting the Environmental Assistance Division as reflected under the heading FOR FURTHER INFORMATION CONTACT.

B. Large Volume PCB Items

EPA is requesting comment on additional disposal methods for large volume PCB Items. Currently, if these materials are contaminated with PCBs at levels equal to or greater than 500 ppm, they may be disposed of in an incinerator that complies with 40 CFR 761.70, in a chemical waste landfill that complies with 40 CFR 761.75 (after draining and proper disposal of the drained liquid PCBs), or pursuant to an approved alternate method of destruction equivalent to incineration, 40 CFR 761.60(e).

Large volume PCB Items are those items whose comparatively large surface areas are contaminated with comparatively small quantities of PCBs. Examples of large volume PCB Items include natural gas pipelines, natural gas ventilation systems and air compressor systems. Large volume PCB Items present unique issues regarding their disposal. First, the location of PCBs in these Items is not always well known in contrast to smaller volume PCB Items such as transformers and capacitors. Identifying where or if mobile PCBs are located in large systems that contain PCBs (or once were in contact with PCBs during their use) at the time of their disposal is a prerequisite to utilizing a method of disposal which does not pose an unreasonable risk of injury to human health or the environment. Second, these Items are often contaminated with PCBs on their interior or exterior surfaces in non-liquid, rather than liquid, form. This can create difficulties in the sampling and measurement of the level of PCB contamination, i.e., in parts per million or milligrams per kilogram of material. This difficulty has been addressed by EPA in the development of its Spill Cleanup Policy by the use of surface level concentrations in the form of wipe samples and expressed in a surface measurement such as micrograms per 100 square centimeters. Third, under the current regulations, disposal of these items is required to be in a chemical waste landfill if the item is not decontaminated under an alternative disposal technology permit. Such disposal is not the best use of limited chemical waste landfill space given the degree of hazard that these large items present and the amount of the PCB Items that would have to be disposed.

EPA has interpreted its regulations to mean that smelting of PCB-contaminated electrical equipment is permissible because disposal of such equipment is unregulated by the PCB regulations. Similarly, disposal of PCB-contaminated articles such as PCB-contaminated pipeline is unregulated by the PCB regulations. Smelting is currently used to recover precious metal from the carcasses of PCB-contaminated electrical equipment from which all free flowing liquid has been drained. EPA has determined that "[T]o qualify as disposal, the practice [salvaging] must be one which would ... otherwise complete or terminate the useful life of PCBs or PCB Items. ... In sum, salvaging of less than 500 ppm drained [electrical] equipment is unregulated to the extent that: (1) Scrapping practices do not result in spills or uncontrolled discharges of PCBs, and (2) any PCB-contaminated components are not reintroduced into commerce."

EPA requests comment on whether it should regulate the disposal of these items, including data to support whether any such regulation is necessary to prevent an unreasonable risk of injury to health or the environment. Also, EPA requests recommendations on methods of decontaminating large volume PCB Items.

C. Radioactive Mixed Wastes

The Agency is also seeking information and comment regarding the regulation under TSCA of the continued use, storage and disposal of mixtures, items and wastes with both PCB and radioactive constituents. For the purposes of this notice, radioactive wastes include those regulated under the Atomic Energy Act (i.e., source, special nuclear and byproduct material) and Naturally-occurring and Accelerator-produced Radioactive Materials (NARM) subject to regulation under other statutes such as the Resource Conservation and Recovery Act (RCRA); Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); and the Clean Air Act (CAA) that may contain regulated PCBs. Information and/or comments should propose criteria for

authorization of continued use, storage and disposal of such materials which minimize risks to human health and the environment from PCBs and, with respect to the radioactive components, keep the risks As Low As Reasonably Achievable (ALARA). The Agency is interested in identifying and coordinating the use, storage, or disposal of such materials under TSCA with any other Federal statutory or regulatory requirements. However, since TSCA and the PCB regulations do not have statutory waivers, EPA is interested in receiving comments on whether the regulations should be amended to provide flexibility on a case-by-case basis to address specific use authorizations, specific storage requirements, issues unique to PCB/radioactive mixed waste management. For instance, the 1-year storage for disposal requirement for PCBs at 40 CFR 761.65(a) may have to be amended where no disposal technology for radioactive mixed wastes currently exists. (See Unit III.H.3. of this document for a further discussion of extending the 1-year storage for disposal requirement for radioactive mixed wastes.) Although EPA is not proposing in this rulemaking to address issues that arise because of regulations under statutes other than TSCA, EPA believes that there may be a number of issues that can be resolved by amending the PCB regulations.

D. Issues Not Originally Contemplated When the Rules Were Promulgated

EPA is considering a provision that would address household wastes and non-household wastes resulting from previously unknown uses of PCBs such as items that contain PCBs as an integral, but not an easily separable component of the item, as well as other situations not previously addressed.

As is consistent with the definition of "household waste" under Subtitle C of the Resource Conservation and Recovery Act (RCRA) regulations, EPA is considering excluding PCB household waste under TSCA. EPA may define household waste by the same criteria as is used under RCRA: (1) The waste must be generated by individuals on the premises of a household, and (2) the waste must be composed primarily of materials found in the wastes generated by consumers in their homes (49 FR 44978, November 13, 1984). PCBs found in used or partially used cans of household paint may fit into this category. EPA is requesting comments on other PCB wastes that may fit into this definition.

EPA, under current TSCA policy, requires that household wastes be separated (i.e., regulated PCB waste from unregulated wastes), and regulated waste be manifested and moved to a storage or a disposal facility within 10 days. Storage of the regulated PCB waste would have to be in a § 761.65(b) storage area and would be subject to the 1-year storage requirement.

In adopting a provision similar to the RCRA household waste exemption, EPA would distinguish commercial storage activities from collection programs established by municipalities for the removal and temporary storage of PCBs and other hazardous wastes found in household waste. This household waste exemption would essentially place these wastes in an unregulated status (i.e., household wastes regardless of PCB concentration would not be regulated for disposal). EPA solicits comments on the applicability of a household waste exemption under TSCA.

Additionally, EPA has recently discovered several widespread PCB applications which were not considered when the original regulations were developed. Significant levels of PCB contamination have been found in HVAC (heating, ventilation and air conditioning units) gaskets, as well as in gaskets and felt sound-dampening materials in marine applications (e.g., nuclear submarine reactor compartments and electrical cable). EPA solicits additional information on other locations where PCBs have been identified, in situations where the use of PCBs has not been authorized under the current regulations.

III. Other Regulatory Changes/Modifications

In today's notice, EPA is also soliciting comments on several aspects of the current PCB regulations which the Agency believes may require modification. Experience in implementing the PCB regulations has exposed several regulatory gaps which, if left unaddressed, would result in either ineffective or unnecessarily expensive health and environmental protection standards. The Agency will also take comments regarding other aspects of the PCB disposal regulations which may require modification or clarification. Comments should address the specific inadequacy of the regulatory provision(s). Issues on which comments are solicited include, but are not limited to, the following:

A. Marking

The requirements of the two marking sections (40 CFR 761.40(b) and (e)) which require marking of transport vehicles need to be combined. These two sections seem to require the same thing: the marking of transport vehicles when they are loaded with PCB material at 50 ppm or greater. In each case, one must mark a transport vehicle when it is loaded with PCB Containers that contain more than 45 kilograms (kg) of liquid PCBs in concentrations greater than 50 ppm.

This double coverage resulted from a change in definitions between 1977 and 1979. In the proposed regulation of May 24, 1977 (42 FR 26572), the regulatory language read: "Effective March 31, 1978 each transport vehicle loaded with PCB containers with more than 45 kg of PCB chemical substances or mixtures in the liquid phase ... shall be marked with mark ML." At that time, the definition of PCB Mixture meant PCBs greater than or equal to 500 ppm and the definition of PCB Chemical Substance meant a biphenyl molecule chlorinated to varying degrees. In the June 7, 1978 proposed regulation (43 FR 24804), EPA proposed to change the definition of PCB Mixture to greater than or equal to 50 ppm PCBs. This change was promulgated in the May 31, 1979 final regulation (44 FR 31514). In addition, in this final regulation, the terms "PCB Mixture" and "PCB Chemical Substance" were incorporated into the definition of "PCB" and "PCBs". The current regulation at 40 CFR 761.40(e) essentially updates 40 CFR 761.40(b) indicating that the 50 ppm PCB concentration trigger for the marking of transport vehicles begins October 1, 1979; prior to this date the trigger was 500 ppm.

EPA solicits comments on how best to remedy this duplication. Options include deleting either § 761.40(b) or (e) or deleting both sections and rewriting the requirement.

B. DOT Containers for Storage of PCB Waste

EPA regulations at 40 CFR 761.60(b)(2)(vi) and 761.65(c)(6) authorize the use of containers other than Department of Transportation (DOT) specification 5, 5B, or 17C for PCB shipment and storage, provided that "such containers are designed and constructed in a manner that will provide as much protection against leaking and exposure to the environment as the DOT specification containers, and be of the same relative strength and durability as the DOT specification containers."

The EPA regulations on PCB containers, as currently written, essentially require the use of the most durable DOT-approved containers (specification 5, 5B, and 17C) for PCB containment, shipment, and storage. The

design specifications and engineering criteria used in the manufacture of these drums (ability to withstand high internal pressures, survive drop tests from extended heights, etc.) are, in DOT's opinion, not really necessary, given the physical and chemical properties of PCBs. Finally, EPA is interested in receiving comments on whether the regulations should be amended to provide flexibility to the Regional Administrators in allowing the temporary storage of mixed radioactive/PCB wastes in other than DOT containers. EPA is aware of situations where mixed radioactive/PCB wastes need to be stored at the point of generation on a temporary basis to adequately characterize the waste prior to placement in DOT containers for shipment. DOT containers are inappropriate for storing wastes on a temporary basis since access to the materials once placed in the container is severely limited. Comments regarding the selection of alternate containers and/or applicable limitations are appropriate.

EPA solicits comments as to whether EPA should defer to DOT in all cases when the question of what type of packaging should be used to transport or store PCB waste. EPA could maintain the section but would revise it to simply state that when transporting or storing PCBs, one must comply with DOT's packaging requirements for materials classed as ORM-E materials in 49 CFR parts 171–180. Alternately, EPA may attempt to list all the drum types that DOT would allow for PCBs. Comments are also requested on how EPA should rewrite §§ 761.60(b)(2)(vi) and 761.65(c)(6) since DOT has finalized its rule published under DOT Docket No. HM–181 (December 21, 1990; 55 FR 52402), entitled "Performance-Oriented Packaging Standards; Changes to Classification, Hazard Communication, Packaging and Handling Requirements Based on UN Standards and Agency Initiative" (Ref. 9).

C. Policy Regarding the Definition of a PCB Transformer

EPA inspectors have encountered instances where they suspected the manufacturer's name plate and other identifying information had been removed from PCB Transformers to avoid the expense of properly disposing of the units. As a remedy for those situations where no identifying information exists to properly classify the transformer, EPA is considering amending the definition of a PCB Transformer at 40 CFR 761.3 to include the following language: "A transformer must be assumed to be a PCB Transformer if either of the following conditions exist:

(1) The transformer does not have a nameplate, has not been tested to determine PCB concentration, and there is no information available to indicate the type of dielectric fluid in it.

(2) The transformer is a mineral oil transformer, has not been tested, and reasons exist to believe that the transformer was filled with greater than 500 ppm PCB fluid."

This has been EPA's policy since 1979, and EPA seeks to strengthen this policy by including it within the regulatory text defining PCB Transformers (see the preamble to the "Ban Rule," 44 FR 31517, May 31, 1979).

In addition, there is still some confusion within the regulated community concerning the meaning of "PCB-Contaminated Electrical Equipment" as defined at 40 CFR 761.3. Part of the definition says that oil filled electrical equipment, other than those items that may be assumed to be less than 50 ppm PCBs, must be assumed to be PCB-Contaminated Electrical Equipment (i.e., between 50 and 499 ppm). Many have construed this to mean that a transformer with any fluid in it must be assumed to be PCB Contaminated. This is not the case. Unless there is reason to believe a transformer contains PCB (askarel) dielectric fluid or otherwise has 500 ppm PCB or greater (see 44 FR 31531), EPA allows a transformer to be classified as PCB-Contaminated (i.e., containing PCBs at concentrations between 50 and 499 ppm) only if the transformer contains mineral oil dielectric fluid.

In today's notice EPA solicits comments on the need to insert the word "mineral" before the words "oil filled electrical equipment" as referenced above to clarify this definition.

D. Drained PCB-Contaminated Transformers

The provisions in 40 CFR 761.60(b)(4) require that PCB-Contaminated electrical equipment (assumed to contain 50–499 ppm PCBs) be disposed of by draining all free flowing liquid from the electrical equipment and disposing of the liquid in accordance with § 761.60(a)(2) or (3). The disposal of the drained electrical equipment is not regulated. EPA has interpreted smelting of transformer carcasses for recycling to constitute disposal (Ref. 5).

Originally, EPA did not see any reason to regulate the disposal of the drained PCB-Contaminated electrical equipment due to the low potential exposure to humans and the environment and the valuable copper and steel that could be salvaged for recycling. However, EPA has received anecdotal information that the exposure risk to humans or the environment resulting from the disposal of this type of drained equipment may be significant and warrant additional control by the Agency. For example, EPA is aware of allegations concerning drained PCB-Contaminated Transformers that have been cut in half and illegally used a bar-b-que grills. Additionally, some salvaging operations allegedly place used automobile or truck tires around the cores of these transformers and ignite the tires so as to burn off any paper or cellulose in the core in order to reclaim the copper.

EPA is considering whether to restrict the disposal of these drained pieces of contaminated electrical equipment to ensure the equipment is not illegally reused and is soliciting comments on the types of controls/restrictions that should be put in place. Possible remedies to this problem are: requiring decontamination, stricter controls to ensure the unit was in fact drained of all free flowing liquid, and making the regulation explicitly state that salvaging of metals other than by smelting is not disposal of PCBs.

E. Temporary Storage of Greater Than 500 ppm PCB Liquid

The provisions of 40 CFR 761.65(c) permit the temporary storage of certain PCB Items in an area that does not meet the requirements of paragraph (b) of that section for up to 30 days from the date of their removal from service. Temporary storage is not allowed, under this section, for liquid PCBs greater than 500 ppm. The regulations under 40 CFR 761.20(c)(2) do, however, permit processing and distribution in commerce of PCBs and PCB Items greater than 50 ppm for purposes of disposal. EPA solicits comments on how it should regulate the following scenario: PCB Transformers (≧500 ppm PCBs) are slated for disposal; the liquid is drained into 55 gallon drums and the drums are to be transported to an approved storage or disposal facility. Does each drum have to be loaded onto the transport vehicle and transported each time it is filled, or should there be a reasonable amount of time allowed to temporarily hold or store these drums until the transport vehicle can be fully loaded? Should this temporary holding/storing be considered as being part of the processing for disposal of this waste or should the provisions for temporary storage be amended to include temporary storage of liquid PCBs at greater than 500 ppm?

EPA is soliciting comments on whether to allow the temporary storage of liquid PCB waste greater than 500 ppm, or to consider an activity as described in the preceding scenario as processing for disposal.

F. Sale of Totally Enclosed PCBs or PCB Items Greater Than 50 ppm

Currently, totally enclosed PCBs or PCB Items with PCB concentrations of 50 ppm or greater sold before July 1, 1979 for purposes other than resale may be distributed in commerce by resale (40 CFR 761.20). EPA is requesting comment on establishing a requirement that records be maintained on the sale of totally enclosed PCB Transformers and large PCB Capacitors. Records would list such information as the date of sale, name and address of purchaser, and the serial number of the PCB Item. By requiring that records be kept on PCB Transformer and large PCB Capacitor sales, EPA is attempting to limit illegal disposal by those who explain the disappearance of this equipment by claiming a sale has occurred, when in fact an illegal disposal has taken place. EPA is considering imposing a 3–year retention period for records documenting PCB Transformer and large PCB Capacitor sales. EPA is interested in receiving comments on establishing a recordkeeping requirement and the length of time such records should be maintained.

G. Spill Cleanup Policy

To reflect changes made to the reportable quantity under the Comprehensive Environmental Resource, Compensation and Liability Act (CERCLA), the Agency is considering revisions to PCB regulations at 40 CFR 761.125(a)(1) to require the reporting of PCB spills of 1 pound or more to the National Response Center. On August 14, 1989, EPA changed the reportable quantity of PCBs under CERCLA to 1 pound of pure PCBs (54 FR 33426). The reportable quantity to the regional EPA office under 40 CFR 761.125(a)(1)(iii) will remain the same. In addition, the Agency is confirming that it was the intent of the Spill Cleanup Policy to provide guidance for the cleanup of recent spills. Some individuals have attempted to use the Spill Cleanup Policy to address all spills, regardless of the age of the spill or the medium (e.g., where the contamination occurred such as releases into soil, water or other liquids). EPA stresses the point that the Spill Cleanup Policy only addresses recent spills in certain areas, and from certain sources, and for which cleanup begins within the stated timeframe (40 CFR 761.120).

The Agency recognizes that other cleanup standards for PCBs and mixtures of PCBs with other constituents may exist at both the Federal and State levels. These included standards or requirements for determining remediation levels as listed in the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300), and the requirements listed in the regulation proposed to address corrective action at RCRA facilities (55 FR 30798, July 27, 1990).

In some situations the Spill Cleanup Policy has been used to address PCB spills which either did not rightfully fall under the policy, or should have also fallen under the more stringent cleanup standards of other regulations. However, the Policy was never intended to address all spills, and the public should be aware that some cleanups may be subject to more (or less) stringent cleanup levels under other Federal and State regulations than are in the TSCA Spill Cleanup Policy. Therefore, the Agency is requesting comments on coordination of PCB spill cleanups with the requirements of other Federal statutes.

H. PCB Storage Requirements

1. *Indefinite storage of PCB Articles designated for reuse.* EPA regulations specifically state at 40 CFR 761.65(a) that PCB Articles or PCB Containers may be stored for disposal for no longer than 1 year. However, there currently is no comparable regulation for the length of time a PCB Article may be stored for the purpose of reuse. EPA had never intended allowing PCB Articles to be stored for an indefinite period of time. Further, it has come to EPA's attention that PCB Transformers and PCB-Contaminated Transformers have been held "in storage" well beyond a time when it is reasonable to expect the equipment could be reused under the pretext that the equipment is being retained as "spares" for critical components of electrical systems. EPA intends to make clear that items may not be placed in storage for an indefinite period of time under the pretense that they are "in use." EPA considers this activity to constitute illegal disposal. Therefore, EPA is considering a requirement to label PCB Articles at the time they are placed into storage for reuse and to limit the storage for reuse to a certain period of time. EPA solicits comments on this issue and, in particular, whether limitations should be placed on the period of time allowed for storage for reuse of certain PCB Items, or whether a more flexible approach, such as a requirement that a "reuse or reclassification schedule" be developed on a case-specific basis and submitted to EPA for approval with a justification which provides the rationale for requesting an extension and details regarding anticipated dates for removal from storage.

2. *Clarification of the 1–year storage for disposal requirement.* EPA wants to clarify the requirement at § 761.65(a) which states that "a PCB Article or PCB Container must be disposed of within 1 year from the date the item is first placed into storage." The intent of the regulation is to ensure disposal 1 year from the date the PCB Article or PCB Container is removed from service for disposal. For example, a PCB Transformer is removed from service on May 1 due to a rupture which rendered the equipment useless. Efforts to place the equipment in storage are hampered by circumstances beyond the owner/operator's control, and the transformer is placed into storage for disposal 25 days later. In this scenario EPA would interpret May 1 as the beginning date of the 1–year disposal requirement, not May 26. This interpretation is supported in the proposed regulation dated May 24, 1977 on page 26569 in the discussion of the time allowed for storage prior to disposal. The preamble states, "Thereafter, any item must be disposed of within 1 year from the time it is designated for disposal."

EPA is considering amending the language at § 761.65(a) to make explicit when the "storage for disposal" clock starts for PCB Items and solicits comments on this issue.

3. *Situations which warrant an extension of the 1–year storage for disposal requirement.* EPA is aware of at least two situations which may warrant an extension of the 1–year storage for disposal requirement and solicits comments on these or other situations that may require similar consideration. EPA wishes comments on alternative options, procedures and/or restrictions that should be considered in addressing these issues.

One scenario includes long-term biological destruction processes. Biological PCB disposal may not destroy PCBs at rates comparable to existing chemical and thermal destruction processes. Although biological destruction is largely in the developmental stage, it appears that biological destruction may take more than 1 year to achieve acceptable residual post-treatment levels.

EPA solicits comments on the appropriateness of temporarily suspending the 1–year storage period, prior to the end of the 9th month of storage for disposal, for the treatment/

destruction of regulated PCBs which have begun disposal in an approved or authorized long-term biological treatment/destruction process. EPA is considering extending the 1–year storage for disposal period for the entire time of a biological treatment if that particular biological treatment technology is expected to take more than 1 year to achieve acceptable post-treatment levels. The extension would provide a fair opportunity for success for the biological process, while maintaining a provision for timely completion of a more thoroughly demonstrated or conventional disposal in the event the biological method was not completely successful. Extensions would be granted upon approval of the request, and would be limited to 1 year beyond the existing 1 year storage for disposal allowance. Further extensions might be requested if it could be demonstrated that the treatment was near completion.

Another scenario addresses the absence of adequate capacity for the disposal of radioactive mixed wastes. Currently, there is limited treatment and disposal capacity for such wastes. Even when additional treatment facilities come on-line, it will take several years to reduce the large volume of waste already in storage. EPA solicits comments on whether the regulations should be amended to allow for an extension of the 1–year limit when certain conditions are met. The conditions would include, but are not necessarily limited to:

(1) A justification of the need to store wastes beyond 1–year. Until adequate disposal facilities exist, the lack of treatment or disposal capacity would constitute an acceptable justification.

(2) A demonstration that relevant treatment or disposal requirements are being pursued.

(3) Periodic progress reports.

Although this proposal will not resolve all legal difficulties associated with disposing of this waste, it would alleviate the problem posed by the current PCB storage regulation. EPA solicits comments on whether an extension of the storage deadline should be applied under TSCA for PCB wastes with radioactive constituents as is currently available under RCRA for hazardous wastes when inadequate capacity exists.

I. Exclusion for Laboratories Which Provide PCB Analytical Samples for Multi-laboratory Quality Assurance Purposes

EPA has received a number of inquiries as to whether "round robin" analytical exercises or inter-laboratory studies require exemptions from the ban on distribution of PCBs. These kinds of activities are normally conducted as quality assurance measures to test or verify a laboratory's performance using a given chemical analysis methodology.

Due to the need for effective compliance and enforcement of the PCB regulations, EPA is considering exempting laboratories participating in multi-laboratory studies from the regulations relating to the distribution in commerce of PCB analytical standards and dilution of PCBs for purposes of analysis, if certain requirements are met by the laboratory. These requirements may include, but may not be restricted to, the following:

(1) A notification that the lab is engaged in developing analytical standards.

(2) A restriction on the size of the sample, annual production volumes, import/export activities, etc.

The Agency is soliciting comments on any other considerations that should be included in its review of analytical laboratory activities.

J. Class Exemption for EPA and National Institute for Standards and Testing to Process and/or Distribute PCB Standards and Standard Reference Materials in Commerce

There have been a number of inquiries as to whether it is necessary for EPA and the National Institute for Standards and Testing (NIST) to have an exemption from the ban on the processing and distribution in commerce of PCBs for distribution of standards and audit samples. The EPA laboratories and other U.S. Government agencies, primarily the National Institute for Standards and Testing, distribute these materials themselves or through their agents on a non-profit basis.

Although distribution in commerce, processing, and use of analytical standards in general requires an exemption or authorization by rulemaking, performing analyses on samples to determine PCB concentration for enforcement or compliance purposes by EPA or other Federal entities (and their current contractors acting as agents) is not restricted under TSCA. EPA's authority to conduct PCB analyses is an implied authority; EPA is responsible for implementation and enforcement of the PCB regulations, and it could not effectively implement or enforce the regulations without the authority to analyze and maintain samples for implementation or enforcement of the regulations. Thus, distribution in commerce, processing, or use of such samples by the EPA or other Federal government entities (and contractors acting as their agents) does not require an exemption or authorization. Other persons must obtain such an exemption or authorization. Because of the number of questions EPA has received about this issue, EPA intends to include this position explicitly in its regulations.

K. 500 Gallon Exemption Under the PCB Notification and Manifesting Rule

In the **Federal Register** of December 21, 1989 EPA promulgated the final Notification and Manifesting regulation (54 FR 52716). In that regulation EPA required that commercial storers of PCB waste seek approval to commercially store PCB waste. If, however, a facility stored no more than 500 gallons of PCB waste the owner or operator was not required to seek approval as a commercial storer.

In the **Federal Register** of June 27, 1990 (55 FR 26204), EPA issued a correction to the Notification and Manifesting regulation that, among other things, further clarified the scope of the exemption to mean the owner or operator of a facility which stores no more than 500 gallons of "liquid" PCB waste is not required to seek approval as a commercial storer. In response to an issue raised by a litigant regarding EPA's publication of the correction, EPA agrees there may be reasons for establishing a small quantity exemption for solids (Refs. 6 and 7).

EPA is soliciting comments on establishing a small quantity exemption for non-liquid PCB waste to complement the Notification and Manifesting regulation's small quantity exemption for liquids as found in § 761.3. EPA is soliciting comments on the scope of such an exemption, e.g., what is the appropriate volume cut-off, and whether the exemption should be made available for all, or only certain limited commercial storage scenarios for PCB waste, such as small-scale research and development activities that use or dispose of PCBs and "treatability" studies conducted using regulated PCB waste?

L. State Enhancement Activities

EPA is requesting comments on a proposal to allow Federal recognition of State-issued PCB storage and disposal permits, in an effort to limit concurrent Federal/State permitting for PCB storage and disposal.

Current disposal requirements at 40 CFR 761.60, 761.65 and 761.70 prescribe conditions for PCB storage and disposal, including Federal permit requirements. Since a number of states also have

various permit requirements (Ref. 8), the regulated community often must procure both Federal and State permits prior to commencing storage or disposal activities. EPA is considering the enactment of provisions that would eliminate the need for concurrent Federal TSCA requirements for those aspects of the disposal program that can be acceptably addressed by states that regulate PCBs under expanded State hazardous waste or TSCA look-alike programs.

EPA would encourage states to list PCBs under their State RCRA program by making resources available through one of several grant programs, as appropriated by Congress. As additional states regulate PCB storage and disposal through expanded state hazardous waste or other programs, facilities in those states would be eligible to receive a Federal PCB permit by rule after petitioning EPA.

In the broader context, Federal implementation of all or portions of certain environmental programs (e.g., CERCLA site remediation, RCRA corrective action, National Pollution Discharge Elimination System (NPDES) permitting) are also under consideration for inclusion in the permit by rule provision. The Agency sees limited environmental return for resources expended on implementing more than one waste management program controlling the same material at the same site.

EPA is soliciting comments on the effect of this proposal on enforcement activities, national consistency, policy advantages/disadvantages and the specific aspects of the PCB storage and disposal program.

IV. Public Record

EPA has established a public docket for this notice (docket number OPTS–66009). The public docket contains the references listed below.

(1) Letter from Pepper, Hamilton & Scheetz to William K. Reilly, Administrator, EPA transmitting a section 21 petition regarding certain PCB disposal provisions.[OPTS Docket 210025] (February 2, 1990).

(2) Section 21 Petition from Pepper, Hamilton & Scheetz to the EPA with attachments [OPTS Docket 210025] (February 2, 1990).

(3) Letter from Linda J. Fisher, Assistant Administrator, Office of Pesticides and Toxic Substances, EPA to William J. Walsh; Pepper, Hamilton Scheetz and William H. Hyatt; Pitney, Hardin, Kipp & Szuch in response to the February 2, 1990 section 21 petition (June 8, 1990).

(4) USEPA, OPTS/OTS. "Interim Guidance On Non-Liquid PCB Disposal Methods To Be Used As Alternatives To A 40 CFR 761.75 Chemical Waste Landfill (CWL)," (July 3, 1990).

(5) Letter from John A. Moore, Assistant Administrator, Office of Pesticides and Toxic Substances, EPA to Toni K. Allen, Piper Marbury regarding an interpretation of the PCB regulations on the disposal of transformer carcasses (September 9, 1986).

(6) Petition for Review, filed by Chemical Waste Management, Inc. in the United States Court of Appeals for the District of Columbia Circuit (September 25, 1990).

(7) Letter from James C. Nelson, Acting Associate General Counsel, Pesticides and Toxic Substances Division, EPA to Mary Edgar, Piper Marbury regarding an exemption for the storage of small quantities of solids (March 1, 1991).

(8) USEPA, OPTS/OTS/EAD. "Summary of State PCB Management Programs." Report prepared under contract by Abt Associates, Inc. (February 19, 1991).

(9) USDOT. "Performance-Oriented Packaging Standards; Changes to Classification, Hazard Communication, Packaging and Handling Requirements Based on UN Standards and Agency Initiative." (55 FR 52402, December 21, 1990).

Lists of Subjects in 40 CFR Part 761

Environmental protection, Hazardous substances, Labeling, Polychlorinated biphenyls (PCBs), Reporting and recordkeeping requirements.

Dated: June 2, 1991.

Victor J. Kimm,

Acting Assistant Administrator, Office of Pesticide and Toxic Substances.

[FR Doc. 91–13699 Filed 6–7–91; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[OPTS-66010; FRL 3883-8]

Disposal of Polychlorinated Biphenyls; Availability of Draft Guidance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of draft internal guidance for comment.

SUMMARY: EPA is announcing the availability of draft proposed guidance regarding alternative disposal methods which may be used for certain non-liquid polychlorinated biphenyls (PCBs) under site-specific conditions. The guidelines are for use by Regional Administrators. EPA intends to consolidate knowledge and experience on disposal alternatives for non-liquid PCBs that do not pose an unreasonable risk of injury to human health and the environment.

DATES: Written comments on the proposed guidelines should be submitted on or before August 9, 1991.

ADDRESSES: Three copies of comments identified with the document control number (OPTS-66010) must be submitted to: TSCA Public Docket Office (TS-793), Office of Toxic Substances, rm NE G004, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, rm. E-543B, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551, FAX (202) 554-5603 (document requests only).

SUPPLEMENTARY INFORMATION:

I. Background

The TSCA PCB Disposal rules are set forth in 40 CFR 761.60. In general, the scope of the TSCA PCB Disposal regulations is limited to PCBs and PCB Items with concentrations of 50 parts per million (ppm) and above [40 CFR 761.1(b)]. PCBs and PCB Items contaminated at levels less than 50 ppm may be regulated if the original PCB material was contaminated at levels of 50 ppm or above [40 CFR 761.1(b)]. The general rule regarding the disposal of PCBs requires disposal in an incinerator that complies with 40 CFR 761.70 [40 CFR 761.60(a)(1)]. There are five exceptions to this general rule for various categories of PCBs which are set forth in § 761.60(a)(2), (3), (4) and (5) and (e). These exceptions provide additional methods of PCB disposal other than incineration for the categories of PCBs listed under each exception. These methods include chemical waste landfill, high efficiency boiler, a method approved by the Regional Administrator of the Region in which the material is located, and an approved alternative method of destruction equivalent to incineration. Each of these additional disposal methods is not necessarily available for all categories of PCB waste. The TSCA PCB disposal rules prescribe the method of disposal that is available for each category of material. PCBs which do not fall into one of these five exceptions must be incinerated in accordance with the general rule stated in 40 CFR 761.60(a)(1).

Certain classes of PCB Items are regulated for disposal under 40 CFR 761.60(b),(c), and (e). Currently, PCB Articles are regulated under 40 CFR 761.60(b). PCB Containers are regulated under 40 CFR 761.60(c). Procedures for obtaining approval for an alternate method of destroying PCBs and PCB Items are provided at 40 CFR 761.60(e). The regulatory requirement for a PCB Item may prescribe a particular method of disposal for the Item itself (such as incineration or disposal in a chemical waste landfill) or specify a means for rendering the Item unregulated for disposal (such as draining the Item of PCB liquids). To determine how particular classes of PCB Items are regulated for disposal, the appropriate regulatory provision at 40 CFR 761.60 should be consulted.

II. Guidance on Disposal Alternatives to Chemical Waste Landfills for Non-liquid PCBs

One common disposal alternative to TSCA incineration for certain forms of non-liquid PCBs (e.g., soils, rags and other debris) is disposal in a TSCA chemical waste landfill (CWL). There are nine technical requirements for a CWL listed at 40 CFR 761.75(b). The requirements provide for the containment and isolation of PCBs, and assurance that containment and isolation will continue for the lifetime of the CWL. Briefly stated, these requirements include limits on surrounding and underlying soil permeability; synthetic liner integrity — composition, thickness, and underlying support; limits on hydrologic conditions and restrictions from siting near surface water; protection against floods and other high surface water conditions; construction restricted to areas of low topographic relief; monitoring systems: surface and ground — before, during and after landfilling; leachate collection; operating practices/procedures; and applicable supporting facilities.

These requirements may be waived by the Regional Administrator provided the waiver will not cause an unreasonable risk of injury to human health or the environment [40 CFR 761.75(c)(4)]. The owner or operator of a CWL may seek to employ an alternative method of non-liquid PCB disposal to displace the need for up to all nine CWL technical requirements to demonstrate that the CWL would not present an unreasonable risk of injury to health or the environment.

The Office of Toxic Substances (OTS) is preparing guidance to the Regional Administrators regarding the alternative disposal methods which may be used for non-liquid PCBs under site-specific conditions that do not present an unreasonable risk of injury to health or the environment. EPA is using this notice to announce the availability of a draft of this proposed guidance and to request written comments to assist in its completion. This guidance is for the use of EPA Regional Administrators in evaluating alternative methods of disposal. Copies of the proposed guidance, "Interim Guidance on Non-Liquid PCB Disposal Methods To Be Used As Alternatives to A 40 CFR 761.75 Chemical Waste Landfill (CWL)," may be obtained from EPA at the address listed under FOR FURTHER INFORMATION CONTACT in this document.

Dated: June 2, 1991.

Victor J. Kimm,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 91-13700 Filed 6-7-91; 8:45 am]

BILLING CODE 6560-50-F

federal register

Monday
June 10, 1991

Part VI

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for APRIL 1991

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53142; FRL 3926-4]

Premanufacture Notices; Monthly Status Report for APRIL 1991

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the Federal Register each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for APRIL 1991.

Nonconfidential portions of the PMNs and exemption request may be seen in the TSCA Public Docket Office NE-G004 at the address below between 8 a.m. and noon and 1 p.m., and 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESSES: Written comments, identified with the document control number "(OPTS-53142)" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Rm L-100, Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, rm EB-44, 401 M St., SW., Washington, DC 20460 (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the Federal Register as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during APRIL; (b) PMNs received previously and still under review at the end of APRIL; (c) PMNs for which the notice review period has ended during APRIL; (d) chemical substances for which EPA has received a notice of commencement to manufacture during APRIL; and (e) PMNs for which the review period has been suspended.Therefore, the APRIL 1991 PMN Status Report is being published.

Dated: June 4, 1991.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

Premanufacture Notice Monthly Status Report for APRIL 1991.

I. 107 Premanufacture notices and exemption requests received during the month:

PMN No.

P 91-0717 P 91-0743 P 91-0744 P 91-0745
P 91-0746 P 91-0747 P 91-0748 P 91-0749
P 91-0750 P 91-0751 P 91-0752 P 91-0753
P 91-0754 P 91-0755 P 91-0756 P 91-0757
P 91-0758 P 91-0759 P 91-0760 P 91-0761
P 91-0762 P 91-0763 P 91-0764 P 91-0765
P 91-0766 P 91-0767 P 91-0768 P 91-0769
P 91-0770 P 91-0771 P 91-0772 P 91-0773
P 91-0774 P 91-0775 P 91-0776 P 91-0777
P 91-0778 P 91-0780 P 91-0781 P 91-0782
P 91-0783 P 91-0784 P 91-0785 P 91-0786
P 91-0787 P 91-0788 P 91-0789 P 91-0790
P 91-0791 P 91-0792 P 91-0795 P 91-0796
P 91-0797 P 91-0798 P 91-0799 P 91-0800
P 91-0801 P 91-0802 P 91-0803 P 91-0804
P 91-0805 P 91-0806 P 91-0807 P 91-0808
P 91-0809 P 91-0810 P 91-0811 P 91-0812
P 91-0813 P 91-0814 P 91-0815 P 91-0816
P 91-0817 P 91-0818 P 91-0819 P 91-0820
P 91-0821 P 91-0822 P 91-0823 P 91-0824
P 91-0825 P 91-0826 P 91-0827 P 91-0828
P 91-0831 P 91-0832 P 91-0833 P 91-0834
P 91-0836 P 91-0837 P 91-0839 P 91-0840
P 91-0841 P 91-0842 Y 91-0127 Y 91-0128
Y 91-0129 Y 91-0130 Y 91-0131 Y 91-0132
Y 91-0133 Y 91-0134 Y 91-0135 Y 91-0136
Y 91-0137 Y 91-0138 Y 91-0139

II. 296 Premanufacture notices received previously and still under review at the end of the month:

PMN No.

P 84-0660 P 84-1079 P 85-0433 P 85-0619
P 86-0501 P 86-1607 P 87-0105 P 87-0323
P 87-1553 P 87-1555 P 87-1872 P 87-1881
P 87-1882 P 88-0217 P 88-0319 P 88-0320
P 88-0468 P 88-0831 P 88-0918 P 88-1020
P 88-1021 P 88-1035 P 88-1460 P 88-1473
P 88-1682 P 88-1753 P 88-1761 P 88-1783
P 88-1807 P 88-1809 P 88-1811 P 88-1937
P 88-1938 P 88-1980 P 88-1982 P 88-1984
P 88-1985 P 88-1999 P 88-2000 P 88-2001
P 88-2100 P 88-2169 P 88-2196 P 88-2210
P 88-2212 P 88-2213 P 88-2228 P 88-2229
P 88-2230 P 88-2231 P 88-2236 P 88-2237
P 88-2484 P 88-2518 P 88-2529 P 88-2530
P 89-0089 P 89-0090 P 89-0091 P 89-0225
P 89-0254 P 89-0321 P 89-0385 P 89-0386
P 89-0387 P 89-0396 P 89-0538 P 89-0589
P 89-0721 P 89-0764 P 89-0769 P 89-0775
P 89-0776 P 89-0867 P 89-0957 P 89-0958
P 89-0959 P 89-0963 P 89-0977 P 89-0978
P 89-0979 P 89-0980 P 89-0998 P 89-1010
P 89-1038 P 89-1058 P 89-1062 P 89-1148
P 90-0002 P 90-0009 P 90-0158 P 90-0159
P 90-0211 P 90-0237 P 90-0248 P 90-0249
P 90-0260 P 90-0261 P 90-0262 P 90-0263
P 90-0347 P 90-0372 P 90-0384 P 90-0441
P 90-0456 P 90-0489 P 90-0550 P 90-0564
P 90-0581 P 90-0603 P 90-0608 P 90-0643
P 90-0707 P 90-1280 P 90-1311 P 90-1318
P 90-1319 P 90-1320 P 90-1321 P 90-1322
P 90-1358 P 90-1364 P 90-1384 P 90-1413
P 90-1422 P 90-1464 P 90-1472 P 90-1473
P 90-1511 P 90-1527 P 90-1528 P 90-1529
P 90-1530 P 90-1531 P 90-1541 P 90-1555
P 90-1556 P 90-1564 P 90-1592 P 90-1650
P 90-1687 P 90-1720 P 90-1721 P 90-1722
P 90-1723 P 90-1728 P 90-1730 P 90-1731
P 90-1732 P 90-1745 P 90-1797 P 90-1809
P 90-1818 P 90-1830 P 90-1840 P 90-1844
P 90-1845 P 90-1846 P 90-1893 P 90-1937
P 90-1973 P 90-1984 P 90-1985 P 90-2000
P 91-0004 P 91-0043 P 91-0051 P 91-0055
P 91-0065 P 91-0074 P 91-0087 P 91-0091
P 91-0100 P 91-0101 P 91-0102 P 91-0107
P 91-0108 P 91-0109 P 91-0110 P 91-0111
P 91-0112 P 91-0113 P 91-0118 P 91-0123
P 91-0124 P 91-0151 P 91-0173 P 91-0174
P 91-0175 P 91-0176 P 91-0177 P 91-0178
P 91-0179 P 91-0180 P 91-0181 P 91-0182
P 91-0183 P 91-0184 P 91-0186 P 91-0187
P 91-0188 P 91-0202 P 91-0222 P 91-0225
P 91-0228 P 91-0230 P 91-0231 P 91-0232
P 91-0233 P 91-0242 P 91-0243 P 91-0244
P 91-0245 P 91-0246 P 91-0247 P 91-0248
P 91-0252 P 91-0253 P 91-0272 P 91-0288
P 91-0328 P 91-0337 P 91-0358 P 91-0363
P 91-0389 P 91-0391 P 91-0403 P 91-0411
P 91-0442 P 91-0451 P 91-0464 P 91-0465
P 91-0466 P 91-0467 P 91-0468 P 91-0469
P 91-0470 P 91-0471 P 91-0472 P 91-0487
P 91-0490 P 91-0501 P 91-0503 P 91-0505
P 91-0508 P 91-0509 P 91-0514 P 91-0519
P 91-0520 P 91-0521 P 91-0525 P 91-0527
P 91-0530 P 91-0532 P 91-0533 P 91-0534
P 91-0541 P 91-0548 P 91-0568 P 91-0572
P 91-0579 P 91-0580 P 91-0581 P 91-0583
P 91-0584 P 91-0598 P 91-0600 P 91-0602
P 91-0608 P 91-0619 P 91-0627 P 91-0639
P 91-0641 P 91-0642 P 91-0643 P 91-0644
P 91-0654 P 91-0657 P 91-0659 P 91-0664
P 91-0665 P 91-0666 P 91-0667 P 91-0668
P 91-0688 P 91-0689 P 91-0691 P 91-0698
P 91-0700 P 91-0701 P 91-0710 P 91-0712
P 91-0716 P 91-0732 P 91-0737 P 91-0738

III. 135 Premanufacture notices and exemption request for which the notice review period has ended during the month. (Expiration of the notice review period does not signify that the chemical has been added to the inventory).

PMN No.

P 90-0558 P 90-0559 P 90-0560 P 90-1308
P 90-1718 P 91-0075 P 91-0238 P 91-0351
P 91-0352 P 91-0392 P 91-0393 P 91-0394
P 91-0395 P 91-0397 P 91-0398 P 91-0399
P 91-0400 P 91-0401 P 91-0402 P 91-0404
P 91-0405 P 91-0406 P 91-0407 P 91-0408
P 91-0409 P 91-0410 P 91-0412 P 91-0413
P 91-0414 P 91-0415 P 91-0416 P 91-0417
P 91-0418 P 91-0419 P 91-0420 P 91-0422
P 91-0423 P 91-0424 P 91-0425 P 91-0426
P 91-0427 P 91-0428 P 91-0429 P 91-0430
P 91-0431 P 91-0432 P 91-0433 P 91-0434
P 91-0435 P 91-0436 P 91-0437 P 91-0438
P 91-0439 P 91-0440 P 91-0441 P 91-0442
P 91-0443 P 91-0444 P 91-0445 P 91-0446
P 91-0447 P 91-0448 P 91-0449 P 91-0450
P 91-0452 P 91-0453 P 91-0454 P 91-0455
P 91-0456 P 91-0457 P 91-0458 P 91-0459
P 91-0460 P 91-0461 P 91-0462 P 91-0463
P 91-0473 P 91-0474 P 91-0475 P 91-0476
P 91-0477 P 91-0478 P 91-0479 P 91-0480
P 91-0481 P 91-0482 P 91-0483 P 91-0484
P 91-0485 P 91-0486 P 91-0487 P 91-0488

P 91-0489 P 91-0490 P 91-0491 P 91-0492 P 91-0510 P 91-0511 P 91-0512 P 91-0513 Y 91-0123 Y 91-0124 Y 91-0125 Y 91-0126
P 91-0493 P 91-0494 P 91-0495 P 91-0496 P 91-0515 P 91-0516 P 91-0517 P 91-0518 Y 91-0127 Y 91-0128 Y 91-0129 Y 91-0130
P 91-0497 P 91-0498 P 91-0499 P 91-0500 Y 91-0113 Y 91-0114 Y 91-0115 Y 91-0116 Y 91-0131 Y 91-0132 Y 91-0133
P 91-0502 P 91-0504 P 91-0506 P 91-0507 Y 91-0119 Y 91-0120 Y 91-0121 Y 91-0122

IV. 155 Chemical substances for which EPA has received notices of commencement to manufacture

PMN No.	Identity/Generic Name	Date of Commencement
P 81-0144	G 4-(1-Pyrrolidinyl) 3-methyl benzenediazonium, 5-sulfoisophthalate.	March 21, 1991.
P 83-1246	G Fatty alcohol.	February 19, 1991.
P 85-0272	G Substituted aliphatic-terminated poly(dimethylsiloxane).	January 29, 1987.
P 85-1080	G Polyamide of c-18 fatty acid dimers with alkylene diamines and polyetherdiamine.	January 25, 1991.
P 86-0925	Modified polyvinyl alcohol.	August 20, 1988.
P 86-1322	G Aromatic diamine, thio-methylated.	June 3, 1987.
P 88-1620	G Silane coupling agent.	March 11, 1991.
P 88-1621	G Silane coupling agent.	March 11, 1991.
P 88-1812	G Alkylene polyalkoxyethanol.	February 13, 1991.
P 89-0466	G Thermoplastic polyurethane resin.	March 14, 1991.
P 89-0830	G Acrylated alkyd.	March 26, 1991.
P 89-0831	G Alkyd.	March 25, 1991.
P 89-0865	G Polyamide copolymer.	March 11, 1991.
P 90-0140	G Hydroxy functional acrylic resin.	February 22, 1991.
P 90-0378	G Unsaturated polyester resin.	April 1, 1991.
P 90-0526	G Polymer containing isooctyl acrylate.	March 6, 1991.
P 90-0576	G Terpene acetal.	April 2, 1991.
P 90-0704	G Polyfluoroalkyl polyester.	August 5, 1990.
P 90-0705	G Polyhalogenated acrylate.	August 5, 1990.
P 90-0937	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-0938	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-0939	G Acrylic copolymers and salts thereof: Styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-0941	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0942	G Acrylic copolymers and salts thereof: styrene/acrylic coplymers and salts thereof.	October 10, 1990.
P 90-0943	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0944	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0945	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	November 7, 1990.
P 90-0946	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0947	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-0948	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0950	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-0951	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-0952	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-0953	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-0954	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-0955	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-0956	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-0957	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-0958	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-0959	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-0960	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0961	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0962	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-0963	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0964	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0965	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	November 7, 1990.
P 90-0966	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0967	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-0968	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 12, 1990.
P 90-0969	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 12, 1990.
P 90-0970	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0971	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0972	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-0973	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-0974	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-0975	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-0976	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-0978	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-0979	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-0980	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-0981	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-0982	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 12, 1990.
P 90-0983	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0984	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0985	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-0986	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0987	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0988	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	November 7, 1990.
P 90-0989	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0991	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 12, 1990.

IV. 155 Chemical substances for which EPA has received notices of commencement to manufacture—Continued

PMN No.	Identity/Generic Name	Date of Commencement
P 90-0992	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0993	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0994	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-0995	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-0996	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-0997	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-0998	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-0999	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-1000	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-1001	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-1002	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-1003	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-1004	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-1005	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 12, 1990.
P 90-1006	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-1007	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-1009	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-1010	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-1011	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	November 7, 1990.
P 90-1012	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-1013	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-1014	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 12, 1990.
P 90-1015	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-1016	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-1017	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990.
P 90-1018	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-1019	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-1020	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-1021	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-1022	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 10, 1990.
P 90-1023	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-1024	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-1025	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-1026	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 11, 1990.
P 90-1030	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof.	October 15, 1990
P 90-1289	2-Nitro-4-methoxyphenyl-1-(2-naphthonyl-3-benzo-o-toluidide) azo.	January 25, 1991.
P 90-1356	G Mannich base polyamine.	April 18, 1991.
P 90-1393	Reaction products of bisphenol/epichlorohydrin based epoxy resin, tetra bromobisphenol A, carboxyl-terminated butadiene/acrylonitrile copolymer, methacrylic acid..	January 7, 1991.
P 90-1545	G Alkylphenol formaldehyde copolymer.	March 11, 1991.
P 90-1576	Epoxy-amine adduct.	November 8, 1990.
P 90-1605	G Amino cyclohexyloxycarbonyl substituted aminoanthraquinone.	March 18, 1991.
P 90-1606	G Alkylphenoxy amino hydroxyl anthraquinone.	March 18, 1991.
P 90-1607	G Alkylcyanomethyloxy heterocyclicazo, benzoic acid ethoxycarbonylmethyl ester	March 18, 1991.
P 90-1666	G Metal chloride/methacrylate/organic aluminium complex	March 19, 1991.
P 90-1667	G Polyalkene.	March 19, 1991.
P 90-1672	G Substituted dioxazene.	February 20, 1991.
P 90-1673	G Hybrid polymer of unsaturated polyester and vinyl ester.	February 20, 1991.
P 90-1692	G Modified polyolefin.	March 11, 1991.
P 90-1772	G Diurea compound.	February 12, 1991.
P 90-1796	G Copper complex substituted naphthalene disulfonic acid, alkali salt.	April 2, 1991.
P 90-1839	G Dialkyldithiophosphoric acid, aliphate amine salt.	March 22, 1991.
P 90-1848	G Acryltrialkoxysilane.	February 21, 1991.
P 90-1873	4-Hepten-1-ol, (Z)-.	March 5, 1991.
P 90-1877	G Tridecadienenitrile.	February 19, 1991.
P 90-1913	G Modified polyacrylamide.	January 31, 1991.
P 91-0026	G Reaction product of formic acid, substituted anilines, sodium carbonate, aniline and sulfur.	March 5, 1991.
P 91-0035	G Starch; 2(bis(substutited methyl amino)ethyl) ether, sodium salt; 2-hydroxy-3-trimethylammoniopropyl ester; chloride.	March 1, 1991.
P 91-0050	G Epoxy terminated polymer of polyetheramine and bisphenol A.	March 15, 1991.
P 91-0052	G Polyolefin amino ester salt.	April 2, 1991.
P 91-0093	G Acrylic copolymer intermediate.	February 26, 1991.
P 91-0117	G Acrylate derivative polymer.	March 3, 1991.
P 91-0150	G Alkyl amine salt.	March 6, 1991.
P 91-0169	G Hydroxy functional acrylate methacrylate styrenated polymer.	March 19, 1991.
P 91-0185	3-Cyclopentene-1-acetonitrile, 2,2,3-trimethyl-.	March 6, 1991.
P 91-0195	G Polyurethane.	March 26, 1991.
P 91-0214	G Styrene-acrylate copolymer with epoxy ester.	March 15, 1991.
P 91-0215	G Epoxy ester.	March 7, 1991.
P 91-0220	G Tung oil-oticica oil-phenolic resin.	March 6, 1991.
P 91-0239	G 2-Alkylphenoxyl-1,4-diamino-3-phenoxy anthraquinone.	March 18, 1991.
P 91-0256	G 2-Propenoic acid C16-C44 esters, polymerized.	February 14, 1991.
P 91-0260	G Amine functional epoxy salt.	March 4, 1991.
P 91-0262	G Carboxy functional polyester salted by amine.	March 13, 1991.
P 91-0279	G Polyisocyanate polyaddition product B.	March 14, 1991.
P 91-0293	G Modified rosin, aluminium salt.	March 12, 1991.
P 91-0305	G Acrylic resin.	March 30, 1991.
P 91-0319	G Polyurethane suspension in polyol.	March 13, 1991.

IV. 155 Chemical substances for which EPA has received notices of commencement to manufacture—Continued

PMN No.	Identity/Generic Name	Date of Commencement
P 91-0324	G Nitro biphenyl. bis sulfo. amino, hydroxy napthalenyl azo dimethoxy, sodium salt	March 31, 1991.
P 91-0325	G Sulfo naphthalene azo h-acid, monochlorotriazine, aminophenyl v.s	March 31, 1991.
P 91-0347	Fatty acids, C5-C9, esters with pentaerythritol	March 26, 1991.
P 91-0368	G Rosin phenolic modified short oil alkyd resin.	March 28, 1991.
P 91-0369	Polymer of dimer fatty acids, acetic acid, rosin, glycerine, ethylene diamine, and propylene carbonate.	April 8, 1991.
Y 87-0069	G Alkyd coplymer	March 13, 1990.
Y 90-0037	G Unsaturated polyester resin.	March 27, 1991.
Y 90-0055	G Alkanedibasic acid, propanediol, n-alkanol polyester.	February 22, 1991.
Y 91-0081	G Aliphatic polyether urethane	March 19, 1991.

V. 25 Premanufacture notices for which the period has been suspended.

PMN No.

P 91-0074 P 91-0363 P 91-0389 P 91-0391
P 91-0403 P 91-0411 P 91-0451 P 91-0464
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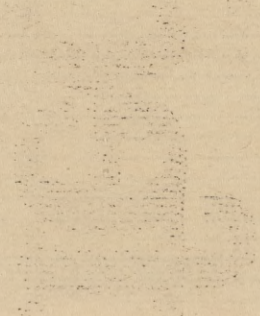
Y 91-0134

[FR Doc. 91-13701 Filed 6-7-91; 8:45 am]

BILLING CODE 6560-50-F



federal register

Monday
June 10, 1991

Part VII

The President

Presidential Documents

Monday
June 10, 1991

Part VII

The President

Presidential Determination No. 91-35—
Drawdown of Department of Defense
Articles and Services for International
Disaster Assistance in Bangladesh

Presidential Determination No. 91-36—
Determination Under Subsection 402(d)(1)
of the Trade Act of 1974, as Amended—
Continuation of Waiver Authority

Federal Register
Vol. 56, No. 111
Monday, June 10, 1991

Presidential Documents

Title 3—

The President

Presidential Determination No. 91–35 of May 26, 1991

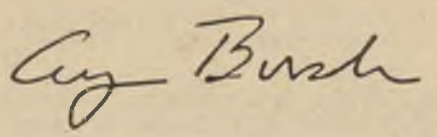
Drawdown of Department of Defense Articles and Services for International Disaster Assistance in Bangladesh

Memorandum for the Secretary of State [and] the Secretary of Defense

Pursuant to the authority vested in me by section 506(a)(2) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2318(a)(2)) (the "Act"), I hereby determine that it is in the national interest of the United States to draw down defense articles from the stocks of the Department of Defense and defense services of the Department of Defense, for the purpose of providing international disaster assistance in Bangladesh.

Therefore, I hereby authorize the furnishing of up to $20 million of defense articles from the stocks of the Department of Defense and defense services of the Department of Defense, for the purposes and under the authorities of Chapter 9 of Part I of the Act.

The Secretary of State is authorized and directed to inform the appropriate committees of the Congress of this determination and the obligation of funds under this authority, and to publish this memorandum in the **Federal Register.**



THE WHITE HOUSE,
Washington, May 26, 1991.

[FR Doc. 91–13928
Filed 6–7–91; 11:42 am]
Billing code 3195–01–M

Presidential Documents

Presidential Determination No. 91–36 of May 29, 1991

Determination Under Subsection 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority

Pursuant to the authority vested in me under the Trade Act of 1974, as amended, Public Law 93–618, 88 Stat. 1978 (hereinafter "the Act"), having determined, pursuant to subsection 402(d)(1) of the Act, 19 U.S.C. 2432(d)(1), that the further extension of the waiver authority granted by subsection 402(c) of the Act will substantially promote the objectives of section 402 of the Act, I further determine that the continuation of the waiver applicable to the People's Republic of China will substantially promote the objectives of section 402 of the Act.

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

THE WHITE HOUSE,
Washington, May 29, 1991.

[FR Doc. 91–13929
Filed 6–7–91; 11:43 am]
Billing code 3195–01–M

Editorial note: For the President's remarks of May 27 and May 28 on renewing the most-favored-nation trade status for China, see pp. 674–682 of issue 22 of the *Weekly Compilation of Presidential Documents.* For the President's letter of May 29 on trade with China, see page 687 of the same issue.

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $620.00 domestic, $155.00 additional for foreign mailing.

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1, 2 (2 Reserved)	$12.00	Jan. 1, 1991
3 (1990 Compilation and Parts 100 and 101)	14.00	[1] Jan. 1, 1991
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Title	Price	Revision Date
Individual copies	2.00	1991

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1990. The CFR volume issued January 1, 1987, should be retained.

[3] No amendments to this volume were promulgated during the period Apr. 1, 1989 to Mar. 31, 1990. The CFR volume issued April 1, 1989, should be retained.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1991. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1990. The CFR volume issued July 1, 1989, should be retained.

[6] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[7] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

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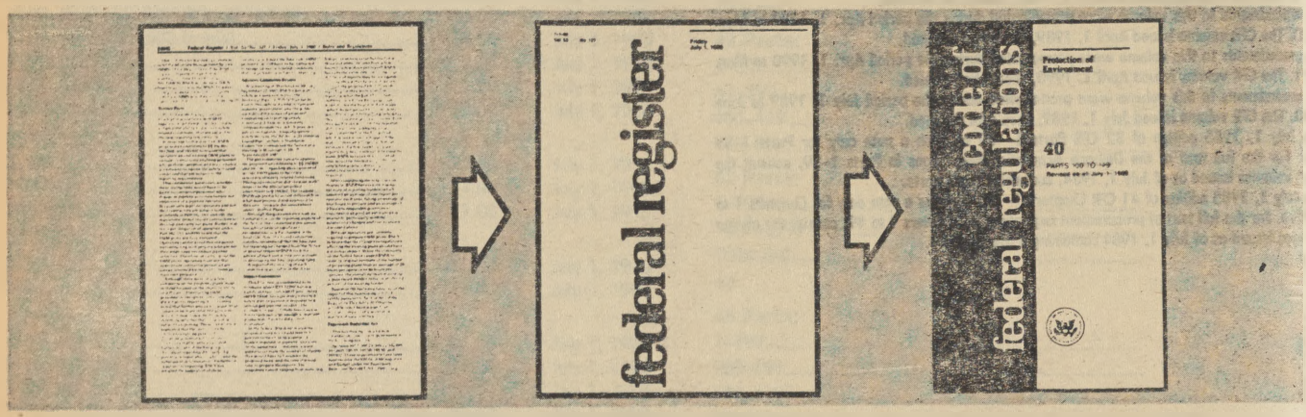

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