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The President

Memorandum of November 16, 1990

Delegation of Authority Regarding Egyptian Military Debt

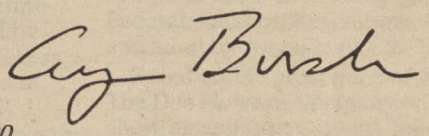
Memorandum for the Secretary of the Treasury and the Secretary of Defense

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 592 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101–513) (the "Act"), and section 301 of title 3 of the United States Code, I hereby:

(1) delegate to the Secretary of the Treasury the functions vested in me by section 592(c)(1) of the Act; and

(2) delegate to the Secretary of Defense the functions vested in me by section 592(c)(2) of the Act, except that those under subparagraph (C) thereof shall be subject to the concurrence of the Secretary of the Treasury.

The Secretary of the Treasury is authorized and directed to publish this memorandum in the **Federal Register.**



THE WHITE HOUSE,
Washington, November 16, 1990.

[FR Doc. 90–28342
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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 25

[Docket No. NM-47; Special Conditions No. 25-ANM-36]

Special Conditions: Modified Boeing Model 727-100 Series Airplane: Lightning and High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Boeing Model 727-100 series airplane modified by The Dee Howard Company in San Antonio, Texas. This airplane is equipped with high-technology digital avionics systems which perform critical or essential functions. The applicable regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of lightning and high-intensity radiated fields (HIRF). These special conditions provide the additional safety standards which the Administrator considers necessary to ensure that the critical and essential functions performed by these systems are maintained when the airplane is exposed to lightning and HIRF.

DATES: The effective date of these special conditions is November 20, 1990. Comments must be received on or before January 14, 1991.

ADDRESSES: Comments may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attn: Rules Docket (ANM-7), Docket No. NM-47, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked; Docket No. NM-47.

Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Gregory J. Holt, FAA, Standardization Branch, ANM-113, Transport Standards Staff, Transport Airplane Directorate Aircraft Certification Service, Renton, Washington 98055-4056, telephone: (206) 227-2140.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and special conditions number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM-47." The postcard will be date/time stamped, and returned to the commentor.

Background

On February 2, 1990, The Dee Howard Company applied for a Supplemental Type Certificate to modify the Boeing Model 727-100 series airplanes. The proposed modification incorporates a number of novel or unusual design features, such as digital avionics consisting of dual electronic flight instrument system (EFIS) and a Dual Air Data Computer (ADC) which are vulnerable to lightning and high-intensity radiated fields (HIRF) external to the airplane.

Supplemental Type Certification Basis

Under the provisions of § 21.115, subpart C of the FAR, The Dee Howard Company must show that the altered Boeing Model 727-100 series meets the applicable requirements as specified in § 21.101 (a) and (b); unless (1) Otherwise specified by the Administrator; or (2) Compliance with later effective amendments is elected or required under § 21.101 (a) and (b); and (3) Special conditions are prescribed by the Administrator.

The requirements specified in § 21.101(a) are the regulations incorporated by reference in Type Certificate No. A3WE for the Boeing 727-100 series. Those are: Part 4b of the Civil Aviation Regulations (CAR) as amended by Amendments 4b-1 through 4b-11; Special CAR SR-422B; Special Conditions set forth in FAA letter to Boeing dated February 2, 1967, as revised by FAA letters to Boeing dated June 20, 1967, and September 1 and 13, 1967; and those sections of part 25 of the Federal Aviation Regulations (FAR) as amended by Amendment 25-15.

Based on the provisions of § 21.101(b), The Dee Howard Company will have to show compliance with the following additional sections, as amended through the amendment shown. These additional requirements are necessary to provide an acceptable level of safety equal to that established by the regulations incorporated in Type Certificate No. A3WE:

§ 25.561 (c) and (d)....Amendment 25-64
§ 25.581 (a) and (b) (systems only) Amendment 25-23
§ 25.603....Amendment 25-46
§ 25.613 (c) and (e)....Amendment 25-46
§ 25.1303 (a), (b), and (c)....Amendment 25-38
§ 25.1307(e)....Amendment 25-54
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§ 25.1431 (a), (b), and (c)....Amendment 25-32
§ 25.1525....Amendment 25-32
§ 25.1529....Amendment 25-54
§ 25.1541....Amendment 25-21

These special conditions are an additional part of the type certification basis.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 4b plus applicable part 25 requirements) do not contain adequate or appropriate safety standards for the modified Boeing Model 727–100 series because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.101(b)(2) to establish a level of safety equivalent to the established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.115(a).

Discussion

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

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

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, these special conditions require that the new technology electrical and electronic systems, such as the electronic flight instrument system (EFIS) and Dual Air Data Computer (ADC) be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of lightning and HIRF.

Lightning

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

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

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

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

2. Multiple Stroke Flash: (½ Component D). A lightning strike is often composed of a number of successive strokes, referred to as multiple strokes. Although multiple strokes are not necessarily a salient factor in a damage assessment, they can be the primary factor in a system upset analysis. Multiple strokes can induce a sequence of transients over an extended period of time. While a single event upset of input/output signals may not affect system performance, multiple signal upsets over an extended period of time (2 seconds) may affect the systems under consideration. Repetitive pulse testing and/or analysis needs to be carried out in response to the multiple stroke environment to demonstrate that the system response meets the safety objective. This external multiple stroke environment consists of 24 pulses and is described as a single Component A followed by 23 randomly spaced restrikes of ½ magnitude of Component D (peak amplitude of 50,000 amps). The 23 restrikes are distributed over a period of up to 2 seconds according to the following constraints: (1) The minimum time between subsequent strokes is 10 ms, and (2) the maximum time between subsequent strokes is 200 ms. An analysis or test needs to be accomplished in order to obtain the resultant internal threat environment for the system under evaluation. And,

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

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

The following current waveforms constitute the "Severe Strike" (Component A) "Restrike" (Component D), "Multiple Stroke" (½ Component D), and the "Multiple Burst" (Component H).

These components are defined by the following double exponential equation:

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

where:

t = time in seconds,

i = current in ampe es, and

	Severe strike (comp A)	Restrike (comp D)	Multiple stroke (½ comp D)	Mult. burst (comp H)
I_o, amp	=218,810	109,405	54,703	10,572
a, sec^{-1}	=11,354,	22,708	22,708	187,191
b, sec^{-1}	=647,265	1,294,530	1,294,530	19,105,100
This equation produces the following characteristics;				
I_{peak}	=200 KA	100 KA	50 KA	10KA
and,				
$(di/dt)_{max}$(amp/sec)	=1.4×10^{11} @t=0+sec	1.4×10^{11} @t=0+sec	0.7×10^{11} @t=0+sec	2.0×10^{11} @t=0+sec
di/dt, (amp/sec)	=1.0×10^{11} @t=.5μs	1.0×10^{11} @t=.25μs	1.0×10^{11} @t=.25μs	
Action Integral (amp^2 sec)	=2.0×10^{6}	0.25×10^{6}	0.625×10^{6}	

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground based transmitters, plus the advent of space and satellite communication, coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems, such as EFIS and ADC to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling to cockpit installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, and adequate level of protection exists when compliance with HIRF protection special condition is shown with either paragraphs 1 or 2 below:

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

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

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

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

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

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

Conclusion

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

The substance of these special conditions has been subject to the notice and public comment procedure in several prior instances. For this reason and because a delay would significantly affect the applicant's installation of the system and certification of the airplane, which is imminent, the FAA has determined that good cause exists for adopting these special conditions without notice. Therefore, special conditions are being issued without substantive changes for this airplane and made effective upon issuance.

List of Subjects in 14 CFR Parts 21 and 25

Air transportation, Aircraft, Aviation safety, Safety.

The authority citation for these special conditions is as follows:

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

The Final Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for the modified Boeing Model 727–100 series airplane:

1. Lightning Protection

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

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

2. Protection From Unwanted Effects of High-Intensity Radiated Fields (HIRF)

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

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

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

Essential Functions

Functions whose failure would contribute to or cause a failure condition which would significantly impact the safety of the airplane or the ability of the flightcrew to cope with adverse operating conditions.

Issued in Renton, Washington, on November 20, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–28120 Filed 11–29–90; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 90-NM-159-AD; Amdt. 39-6820]

Airworthiness Directives; Aerospatiale Caravelle SE 210 Model I, III, and VIR Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Aerospatiale Caravelle SE 210 Model I, III, and VIR series airplanes, which requires an eddy current rototest inspection to detect cracks in the rear spar upper cap at Rib 49, and repair, if necessary. This amendment is prompted by in-service experience which has identified cracks in the rear spar upper cap. This condition, if not corrected, could result in reduced structural integrity of the wings.

EFFECTIVE DATE: January 7, 1991.

ADDRESSES: The applicable service information may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to all Aerospatiale Caravelle SE 210 Model I, III, and VIR series airplanes, which requires an eddy current rototest inspection to detect cracks in the rear spar upper cap at Rib 49, and repair, if necessary, was published in the Federal Register on September 10, 1990 (55 FR 37246).

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

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

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 4 airplanes of U.S. registry will be affected by this AD, that it will take approximately 38 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $6,080.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the nation 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:

Aerospatiale (Formerly Sud Aviation/Sud-Service): Applies to all Caravelle SE 210 Model I, III, and VIR series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To detect cracks in the rear spar upper cap at Rib 49 and to prevent reduced structural integrity of the wings, accomplish the following:

A. Prior to the accumulation of 25,000 landings, or within 120 days after the effective date of this AD, whichever occurs later, perform an eddy current rototest inspection of hole No. 1 (left and right wings) at the level of the rear spar upper cap (angle extrusion) and the splice under Rib 49, in accordance with Aerospatiale Service Bulletin 57-69, dated March 12, 1990. If no crack is detected in hole No. 1, the airplane may be returned to service.

B. If a crack is detected in the angle extrusion for hole No. 1, accomplish the following in accordance with Aerospatiale Service Bulletin 57-69, dated March 12, 1990:

1. Prior to further flight, repair the crack and perform an eddy current rototest inspection of holes No. 2 and 3 (left and right wings), in accordance with the service bulletin.

2. If no crack is found in holes No. 2 and 3, the airplane may be returned to service. Repeat the eddy current rototest inspection of hole No. 2 at intervals not to exceed 1,500 landings in accordance with the service bulletin.

3. If a crack is detected in holes No. 2 or 3, prior to further flight, repair in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

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

Note: The request should be submitted directly to the Manager, Standardization Branch, ANM-113, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Manager, Standardization Branch, ANM-113.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

This amendment becomes effective January 7, 1991.

Issued in Renton, Washington, on November 20, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-28115 Filed 11-29-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-NM-119-AD; Amdt. 39-6821]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, which requires an inspection of the crew oxygen system tubing, the auxiliary power unit (APU) power feeder wire bundle, and the horizontal stabilizer trim control cables to determine the clearance between them. If insufficient clearance exists, repair or replacement of the oxygen tubing is necessary. This amendment is prompted by a report that certain airplanes may have been delivered with insufficient clearances between these components in the area below the control cabin floor. This condition, if not corrected, could result in an oxygen fed fire due to chafing and subsequent electrical arcing between the power feeder bundle and the crew oxygen system tubing.

EFFECTIVE DATE: January 7, 1991.

ADDRESSES: 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: Ms. Susan Letcher, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S; telephone (206) 227-2670. 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 an airworthiness directive, applicable to Boeing Model 737 series airplanes, which requires inspection of the clearance between the crew oxygen tubing and electrical wiring and, where insufficient clearance exists, replacement of oxygen system tubing or installation of floating loop clamps and spacers to obtain adequate clearance, was published in the **Federal Register** on July 19, 1990 (55 FR 29379).

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 proposed that the compliance period be revised from the proposed 3,000 hours time-in-service; to 3,000 hours time-in-service or 15 months; whichever occurs later to allow compliance during scheduled maintenance. A second commenter concurred with the proposed 3,000-hour compliance period for inspection, but requested that the rule be revised so that, if no damage was found during this inspection, an additional 1,000 hours time-in-service would be provided to make the modifications. (The AD, as proposed, requires that both the inspection and modifications, if necessary, be performed within 3,000 hours time-in-service.) The FAA does not concur with the operators' requests that additional time beyond the 3,000-hour compliance be provided for inspections and/or modifications. Such an extension would allow added exposure to an airworthiness hazard which is not justified for the convenience of maintenance scheduling. The FAA has determined that the compliance time, as proposed, represents the maximum interval of time allowable wherein the inspection/modification could be reasonably accomplished and an acceptable level of safety could be maintained.

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.

There are approximately 603 Model 737 series airplanes of the affected design in the worldwide fleet. It is estimated that 334 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $106,880.

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:

Boeing: Applies to Model 737 series airplanes, listed in Boeing Service Bulletin 737-35-1033, dated March 15, 1990, certificated in any category. Compliance required within 3,000 hours time-in-service after the effective date of this AD, unless previously accomplished.

To prevent fire caused by the chafing of wire bundles on crew oxygen system tubing, accomplish the following:

A. Inspect the clearances between the crew oxygen system tubing, the auxiliary power unit (APU) power feeder wire bundle, and the horizontal stabilizer trim control cables, located below the control cabin floor, in accordance with Boeing Service Bulletin 737-35-1033, dated March 15, 1990.

1. If there is inadequate clearance or damage has occurred, prior to further flight, repair the damage, replace the oxygen system tubing with modified tubing, and perform a leak check, in accordance with the Service Bulletin.

2. If clearance is inadequate between the crew oxygen tubing and the wire bundle only, and no damage has occurred, install floating loop clamps and spacers to obtain sufficient clearance between the tubing and the wire bundle, in accordance with the Service Bulletin.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be submitted directly to the Manager, Seattle ACO, and a

copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Seattle ACO.

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 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.

This amendment becomes effective January 7, 1991.

Issued in Renton, Washington, on November 20, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-28116 Filed 11-29-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-145-AD; Amdt. 39-6822]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, which currently requires inspection for cracks in the area of the inboard elevator control rods, inboard elevator power control package (PCP) input rods, and elevator aft quadrant tube; and replacement, if necessary. This action requires more detailed and frequent inspections than those required by the existing AD. This amount is prompted by a structural review of this airplane model and a subsequent determination that additional inspections are necessary in order to ensure the continued structural integrity of aging Model 747 series airplanes. This condition, if not corrected, could result in loss of redundancy in the elevator control.

EFFECTIVE DATE: January 7, 1991.

ADDRESSES: 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. Satish K. Pahuja, Seattle Aircraft Certificate Office, Airframe, Branch, ANM-120S; telephone (206) 227-2781. Mailing address: FAA, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington, 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 85-13-01, Amendment 39-5084 (50 FR 25545, June 20, 1985), applicable to Boeing Model 747 series ariplanes, to require inspection for cracks in the area of the inboard elevator control rods, inboard elevator power control package (PCP) input rods, and elevator aft quadrant, was published in the Federal Register on August 15, 1990 (55 FR 33322).

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

The Air Transport Association (ATA) of America, on behalf of its members, had no objections to the rule.

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 as proposed.

There are approximately 635 Model 747 series airplanes of the affected design in the worldwide fleet. It is estimated that 174 airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $34,800.

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 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 superseding Amendment 39-5084 (50 FR 25545, June 20, 1985), AD 85-13-01, with the following new airworthiness directive:

Boeing: Applies to Model 747 series airplanes, line numbers 001 through 635, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent loss of redundancy in the elevator control, accomplish the following:

A. For airplanes identified as Group 1 in Boeing Alert Service Bulletin 747-27A2253, Revision 4, dated January 25, 1990, accomplish the following inspections, in accordance with the service bulletin:

1. Prior to the accumulation of 6 total years time-in-service, or within the next 6 months after the effective date of this AD, whichever occurs later, visually inspect the inboard elevator power control package (PCP) input rods, inboard elevator control rods, and elevator aft quadrant for corrosion, cracking, and deformation; and repeat thereafter at intervals not to exceed 15 months.

2. Within 15 months after the visual inspection required by paragraph A.1. of this AD, internally borescope inspect the inboard elevator PCP input rods, inboard elevator control rods, and elevator aft quadrant tube for corrosion, cracking, and deformation; and repeat thereafter at intervals not to exceed 30 months.

B. For airplanes identified as Group 2 in Boeing Alert Service Bulletin 747-27A2253, Revision 4, dated January 25, 1990, accomplish the following inspections in accordance with the service bulletin:

1. Prior to the accumulation of 6 total years time-in-service, or within the next 6 months after the effective date of this AD, whichever occurs later, visually inspect the inboard elevator control rods and elevator aft quadrant for corrosion, cracking, and

deformation; and repeat thereafter at intervals not to exceed 15 months.

2. Within 15 months after the visual inspection required by paragraph B.1. of this AD, internally borescope inspect the inboard elevator control rods and elevator aft quadrant tube for corrosion, cracking, and deformation; and repeat thereafter at intervals not to exceed 30 months.

C. For airplanes identified as Group 3 in Boeing Alert Service Bulletin 747-27A2253, Revision 4, dated January 25, 1990, accomplish the following inspections in accordance with the service bulletin:

1. Prior to the accumulation of 6 total years time-in-service, or within the next 6 months after the effective date of this AD, whichever occurs later, visually inspect the elevator aft quadrant tube for corrosion, cracking, and deformation; and repeat thereafter at intervals not to exceed 15 months.

2. Within 15 months after the visual inspection required by paragraph C.1. of this AD, internally borescope inspect the elevator aft quadrant for corrosion, cracking, and deformation; and repeat thereafter at intervals not to exceed 30 months.

D. If corrosion is found as a result of the inspections required by paragraphs A., B., or C. of this AD, prior to further flight, accomplish the following:

1. If corrosion is found to be in excess of the allowable limits specified in Boeing Alert Service Bulletin 747-27A2253, Revision 4, dated January 25, 1990, accomplish the terminating modification for the affected component specified in paragraph F. of this AD.

2. If corrosion is found to be within the allowable limits specified in Boeing Alert Service Bulletin 747-27A2253, Revision 4, dated January 25, 1990, refinish in accordance with the service bulletin.

E. If cracks or deformations are found as a result of the inspections required by paragraphs A., B., or C., of this AD, prior to further flight, accomplish the terminating modification for the affected component specified in paragraph F. of this AD.

F. Accomplishment of the terminating modification for all affected components, as specified in Boeing Alert Service Bulletin 747-27A2253, Revision 4, dated January 25, 1990, constitutes termination for the inspections required by paragraphs A., B., and C. of this AD.

G. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

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

H. 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.

This amendment supersedes Amendment 39-5084, AD 85-13-01.

This amendment becomes effective January 7, 1991.

Issued in Renton, Washington, on November 20, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-28117 Filed 11-29-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 89-ANE-03; Amdt. 39-6810]

Airworthiness Directives; General Electric Co. (GE) CF6-80C2 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that supersedes an AD, applicable to GE CF6-80C2 series engines, which currently requires the retirement of affected fuel manifolds prior to exceeding the present established life limit. This AD requires the installation of improved fuel manifold systems. This AD is prompted by a fuel manifold found cracked in service within the present established life limit. This condition, if not corrected, could result in engine fire and potentially significant aircraft damage.

DATES: Effective December 20, 1990.

The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of December 20, 1990.

ADDRESSES: The applicable service information may be obtained from General Electric Aircraft Engines, CF6 Distribution Clerk, room 132, 111 Merchant Street, Cincinnati, Ohio 45246. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Thomas Boudreau, Engine Certification Branch, ANE-142, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7096.

SUPPLEMENTARY INFORMATION: On April 10, 1989, the FAA issued AD 89-03-52, Amendment 39-6199 (54 FR 22883, May 30, 1989), to require the retirement of affected fuel manifolds prior to exceeding an established life limit. That action was promoted by six fuel manifolds found cracked.

Since issuance of that AD, a cracked fuel manifold has been found in service substantially below the life limit established by AD 89-03-52. Fuel leaking from the cracked manifold fed a nacelle compartment fire which was eventually extinguished by the engine fire bottles. Also, since the issuance of AD 89-03-52, improved fuel manifold systems have been introduced which have no life restrictions.

The FAA has reviewed and approved GE CF6-80C2 Series Service Bulletin (SB) 73-053, Revision 3, dated April 3, 1990, which describes procedures for installing the new fuel manifold systems.

Since this condition is likely to exist or develop on other engines of the same type design, this AD supersedes AD 89-03-52 to require the installation of improved fuel manifold systems, in accordance with the SB previously described.

Since this condition could result in engine fire and potentially significant aircraft damage, there is a need to minimize the exposure of revenue service aircraft to this failure mode. Therefore, safety in air transportation requires adoption of this regulation without prior notice and public comment. In addition, based on the above and the need to install improved fuel manifold systems as soon as practicable, a situation exists that requires the immediate adoption of this regulation. Therefore, it is found that notice and public procedure 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 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, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends 14 CFR part 39 of the Federal Aviation Regulations (FAR) 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 39–6199 (54 FR 22883, May 30, 1989), AD 89–03–52, with the following new airworthiness directive:

General Electric Co.: Applies to General Electric Company (GE) CF6–80C2 series turbofan engines installed on, but not limited to, Airbus A300 and A310 and Boeing 747 and 767 series aircraft.

Compliance is required within 30 calendar days after the effective date of this AD, unless already accomplished.

To prevent engine fire and potentially significant aircraft damage, accomplish the following:

(a) Replace fuel manifold systems, Part Numbers (P/N) 1303M31G04 and 1303M32G04, with fuel manifold systems, P/N 1303M31G06 and 1303M32G06, in accordance with the Accomplishment Instructions of GE CF6–80C2 Series Service Bulletin 73–053, Revision 3, dated April 3, 1990.

(b) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(c) Upon submission of substantiating data by an owner or operator through a FAA Airworthiness Inspector, an alternate method of compliance with the requirements of this AD or adjustments to the compliance times specified in this AD may be approved by the Manager, Engine Certification Office, ANE–140, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803.

The installation of the improved fuel manifold systems shall be accomplished in accordance with the following GE document:

Document No.	Page numbers	Issue/Rev.	Date
SB 73–053	4–14, 18–25, 27, 29–42	Revision 2	08/23/89
SB 73–053	1–3, 15–17, 26, 28, 43–45	Revision 3	04/03/90

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 Electric Aircraft Engines, CF6 Distribution Clerk, room 132, 111 Merchant Street, Cincinnati, Ohio 45246. Copies may be inspected at the Regional Rules Docket, Office of the Assistant Chief Counsel, FAA, New England Region, 12 New England Executive Park, room 311, Burlington, Massachusetts 01803, or at the Office of the **Federal Register**, 1100 L Street NW., room 8301, Washington, DC 20591.

This amendment supersedes Amendment 39–6199, AD 89–03–52.

This amendment becomes effective December 20, 1990.

Issued in Burlington, Massachusetts, on November 5, 1990.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 90–28118 Filed 11–29–90; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 90–NM–228–AD; Amdt. 39–6819]

Airworthiness Directives; McDonnell Douglas Models DC–9–80 Series Airplanes and Model MD–88 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Models DC–9–80 series airplanes and Model MD–88 airplanes, which requires deactivation of the in-flight spoiler lockout mechanism until completion of an inspection of mounting brackets and their replacement, if necessary. This amendment is prompted by a report that, during final assembly, the manufacturer discovered that a version of the mounting brackets made of incorrect material had been installed. This condition, if not corrected, could lead to failure of the brackets, which could result in loss of the ground spoilers and possible uncommanded retraction of the flaps/slats.

EFFECTIVE DATE: December 17, 1990.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Business Unit Manager of Publications, C1–HCO (54–60). This information may be examined at 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. Ali Bahrami, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806; telephone (213) 988–5236.

SUPPLEMENTARY INFORMATION: In September 1990, McDonnell Douglas Corporation reported that, during final assembly, it had discovered an aluminum version of bracket, Part Number (P/N) 3962598–INC, was used to mount the in-flight spoiler lockout mechanism to the airplane, and that these brackets may have been installed on certain other airplanes. Subsequent to initial installation, the design of the part had been changed from aluminum to stainless steel to provide sufficient strength. There are four of these parts

used for each installation. The in-flight spoiler lockout mechanism is located directly below the cockpit pedestal. The aluminum brackets could fail during landing, resulting in the loss of the ground spoilers and possible uncommanded retracton of the flaps/slats.

The FAA has reviewed and approved McDonnell Douglas Service Bulletin 27–312, dated February 26, 1990, which describes procedures to deactivate the in-flight spoiler lockout mechanism.

Since this situation is likely to exist or develop on other airplanes of the same type design, this AD requires deactivation of the in-flight spoiler lockout mechanism in accordance with the service bulletin previously described, until an inspection of the mounting brackets and replacement with the correct steel parts, if necessary, is accomplished.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon 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 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:

McDonnell Douglas: Applies to Model DC–9–80 series airplanes and Model MD–88 airplanes; Fuselage Numbers 1606, 1620, 1623, 1624, 1626, 1632, 1645, 1656, 1657, 1715, 1716, 1732, 1741, and 1746 through 1786; certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent loss of spoilers in the speed brake mode and flap/slat control, accomplish the following:

A. Within 30 days after the effective date of this AD, deactivate the in-flight spoiler lockout mechanism, in accordance with McDonnell Douglas Service Bulletin 27–312, dated February 26, 1990.

B. Prior to reactivating the in-flight spoiler lockout mechanism, conduct an inspection of the mounting brackets to determine the type and part number (P/N) of the brackets installed.

1. If mounting brackets, P/N 3962598–1A (stainless steel), are installed no further action is required and the in-flight spoiler lockout mechanism may be reactivated, in a manner approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

2. If mounting brackets, P/N 3962598–1NC (aluminum), are installed, replace them with P/N 3962598–1A brackets prior to reactivating the in-flight spoiler lockout mechanism.

Note: The aluminum bracket has a primer finish. The stainless steel bracket is plated.

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.

D. An alternative means 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 submitted directly to the manager, Los Angeles ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Los Angeles ACO.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Business Unit Manager of Publications, C1–HCO (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.

This amendment becomes effective December 17, 1990.

Issued in Renton, Washington, on November 20, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–28119 Filed 11–29–90; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

[Docket No. 900112–0265]

RIN 0607–AA13

Foreign Trade Statistics; Amendment to the Foreign Trade Statistics Regulations

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Final rule.

SUMMARY: Effective with the statistics for January 1990, the United States is substituting Canadian import statistics for U.S. export statistics under the terms of a Memorandum of Understanding signed on July 27, 1987 by the Census Bureau, U.S. Customs Service, Canadian Customs, and Statistics Canada. With this data exchange there is no statistical reason to collect Shipper's Export Declarations (SEDs) for such shipments. This rule amends the Foreign Trade Statistics Regulations (FTSR) to eliminate the requirements for SEDs for most direct exports originating in the United States where the country of ultimate destination is Canada. However, the Harbor Maintenance Fee still applies to shipments by vessel exempt from SED requirements by virtue of being destined to Canada. To allow continued enforcement of the Export Administration Act and the export regulations of other agencies, SED requirements remain in effect for shipments: (1) Requiring a Department of Commerce validated export license,

(2) requiring a Department of State, Office of Defense Trade Controls export license under the International Traffic in Arms Regulations (ITAR–22 CFR parts 121–130), (3) subject to the ITAR but exempt from license requirements, or (4) requiring a Department of Justice, Drug Enforcement Administration, export declaration (21 CFR part 1313). Furthermore, the Census Bureau reserves the right to reinstate SED requirements in specific instances where statistical accuracy is in question. Also, if merchandise is exported to Canada merely for storage and is ultimately destined for another country, then the statistical information must be reported directly to the Census Bureau on an existing SED form (7525–M, 7525–V, or 7525–V–Alt.) or in an automated format. In any case, the information required will not entail any more information than currently reported on SEDs.

Because many exporters do not have information as to the U.S. Customs port of exportation or the method of transportation by which the merchandise departed from the United States, we are adding these items to those that are the exporting carriers responsibility. Additionally, since Canadian importers do not have such information, we are requiring for shipments to Canada, which are exempt from SED requirements, that the carriers enter the port of exportation and method of transportation on the bill of lading, air waybill, or other documents they prepare.

As a separate issue, because of the recent changes in the political status of the Trust Territories under U.S. Administration, we are removing any specific reference to them.

EFFECTIVE DATE: December 30, 1990.

FOR FURTHER INFORMATION CONTACT: Harold L. Blyweiss, Chief, Regulations Branch, Foreign Trade Division, Bureau of the Census, (301) 763–5310.

SUPPLEMENTARY INFORMATION: The Notice of Proposed Rulemaking published in the **Federal Register** on July 11, 1990 (55 FR 28404) proposed amending the FTSR to: (1) Eliminate SED requirements for most shipments to Canada, (2) require, for shipments to Canada, that exporting carriers report the U.S. Customs port of exportation and the method of transportation on bills of lading, air waybills, or other documents, and (3) delete any reference to the Trust Territories under U.S. Administration. Because this amendment affected the reporting requirements, interested persons were given 60 days from the date of publication in the **Federal Register** (July 11, 1990 to September 10, 1990) to submit their comments regarding the notice.

Discussion of Major Comments

The Census Bureau received seven written comments all generally supportive of the amendment. Two commenters raised concerns relating to the quality of the statistics resulting from the U.S.-Canada data exchange, particularly with respect to trade in particleboard, medium-density fiberboard, waferboard and oriented strand board. All agencies involved in the data exchange are aware of this problem and are working toward a solution. Also, we are adding to paragraph 30.58(c) a parenthetical note reserving the right to reinstate SED requirements where statistical accuracy is in question. One commenter questioned the inclusion of the Department of Commerce licenses other than Individual Validated Licenses as types of shipments excluded from the general exemption (§ 30.58(b)(1)) from SED requirements for shipments to Canada since such licenses may not apply to Canada. After discussion with the Bureau of Export Administration, we decided to remove all references to the types of licenses and limit the reference to shipments requiring a Department of Commerce validated export license. The U.S. Customs Service and the U.S. Army Corps of Engineers requested that we add a statement to the regulation itself notifying exporters that the Harbor Maintenance Fee (HMF) still applies to shipments by vessel destined to Canada even though the shipment is exempt from SED requirements. Accordingly, we are adding appropriate language as a separate paragraph in § 30.58. Questions relating to the HMF should be directed to the User Fee Task Force, U.S. Customs Service, Washington, DC, 20229, (202) 566–8648. At the request of the Drug Enforcement Administration we are correcting § 30.58(b)(4) to read "* * * export declaration (21 CFR part 1313). Although not in written form, some reading the proposal were confused regarding the exporting carriers responsibilities (§ 30.22(b)). To clarify, we are requiring that all exporting carriers be responsible for the accuracy of the U.S. Customs port of exportation and method of transportation from the United States as reported on SEDs. Only in the case of shipments exempt from SED requirements because they are destined to Canada are carriers required to put such information on bills of lading, air waybills, or other documents they prepare.

Since this rule becomes effective upon publication, exporters, freight forwarders, and carriers utilizing the automated export reporting program may continue to report exempt shipments until such time as they can make changes to their systems.

Regulatory Impact Analysis and Information Collection

This amendment does not meet the criteria of a major rule as set forth in section 1(b) of Executive Order 12291; therefore, no Regulatory Impact Analysis is required. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612. Pursuant to the Provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), the General Counsel of the Department of Commerce certified to the Small Business Administration that this amendment will not have a significant economic effect on a substantial number of small entities because it contains a new exemption thereby reducing the reporting requirements of smaller entities.

This rule imposes no additional burden on the public thus satisfying the requirements of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

This rule contains a collection of information requirements subject to the Paperwork Reduction Act. The collection has current Office of Management and Budget approval under control numbers 0607–0018 and 0607–0152. The public reporting burden for this collection of information is estimated to average 11 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Associate Director for Management Services, Bureau of the Census, Washington, DC 20033; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

This Final Rule is being made effective upon publication in the **Federal Register**. A delayed effective date is unnecessary because the rule contains a new exemption from SED requirements thereby reducing the reporting burden by over 2 million SEDs annually. Therefore, the Census Bureau finds good cause to dispense with the Administrative Procedure Act delayed

effective date requirement (5 U.S.C. 553(d)).

List of Subjects in 15 CFR Part 30

Economic statistics, Foreign trade, Reporting and recordkeeping requirements.

The Foreign Trade Statistics Regulations (15 CFR part 30) are amended as set forth below:

PART 30—[AMENDED]

1. The authority citation for part 30 continues to read as follows:

Authority: Title 13, United States Code, sections 301–307; and title 5, United States Code, section 301; Reorganization Plan No. 5 of 1950; Department of Commerce Organization Order No. 35–2A, August 4, 1975, 40 FR 42765.

2. Section 30.1 is amended by revising the introductory text of paragraph (a)(1) to read as follows:

§ 30.1 General statement of requirement for Shipper's Export Declarations.

(a) * * *

(1) To foreign countries or areas, including Foreign Trade Zones located therein, (see § 30.58 for exemptions for shipments from the United States to Canada) from any of the following:

* * * * *

3. Section 30.5 is amended by revising paragraph (a)(2) to read as follows:

§ 30.5 Number of copies of Shipper's Export Declaration required.

(a) * * *

(2) One copy only for shipments to Canada (see § 30.58 for exemption for shipments from the United States to Canada) and nonforeign areas.

* * * * *

4. Section 30.22 is amended by revising paragraph (b) to read as follows:

§ 30.22 Requirements for the filing of Shipper's Export Declarations by departing carriers.

* * * * *

(b) The exporting carrier shall be responsible for the accuracy of the following items of information (where required) on the declaration: Name of carrier (including flag if vessel carrier), U.S. Customs port of exportation, method of transportation from the United States, foreign port of unloading, the bill of lading or air waybill number, and whether or not containerized. For shipments to Canada exempt from Shipper's Export Declaration filing requirements (See § 30.58), the exporting carrier shall enter the U.S. Customs port of exportation and method of transportation from the United States on the bill of lading, air waybill, or other documents that they prepare.

* * * * *

§ 30.35 [Removed and Reserved]

5. Section 30.35 is removed and reserved for future use.

6. Section 30.39 is amended by adding paragraph (e) to read as follows:

§ 30.39 Authorization for reporting statistical information other than by means of individual Shipper's Export Declarations filed for each shipment.

* * * * *

(e) Exporters (or their agents) of merchandise for storage in Canada but ultimately destined for third countries, the specific country of destination being unknown at the time of exportation to Canada, must report statistical information directly to the Bureau of the Census in lieu of filing individual Shipper's Export Declarations for each shipment. The information must be submitted in a format and on a time schedule approved by the Bureau of the Census. The information required will be no more detailed than that which would be reported on a Shipper's Export Declaration.

7. Section 30.55 is amended by revising paragraphs (c) and (d) to read as follows:

§ 30.55 Miscellaneous exemptions.

* * * * *

(c) Shipments from one point in the United States to another thereof by routes passing through Mexico.

(d) Shipments from one point in Mexico to another point thereof by routes through the United States.

* * * * *

8. Section 30.58 is added to read as follows:

§ 30.58 Exemption for shipments from the United States to Canada.

(a) Except as noted in paragraph (c) of this section, shipments originating in the United States where the country of ultimate destination (see § 30.7(i)) is Canada are exempt from the Shipper's Export Declaration requirements of this part. This exemption also applies to shipments from one point in the United States or Canada to another point thereof by routes passing through the other country.

(b) The Harbor Maintenance Fee applies to shipments by vessel exempt from Shipper's Export Declaration requirements by virtue of being destined to Canada.

(c) This exemption does not apply to the following shipments: (The Bureau of the Census also reserves the right to reinstate the Shipper's Export Declaration requirements of this part in specific instances for the purpose of ensuring statistical accuracy.)

(1) Requiring a Department of Commerce validated export license.

(2) Requiring a Department of State, Office of Defense Trade Controls, export license under the International Traffic in Arms Regulations (ITAR–22 CFR parts 121–130).

(3) Subject to the ITAR but exempt from license requirements.

(4) Requiring a Department of Justice, Drug Enforcement Administration, export declaration (21 CFR part 1313).

(5) For storage in Canada but ultimately destined for third countries, the specific country of destination being unknown at the time of export to Canada (see § 30.39 for reporting requirements).

Barbara Everitt Bryant,

Director, Bureau of the Census.

John P. Simpson,

Acting Assistant Secretary for Enforcement, Department of the Treasury.

[FR Doc. 90–28288 Filed 11–29–90; 8:45 am]

BILLING CODE 3510–07–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs For Use In Animal Feeds; Maduramicin Ammonium (CYGRO) With Roxarsone or Bacitracin Methylene Disalicylate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to remove those portions reflecting approval of two new animal drug applications (NADA's) held by American Cyanamid Co. In a notice published elsewhere in this issue of the **Federal Register**, FDA is withdrawing approval of the NADA's at the request of the sponsor.

EFFECTIVE DATE: December 31, 1990.

FOR FURTHER INFORMATION CONTACT: Richard P. Lehmann, Center for Veterinary Medicine (HFV–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3134.

SUPPLEMENTARY INFORMATION: FDA is withdrawing approval of the following NADA's held by American Cyanamid Co., Agricultural Research Division, Box 400, Princeton, NJ 08540.

NADA 140–821 for the combination of CYGRO (maduramicin ammonium, 4.54 to 5.45 grams per ton (g/ton)) and roxarsone (22.7 to 45.4 g/ton) for the prevention of coccidiosis caused by *Eimeria acervulina, E. tenella, E. brunetti, E. maxima, E. necatrix*, and *E. mivati*; and for increased rate of weight gain and improved feed efficiency in broiler chickens.

NADA 140–823 for the combination of CYGRO (maduramicin ammonium, 4.54 to 5.45 g/ton) and bacitracin methylene disalicylate (4 to 50 g/ton) for the prevention of coccidiosis caused by *Eimeria acervulina, E. tenella, E. brunetti, E. maxima, E. necatrix*, and *E. mivati*; and for increased rate of weight gain and improved feed efficiency in broiler chickens.

This document amends 21 CFR 558.340 by removing paragraphs (c)(3) and (c)(4) to reflect withdrawal of approval of these NADA's.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

§ 558.340 [Amended]

2. Section 558.340 *Maduramicin ammonium* is amended by removing paragraphs (c)(3) and (c)(4).

Dated: November 21, 1990.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 90–28214 Filed 11–29–90; 8:45 am]

BILLING CODE 4160–01–M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 304

Cost of Living Adjustment for Performance of Musical Compositions by Public Broadcasting Entities Licensed to Colleges and Universities

AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Tribunal announces a cost of living adjustment of 6.3% in the royalty rates to be paid by public broadcasting entities licensed to colleges, universities or other nonprofit educational institutions which are not affiliated with National Public Radio, for the use of copyrighted published nondramatic musical compositions. The cost of living adjustment is an annual adjustment required by 37 CFR 304.10(b) of the Tribunal's rules.

EFFECTIVE DATE: January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Robert Cassler General Counsel Copyright Royalty Tribunal, 1111 20th Street NW., suite 450, Washington, DC 20036, (202) 653–5175.

SUPPLEMENTARY INFORMATION: On December 29, 1987, the Copyright Royalty Tribunal published in the Federal Register the rates and terms for the copyright compulsory license applicable to the use by public broadcasting entities of published nondramatic musical works and published pictorial, graphic and sculptural works. 52 FR 49010. It was determined in that proceeding that the royalty rate to be paid by public broadcasting entities licensed to colleges, universities or other nonprofit educational institutions which are not affiliated with National Public Radio for the use of copyrighted published nondramatic musical compositions would be adjusted each year according to changes in the Consumer Price Index. 37 CFR 304.10.

The change in the cost of living as determined by the Consumer Price Index from the last Index published prior to December 1, 1989 to the last Index published prior to December 1, 1990 was 6.3% (1990's figure was 133.5; 1989's figure was 125.6, based on 1982–1984 equalling 100). Rounding off to the nearest dollar, the Tribunal announces an adjustment in the royalty rate to apply to use of musical compositions in the repertory of ASCAP and BMI of $184, each, and $44 for the use of musical compositions in the repertory of SESAC.

List of Subjects in 37 CFR Part 304

Copyrights, Music, Radio, Television.

PART 304—[AMENDED]

1. The authority citation for part 304 continues to read as follows:

Authority: 17 U.S.C. 118 and 801 (1976).

2. 37 CFR 304.5(c) is amended by revising paragraphs (c)(1) through (c)(4).

§ 304.5 Performance of musical compositions by public broadcasting entities licensed to colleges and universities.

* * * * *

(c) * * *

(1) For all such compositions in the repertory of ASCAP annually: $184.

(2) For all such compositions in the repertory of BMI annually: $184.

(3) For all such compositions in the repertory of SESAC annually: $44.

(4) For the performances of any other such composition: $1.

* * * * *

Dated: November 20, 1990.

J.C. Argetsinger,

Chairman.

[FR Doc. 90–27751 Filed 11–29–90; 8:45 am]

BILLING CODE 1410–09–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3863–4]

Approval and Promulgation of Implementation Plans Attainment Status Designations: Wisconsin

AGENCY Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: USEPA is approving a proposed site-specific revision to the Wisconsin State Implementation Plan (SIP) for ozone. This revision modifies Wisconsin's Volatile Organic Compound (VOC) emission control requirements in the Natural Resources (NR) § 422.15(2)(b) of the Wisconsin Administrative Code (WAC) for the Gehl Company (Gehl) in West Bend, Wisconsin. This action is taken in response to a November 6, 1986, submission from the State of Wisconsin, as modified by further submissions on May 22, 1990, and September 5, 1990.

On July 13, 1989 (54 FR 29555), USEPA disapproved the original November 6, 1986, version of the revision for Gehl, because the State failed to demonstrate that its approval would not jeopardize the attainment and maintenance of the ozone standard in the Milwaukee area. Subsequent to this disapproval, Wisconsin submitted modifications to the original revision and additional clarifications. Based on the proposed revision as modified, USEPA is today approving the revised submittal because: (1) The Gehl Company facility is located in an area designated as attainment for ozone, (2) approval of the proposed revision will not affect the attainment and maintenance of the ozone standard, and (3) the proposed revision is otherwise consistent with the Clean Air Act (CAA).

DATES: This action will be effective January 29, 1991, unless notice is received by January 29, 1991 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register.**

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

Copies of the SIP revision and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Edward Doty at (312) 886–6057, before visiting the USEPA, Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR–26), 230 South Dearborn Street, Chicago, Illinois 60604

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707.

Comments on this rulemaking should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR–26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Edward Doty, Air and Radiation Branch (5AR–26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6057.

SUPPLEMENTARY INFORMATION: Gehl operates miscellaneous metal parts coating lines consisting of spray booths, a dip tank, and associated air drying areas. The application of coatings on these lines is subject to the Volatile Organic Compound (VOC) emission control requirements of section NR 422.15(2)(b) of the WAC, which limits the VOC content of coatings used to not more than 3.5 pounds of VOC per gallon of coating, excluding water, after December 31, 1985. USEPA approved NR 422.15(2)(b), among other rules, on January 11, 1980, (45 FR 2319) and June 21, 1982, (47 FR 26622) as meeting the Reasonably Available Control Technology (RACT) requirements of the CAA.

An air dried coating is applied in the dip tank at Gehl which presently achieves a VOC content level of only 4.8 pounds of VOC per gallon of coating, excluding water. Gehl maintains that it is technically and economically infeasible for it to meet the 3.5 pounds of VOC per gallon of coating, excluding water, VOC content limit of NR 422.15(2)(b) for the dip tank. Therefore, Gehl requested that the Wisconsin Department of Natural Resources (WDNR) give it an alternative limit equal to the VOC content level currently achieved in the dip tank, *i.e.,* 4.8 pounds of VOC per gallon of coating, excluding water. WDNR approved this VOC content limit through a source variance/permit revision, but noted that the variance would not become effective until the USEPA had approved it as a site-specific SIP revision. Wisconsin submitted this revised limit for Gehl as a revision to the Wisconsin SIP on November 6, 1986.

On July 13, 1989, (54 FR 29555), USEPA disapproved the Gehl site-specific SIP revision based on the State's failure to demonstrate that the SIP revision would not jeopardize the attainment and maintenance of the ozone standard in the Milwaukee area. Although Washington County, where the Gehl facility is located, is designated as attainment for ozone under section 107(d) of the CAA, the State of Wisconsin has included it as part of the "Milwaukee ozone demonstration area".[1] USEPA approved Wisconsin's "1982 Ozone SIP" for the area on March 9, 1984, (48 FR 8920). Nevertheless, the area has in the past experienced ozone standard violations and continues to do so.[2] The State has not as of yet submitted a revised plan to assure the ultimate attainment and maintenance of the ozone NAAQS in the Milwaukee area.

On August 7, 1989, Gehl filed a Motion for Reconsideration of the July 13, 1989, rulemaking action. On September 11, 1989, Gehl filed a petition for review of the action in the United States Court of Appeals for the Seventh Circuit under section 307(b) of the CAA, 42 U.S.C. 7607(b). See *Gehl* v. *USEPA*, No. 89–2921.

Thereafter, Gehl, WDNR, and USEPA met and had additional discussions to determine what changes could be made to the State's variance to make it acceptable under section 110 of the CAA. Based on these discussions, Wisconsin submitted a revised plan for Gehl. *Gehl* v. *USEPA* has been held in abeyance pending the outcome of the rulemaking on this submittal.

Summary of the Revised GEHL Plan

On May 22, 1990, WDNR submitted additional source and recordkeeping requirements to supplement the November 6, 1986, source variance. WDNR requested that USEPA consider the May 22, 1990, submittal collectively with the November 6, 1986, submittal as its proposed site-specific SIP revision for Gehl. A September 5, 1990, letter from WDNR to the USEPA contained additional clarifications of the source emission controls and recordkeeping requirements of proposed SIP revision. These three submittals are collectively being considered in USEPA's rulemaking discussed here.

The submittals result in the following emission controls and recordkeeping requirements for Gehl as a proposed site=specific SIP revision:

1. The annual VOC emissions from the dip tank coating line shall not exceed 12.82 tons per year.[3]

2. The VOC content of the dip tank coatings shall not exceed 4.8 pounds of VOC per gallon of coating applied, excluding water.

3. Gehl shall maintain records for the dip tank which shall be available to WDNR upon request and which shall include the following data:

a. The unreduced coating density of each dip tank paint, in pounds of coating per gallon of coating.

b. The unreduced solvent density of each dip tank coating, in pounds of solvent per gallon of solvent,

c. The percent solids by volume, percent solvent by volume, and percent water by volume of each unreduced dip tank coating,

d. The solvent density of each nonexempt[4] reducing solvent, in pounds of solvent per gallon of solvent,

e. Daily volume in gallons of each unreduced coating and each nonexempt reducing solvent added to the dip tank, and

f. Monthly dip tank VOC emissions, in pounds of VOC per month.

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[1] The ozone demonstration area includes counties containing significant ozone precursor (VOC and oxides of nitrogen) emission sources as well as counties with monitored ozone standard violations. The State of Wisconsin includes Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha Counties in its Milwaukee ozone demonstration area.

[2] On May 26, 1988, the USEPA notified the Governor of Wisconsin that the ozone SIP for the Milwaukee area is inadequate to provide for attainment and maintenance of the ozone standard.

[3] If Gehl or the WDNR determines during any year that the annual VOC emission limit will be exceeded, Gehl must implement the following fail-safe strategy:

a. Gehl must eliminate its dip tank operation and spray all parts with compliant coatings (VOC content limit of 3.5 pounds per gallon of coating applied, excluding water), and

b. It must scale down production at the facility so as to stay below a 10 ton/year VOC emission limit.

[4] The exempt, non-reactive solvents are defined in section NR 400.02 of the WAC.

In compliance with section NR 439.06(3) of the WAC, Gehl and its paint suppliers must use Method 24 or Method 24A, specified at 40 CFR part 60, appendix A, to determine the organic solvent content, the volume of solids, the weight of solids, the water content, and the density of each of the coatings. These test procedures also apply to Conditions 4 and 7 below,

4. Gehl shall submit quarterly reports to WDNR documenting the previous quarter's monthly dip tank VOC emissions and the running annual dip tank VOC emissions. These quarterly reports must be submitted within 15 days after the end of each quarter.

5. WDNR reserves the right to further modify or rescind the variance approval because of failure of the Gehl Company to comply fully with the conditions of the variance approval or other reasons which justify modification or recision of the approval. Based on section NR 436.05(5) of the WAC, any modification of the variance has to be submitted to and approved by the USEPA as a SIP revision before the variance modification becomes effective.

6. Gehl shall not add more than 20.39 gallons of reduced coating per day to the dip tank. The addition of photochemically reactive solvents as make-up solvents to the dip tank [5] must be included in the calculation and recordkeeping of the reduced coating added to the dip tank each day. Such recordkeeping requirements and volume use restrictions do not apply to non-reactive solvents.

7. Gehl shall maintain records of all coatings added to the dip tank on a daily basis. The records shall include the dates and times of coating additions, temperature of the air in degrees Fahrenheit at the times of coating addition, the types and amounts of coating added, and the VOC contents of the coatings added in pounds of VOC per gallon of coating, excluding water. The recorded volumes of added coating shall be in the units of gallons. The purpose of this recordkeeping, as well as the recordkeeping and data reporting requirements of Conditions 3 and 4 above, is to allow WDNR to ascertain the compliance status of Gehl's dip tank emission control efforts.

8. Gehl shall be responsible for the accuracy of all of the information required under Conditions 3, 4, and 7.

9. Gehl shall keep the dip tank covered at all times when the dip tank is not in use.

Evaluation

Although Washington County is designated as an attainment area for ozone, the State assumes VOC emissions from Washington County contribute to ozone standard violations in the Milwaukee area, as evidenced by the inclusion of Washington County in the Milkwaukee ozone demonstration area.[6] Because of this inclusion, proposed SIP revisions for Washington County sources must be judged using the same air quality impact policies (but not RACT requirements) which apply to site specific SIP revisions in ozone nonattainment areas.[7]

In general, this policy requires the State to have a current, acceptable ozone attainment demonstration and current emissions data through which the air quality impact of the variance can be assessed. Wisconsin lacks a current, acceptable ozone attainment demonstration for the Milwaukee area,[8] as well as a current VOC emissions inventory.

Despite this, the USEPA views the Gehl variance to be an acceptable site-specific SIP revision, because Wisconsin has shown that the Gehl variance will not result in any increase in emissions relative to those allowed to Gehl in Wisconsin's 1982 ozone plan. Conditions 1, 2, and 6 of the variance are sufficient to assure (1) That the annual dip tank VOC emissions will not exceed the 12.82 tons per year allowable emissions for this source as specified in the 1982 ozone attainment demonstration, and (2) the peak daily VOC emissions from the dip tank operation will not exceed the 44.4 kilograms/day post-control level indicated in Wisconsin's 1982 ozone plan. This means that the variance does not constitute a "relaxation" from the SIP's emission control strategy. Notwithstanding today's approval, Wisconsin may ultimately have to impose tighter emission limits on Gehl in the future as one portion of Wisconsin's plan to ultimately assure the attainment and maintenance of the ozone NAAQS in the Milwaukee area.

Because USEPA's review of its action on Gehl shows it to be noncontroversial and routine, USEPA is approving it today without prior proposal. The action will become effective on 60 days from the date of this notice. However, if we receive notice by 30 days from the date of this notice that someone wishes to submit critical comments, then USEPA will publish: (1) A notice that withdraws this action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

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

This action has been classified as a Table Two action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989, (54 FR 2214–2225). On January 6,1989, the Office of Management and Budget waived Table Two and Three SIP revisions (54 FR 2222) section 3 of the Executive Order 12291 for a period of 2 years.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from the date of this publication. This action may not be challenged later in proceedings to enforce its requirements. (*See* 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Hydrocarbon, Incorporation by reference, Intergovernmental relations, Ozone.

Note—Incorporation by reference of the SIP for the State of Wisconsin was approved by the Director of the Federal Register on July 1, 1982.

Dated: November 31, 1990.

Ralph Bauer,

Acting Regional Administrator.

[5] Solvents are occasionally added to the dip tank to maintain coating viscosity within tolerable levels.

[6] The CAA does not require RACT level emission limits in counties designated attainment, e.g., Washington County, and USEPA is not reviewing the Gehl variance on a RACT basis.

[7] This policy is found in a July 29, 1983, memorandum from Sheldon Meyers, former Director of USEPA's Office of Air Quality Planning and Standards. This memorandum states:

For a State to secure USEPA approval of a relaxation and continue overall approval status [of its SIP], however, the State would need to show that the SIP as a whole despite the relaxation would continue to "provide for" attainment by the end of 1982 in the case of nonextension areas or as expeditiously as practicable, but no later than 1987 in extension areas. For VOC this generally will require a data base and modelling demonstration consistent with that applied in extension areas.

[8] As ntoed before, on May 26, 1988, the USEPA notified the Governor of Wisconsin that the ozone SIP for the Milwaukee area, including Washington County, was inadequate to provide for attainment and maintenance of the ozone standard by the 1987 deadline or a fixed near-term date thereafter.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart YY—Wisconsin

Title 40 of the Code of the Federal Regulations, chapter I, part 52, is amended as follows:

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.2570 is amended by adding paragraph (c)(59) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(59) On November 6, 1986, WDNR submitted a variance from NR 422.15(2)(b), subject to certain conditions, for the VOC emissions from Gehl Company's dip tank coating operation in West Bend, Wisconsin. On May 22, 1990, WDNR added four additional conditions to the revised plan, and on September 5, 1990, it submitted clarifications to the plan.

(i) *Incorporation by reference.* (A) A November 6, 1986, letter from Lyman Wible, P.E., Administrator, Division of Environmental Standards, WDNR to Mr. Michael J. Mulcahy, Vice-President, Secretary and General Counsel, Gehl Company.

(B) A May 10, 1990, letter from Lyman Wible, P.E., Administrator, Division of Environmental Standards, WDNR to Mr. Michael J. Mulcahy, Vice-President, Secretary and General Counsel, Gehl Company.

(ii) *Additional information.* (A) A September 5, 1990, letter from Thomas F. Steidl, Attorney, WDNR to Louise C. Gross, Associated Regional Counsel, USEPA.

* * * * *

[FR Doc. 90-28018 Filed 11-29-90; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 571 and 575

[Docket No. 90-04; Notice 2]

RIN 2127-AD21

Federal Motor Vehicle Safety Standards: New Pneumatic Tires for Passenger Cars—CT Tires

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This notice amends Standard No. 109, *New Pneumatic Tires*, to permit passenger car tires with a maximum inflation pressure of 290, 330, 350, or 390 kPa, in response to a petition to allow the "CT" tire and rim (an inverted flange tire and rim system). The tire has run-flat capability. After evaluating the petition and comments to the proposal, NHTSA has concluded that the CT tire has the potential for increased safety, especially in the deflated condition, and may result in incidental benefits such as increased fuel efficiency. Conforming amendments have been made throughout Standard No. 109 and the Uniform Tire Quality Grading Standards to establish criteria suitable for tires with the new pressures.

DATES: Effective date: The final rule is effective on December 31, 1990.

Petitions for reconsideration: Any petitions for reconsideration must be received by NHTSA December 31, 1990.

ADDRESSES: Petitions for reconsideration should refer to Docket No. 90-04; Notice 2 and be submitted to Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (Docket Room hours 9:30 a.m. to 4 p.m., Monday through Friday. It is requested that 10 copies of the petition be submitted.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Cook, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington DC 20590. Telephone: (202) 366-4803.

SUPPLEMENTARY INFORMATION:

Background

Federal Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires*, (49 CFR 571.109) specifies tire dimensions and laboratory test requirements for bead unseating resistance, tire strength, tire endurance, and high speed performance; defines tire load ratings; and specifies labeling requirements for new pneumatic tires used on passenger cars.

Until the effective date of the amendments adopted in this rule, Standard No. 109 requires passenger car tires to have a maximum inflation pressure of either 32, 36, 40, or 60 psi (pounds per square inch), or 240, 280, 300, or 340 kPa (kiloPascals). These maximum inflation pressures are incorporated in Table I–C "Radial Ply Tires" and Table II, "Test Inflation Pressures," which are in Appendix A. In addition, Figure 1 specifies wheel sizes for tires relative to the tubeless tire bead unseating resistance tests in section S5.2.1. The Uniform Tire Quality Grading Standards ("UTQGS" at 49 CFR 575.104) sets forth similar requirements for maximum permissible inflation pressures for the testing procedures in Table 1, Table 2, and Table 2A.

A new pneumatic passenger car tire must comply with requirements for bead unseating, tire strength, tire endurance, and high speed endurance at a maximum permissible inflation pressure specified in Standard 109. The agency specifies a limited number of permissible maximum inflation pressures (or wheel sizes, in the case of the bead unseating test) to facilitate compliance testing.

On March 8, 1989, Continental AG, Daimler-Benz, and General Tire Inc. petitioned the agency to amend Standard No. 109 and the UTQGS to permit the use of a new tire and rim concept known as the "CT" tire. With this tire, the rim flanges point radially inward and the tire fits on the underside of the rim in a manner that encloses the rim flanges inside the air cavity of the tire. The amendments were necessary because the CT tire is usable only at maximum inflation pressures that were not specified in Standard No. 109. Accordingly, the petitioners requested the agency to amend the standard to include four new maximum inflation pressures—290, 330, 350, and 390 kPa. The petitioners stated that amending Standard No. 109 to permit the CT tire would result in an increased level of safety compared to conventional radial tires in cases of flats, significant under-inflation from gradual air loss, or blowouts from sudden air loss. They stated that unlike a conventional tire, a CT tire with a flat may still be driven safely at normal highway speeds for up to 200 miles. A driver therefore could travel to a service station instead of changing the flat tire in a dangerous or inconvenient setting. They also stated that unlike a conventional tire, a CT tire that is under-inflated or experiences sudden air loss would not result in any appreciable loss of control because the tire would not leave the rim. The petitioners stated that the requested amendment would result in incidental benefits, including allowing a vehicle to have larger brake, suspension, and anti-lock brake systems, shorter stopping distances, greater resistance to hydroplaning, better distribution of the tire footprint pressure, and increased fuel savings by reducing the overall vehicle weight. The petitioners' test and other data on the performance of the CT tire indicated that the tire, when properly inflated, would comply with

Standard No. 109's performance requirements. They also tested the CT tire while in its deflated stage to determine whether the tire would leave the rim or come apart when driven through various maneuvers.

On February 14, 1990, the agency issued a notice of proposed rulemaking (NPRM) proposing to amend Standard No. 109 to include additional maximum inflation pressures for pneumatic tires on passenger cars. (55 FR 5237). The NPRM summarized previous rulemakings in which the agency amended Standard No. 109 to permit additional maximum inflation pressures. (*See* 53 FR 17950, May 19, 1988, 53 FR 936, January 14, 1988; and 43 FR 8570, March 2, 1978; 43 FR 24310, June 5, 1978). In those earlier rulemakings, the agency determined that amending the standard's specifications for the maximum permissible inflation pressure was necessary to permit a new tire technology to carry a load comparable to that carried by tires already in compliance with the standard.

NHTSA decided to propose amending Standard No. 109 to permit tires with maximum inflation pressures of 290, 330, 350, or 390 kPa, after tentatively concluding that the CT tire had the potential for increased safety, especially in the deflated condition. The agency also tentatively concluded that allowing the CT tire might result in incidental benefits such as increased fuel efficiency. The notice proposed conforming amendments to Standard No. 109 and the Uniform Tire Quality Grading Standards (49 CFR 575.104) to establish test criteria suitable for tires with the new maximum inflation pressures.

NHTSA received comments from ETRTO, the Rubber Manufacturers Association (RMA), and five tire or motor vehicle manufacturers. All commenters favored the proposal. The agency therefore is adopting the proposed amendments for the reasons set forth in the NPRM.

In response to technical comments, the agency is modifying certain provisions in its UTQGS regulations relative to the inclusion of CT tires. NHTSA agrees with the petitioner's comment that the proposal's headings in Tables 1 and 2 of 49 CFR 575.104 do not best reflect temperature resistance testing under the UTQGS. The final rule therefore adopts more appropriate wording suggested in the petitioner's comments. The final rule also includes certain treadwear and traction testing multipliers to Table 2, which were inadvertently omitted in the NPRM.

The agency agrees with RMA's comment that the agency should not include the phrase "equivalent" to § 575.104(e)(2)(i) given that the tires on any one vehicle should be of the same size designation and that the additional phrase would have added imprecision to UTQGS.

The agency has decided not to adopt RMA's request to amend § 575.104(f)(2)(B) (sic) rather than (f)(2)(D)(viii) (sic) because the CT tire inflation pressures are for candidate tires subject to § 575.104(f)(2)(viii); while (f)(2)(i)(B) refers to standard test tires.

NHTSA notes that section 103(c) of the Vehicle Safety Act requires that each order shall take effect no sooner than 180 days from the date the order is issued unless "good cause" is shown that an earlier effective date is in the public interest. The agency has concluded that there is "good cause" not to provide the full 180 day lead-in period given that this amendment will facilitate the introduction of certain tires without imposing any mandatory requirement on manufacturers. In addition, the public interest will be served by not delaying the introduction of tires that can provide better performance without having any negative impact on safety. Therefore, the agency has determined that there is good cause to set an effective date 30 days after publication of the final rule.

Regulatory Impacts

The agency has analyzed the rule and determined that it is neither "major" within the meaning of Executive Order 12291 nor "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. The amendments do not impose new requirements for current tires but instead permit a new category of tire. Selection of this option is at the discretion of the vehicle manufacturer or purchaser and is not a mandatory safety requirement. The performance requirements applicable to the new category of tire do not differ from those applicable to existing categories. A full regulatory evaluation is not required because this rule will have minimal economic impacts.

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effect of this action on small entities. I certify that the final rule will not have a significant economic impact on a substantial number of small entities. The agency notes that few, if any, tire manufacturers qualify as small businesses. Any tire manufacturers that do qualify as small businesses might benefit to a small extent by being permitted to produce this new type of tire. Small businesses, small organizations, and small governmental units will be affected by the amendments only to the extent that they purchase motor vehicles with these tires. These small entities may benefit to a small extent if they purchase vehicles with these new tires. The cost of a vehicle equipped with these tires is not expected to be significantly different from that of a vehicle equipped with existing tires.

NHTSA has analyzed this action under the principles and criteria of Executive Order 12612, and has determined that this rule will not have sufficient Federalism implications to warrant preparing a Federalism Assessment.

Finally, the agency has considered the environmental implications of this rule in accordance with the National Environmental Policy Act and determined that the rule will not have a significant impact on the quality of the human environment.

List of Subjects in 49 CFR Parts 571 and 575

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR parts 571 and 575 are amended as follows:

PART 571—[AMENDED]

1. The authority citation for part 571 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

2. In § 571.109, S3 is amended by adding the following definition "CT" in alphabetical order to read as follows:

§ 571.109 Standard No. 109; New pneumatic tires.

* * * * *

S3. *Definitions.*

* * * * *

CT means a pneumatic tire with an inverted flange tire and rim system in which the rim is designed with rim flanges pointed radially inward and the tire is designed to fit on the underside of the rim in a manner that encloses the rim flanges inside the air cavity of the tire.

* * * * *

§ 571.109 [Amended]

3. In § 571.109, S4.2.1(b) is revised to read as follows:

S4.2.1 *General.*

* * * * *

(b) Its maximum permissible inflation pressure shall be either 32, 36, 40, or 60 psi, or 240, 280, 300, 340, kPa. For a CT

tire the maximum permissible inflation pressure shall be either 290, 330, 350, or 390 kPa.

* * * * *

§ 571.109 [Amended]

4. In § 571.109, S4.2.2.2 is amended by designating paragraphs (1) and (2) as (a) and (b) and by revising newly designated paragraph (b) to read as follows:

S4.2.2.2 *Physical dimensions.*

* * * * *

(b) (For tires with a maximum permissible inflation pressure of 60 psi, or 240, 280, 290, 300, 330, 340, 350, or 390 kPa) 7 percent or 0.4 inch, whichever is larger.

* * * * *

§ 571.109 [Amended]

5. In § 571.109, S4.3.4 is revised to read as follows:

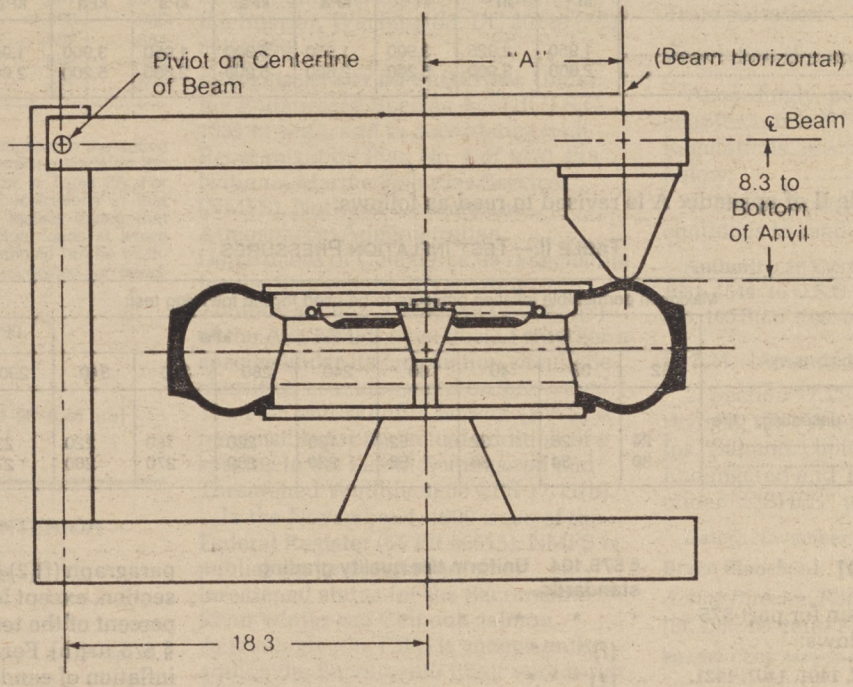
S4.3.4 If the maximum inflation pressure of a tire is 240, 280, 290, 300, 330, 340, 350, or 390 kPa, then:

(a) Each marking of that inflation pressure pursuant to S4.3(b) shall be followed in parenthesis by the equivalent inflation pressure in psi, rounded to the next higher whole number; and

(b) Each marking of the tire's maximum load rating pursuant to S4.3(c) in kilograms shall be followed in parenthesis by the equivalent load rating in pounds, rounded to the nearest whole number.

§ 571.109 [Amended]

6. In § 571.109, Figure 1 is revised to read as follows:



Wheel Size	Dimension "A" for tires with maximun inflation pressure	
	Other than 60 lbs/in ²	60 lbs/in ²
17	12.00	
16	11.50	9.9
15	11.00	9.4
14	10.50	8.9
13	10.00	8.4
12	9.50	
11	9.00	
10	8.50	
320	8.50	
340	9.00	
345	9.25	
365	9.75	
370	10.00	
390	11.00	
415	11.50	
400 (1)	10.25	
425 (1)	10.75	
450 (1)	11.25	
475 (1)	11.75	

Wheel Size	Dimension "A" for tires with maximun inflation pressure	
	Other than 60 lbs/in ²	60 lbs/in ²
500 (1)	12.25	

(1) for CT tires only.

Figure 1.—Bead Unseating Fixture—Dimensions in Inches

§ 571.109 [Amended]

7. In § 571.109, Table I–C appendix A is revised to read as follows:

TABLE I–C.—FOR RADIAL PLY TIRES

Size designation	Maximum permissible inflation										
	32 lbs/ in ²	36 lbs/ in ²	40 lbs/ in ²	240 kPa	280 kPa	300 kPa	340 kPa	(1) 290 kPa	(1) 330 kPa	(1) 350 kPa	(1) 390 kPa
Below 160 mm (in-lbs)	1,950	2,925	3,900	1,950	3,900	1,950	3,900	1,950	3,900	1,950	3,900
160 mm or above (in-lbs)	2,600	3,900	5,200	2,600	5,200	2,600	5,200	2,600	5,200	2,600	5,200

(1) For CT tires only.

§ 571.109 [Amended]

8. In § 571.109, Table II of appendix A is revised to read as follows:

TABLE II.—TEST INFLATION PRESSURES

Test Type	Maximum permissible inflation pressure to be used for the following test:											
	lbs/in ²				kPa				kPa (1)			
	32	36	40	60	240	280	300	340	290	330	350	390
Physical dimensions, bead unseating, tire strength, and tire endurance	24	28	32	52	180	220	180	220	230	270	230	270
High speed performance	30	34	38	58	220	260	270	260	270	310	270	310

(1) For CT tires only.

PART 575—[AMENDED]

9. The authority citation for part 575 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1407, 1421, and 1423; delegation of authority at 49 CFR 1.50

10. A new sentence is added to § 575.104(f)(2)(viii) immediately after the first sentence. The first sentence is being republished for the convenience of the reader.

§ 575.104 Uniform tire quality grading standards.

* * * * *

(f) * * *

(2) * * *

(viii) Prepare two candidate tires of the same construction type, manufacturer, line, and size designation in accordance with paragraph (f)(2)(i) of this section, mount them on the test apparatus, and test one of them according to the procedures of paragraph (f)(2) (ii) through (v) of this section, except load each tire to 85 percent of the test load specified in § 575.104(h). For CT tires, the test inflation of candidate tires shall be 230 kPa. * * *

* * * * *

§ 575.104 [Amended]

11. In § 575.104, Table 1 is revised to read as follows:

TABLE 1.—TEST INFLATION PRESSURES

Test Type	Maximum permissible inflation pressure for the following test:											
	lbs/in ²			kPa				kPa (1)				
	32	36	40	60	240	280	300	340	290	330	350	390
Treadwear test	24	28	32	52	180	220	180	220	230	270	230	270
Temperature resistant test	30	34	38	58	220	260	220	260	270	310	270	310

(1) For CT tires only.

§ 575.104 [Amended]

12. Also, in § 575.104, Table 2 is revised to read as follows:

TABLE 2 [1]

Maximum inflation pressure	Multiplier to be used for tread-wear testing	Multiplier to be used for traction testing
32 lbs/in [2]	.851	.851
36 lbs/in [2]	.870	.797
40 lbs/in [2]	.883	.753
240 kPa	.866	.866
280 kPa	.887	.804
300 kPa	.866	.866
340 kPa	.887	.904
290 kPa (1)	.866	.866
330 kPa (1)	.887	.804
350 kPa (1)	.866	.866
390 kPa (1)	.887	.804

(1) For CT tires only.

[1] Prior to July 1, 1984, the multipliers in the above table are not to be used in determining loads for the tire size designations listed below in Table 2A. For those designations, the load specifications in that table shall be used in UTQG testing during that period. These loads are the actual loads at which testing shall be conducted and should not be multiplied be the 85 percent factors specified for tread-wear and traction testing.

Issued on: November 9, 1990.

Jeffrey R. Miller,

Deputy Administrator.

FR Doc. 90–27489 Filed 11–29–90; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB41

Endangered and Threatened Wildlife and Plants; Listing of the Sacramento River Winter-run Chinook Salmon as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service is adding the Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*) to the List of Endangered and Threatened Wildlife. This measure, required by the Endangered Species Act of 1973 corresponds with a final determination of threatened status by the National Marine Fisheries Service, which has jurisdiction for the winter-run chinook salmon.

EFFECTIVE DATE: November 30, 1990.

FOR FURTHER INFORMATION CONTACT: Dr. Ralph Morgenweck, Assistant Director for Fish and Wildlife Enhancement Conservation, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, DC 20240 (703/343–4646).

SUPPLEMENTARY INFORMATION: Under the Endangered Species Act (16 U.S.C. 1531 et seq.), and in accordance with Reorganization Plan No. 4 of 1970, the National Marine Fisheries Services (NMFS), National Oceanic and Atmospheric Administration, Department of Commerce, is responsible for the Sacramento River winter-run Chinook salmon. Under section 4(a)(2) of the Act, NMFS must decide whether a species under its jurisdiction should be classified as endangered or threatened. The Fish and Wildlife Service (FWS) is responsible for the actual addition of a species to the List of Endangered and Threatened Wildlife in 50 CFR 17.11(h).

In the November 4, 1990 issue of the **Federal Register** (55 FR 46515), NMFS is publishing its determination of threatened status for the Sacramento River winter-run Chinook salmon. Accordingly, the FWS is concurrently adding the Sacramento River winter-run Chinook salmon as a threatened species to the List of Endangered and Threatened Wildlife. Because this FWS action is nondiscretionary and the species is already listed under an emergency rule (55 FR 12191), the FWS finds that good cause exists to omit the notice and public comment procedures of 5 U.S.C. 553(b).

National Environmental Policy Act

The FWS also has determined that an Environmental Assessment under the National Environmental Policy Act of 1969 does not need to be prepared in regard to regulations adopted under section 4(a) of the Act. A notice outlining the reasons for this determination was published in the **Federal Register** on October 25, 1985 (48 FR 49244).

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter 1, title 50 of the Code of Federal Regulations, is amended as set forth below:

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

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

§ 17.11 [Amended]

2. Section 17.11 (h) is amended by revising the "When listed" column entry for "Salmon, chinook" in the List of Endangered and Threatened Wildlife under "FISHES" to read: "383E, 407".

Dated: November 26, 1990.

Bruce Blanchard,

Acting Director, Fish and Wildlife Service.

[FR Doc. 90–28163 Filed 11–29–90; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 55, No. 231
Friday, November 30, 1990

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

GENERAL ACCOUNTING OFFICE

4 CFR Parts 91, 92, and 93

Standards for Waiver of Claims for Erroneous Payments of Pay and Allowances

AGENCY: General Accounting Office.

ACTION: Proposed Rule.

SUMMARY: The General Accounting Office is proposing to update our waiver regulations at 4 CFR parts 91–93 to: (1) Bring these regulations into conformance with existing administrative practices of the General Accounting Office; and (2) implement the provisions of Public Laws 99–224 and 100–702.

Public Law 99–224 amended three waiver statutes, 5 U.S.C. 5584, 10 U.S.C. 2774, and 32 U.S.C. 716, to extend the existing equitable waiver authority for pay and allowances to also include erroneous payments of travel, transportation, and relocation expenses and allowances made to or on behalf of civilian employees or members of the uniformed services. By Circular Letter B–197290, February 24, 1986, we advised federal agencies that the expanded waiver authority granted by Public Law 99–224 was in effect as of December 28, 1985.

Public Law 100–702, extended the amended waiver authority to employees of the judicial branch. This statute authorizes the Director, Administrative Office of the United States Courts, to waive collection of erroneous payments of not more than $10,000 made to employees of that Office, the Federal Judicial Center, and the federal courts.

DATES: Comments must be received no later than January 29, 1991.

ADDRESSES: Comments should be addressed to: Robert L. Higgins, Associate General Counsel, U.S. General Accounting Office, 441 G Street NW., Washington, DC 20548.

FOR FURTHER INFORMATION CONTACT: Robert L. Higgins, Association General Counsel, (202) 275–6410.

SUPPLEMENTARY INFORMATION:

General

The first major substantive change in these proposed regulations is to implement the extended statutory authority to waive erroneous payments of travel, transportation and relocation expenses and allowances enacted by Pub. Law 99–224, 99 Stat. 1741, December 28, 1985.

Prior to enactment of Public Law 99–224, the three waiver statutes authorized the waiver of debts owed to the United States only if they arose out of overpayments of pay and allowances. Those debts arising out of overpayments of travel, transportation and relocation expenses were expressly excluded. In removing the exclusion, the new law recognized the increased scope and diversity of government travel and relocation entitlements and the hardship often caused by requiring civilian employees and military personnel to make substantial repayments to the government as a result of erroneous payments.

The other major substantive change reflects the amendment to 5 U.S.C. 5584 made by Public Law 100–702, 102 Stat. 4667, Nov. 19, 1988, to authorize the Director of the Administrative Office of the United States Courts to waive a claim of the United States aggregating not more than $10,000 against an employee of the Administrative Office, the Federal Judicial Center, or any of the federal courts set forth in section 610 of title 28, United States Code. The amendment defines the "Director" as "head of an agency" for purposes of wavier.

We also note two minor terminology differences which have no substantive effect. The amendments made by Public Law 99–224 to the civilian employee waiver statute, 5 U.S.C. 5584, use the term "travel, transportation and relocation expenses and allowances", while the amendments to the two waiver statutes for members of the uniformed services, 10 U.S.C. 2774 and 32 U.S.C. 716, use the term "travel and transportation allowances." Although the terminology differs, no difference in the scope of the coverage was intended. Since the proposed regulation covers both civilian employees and military members, we have used the broader term in the text when we refer to both groups.

The other terminology difference is that the title of each of the waiver statutes, 5 U.S.C. 5584, 10 U.S.C. 2774, and 32 U.S.C. 716, refers to "overpayments" but the text of the statutes refer to "erroneous payments." For the sake of consistency, these proposed regulations use the term "erroneous payments," as do the existing regulations. We note, however, that the two terms are virtually synonymous.

Immediately following is a section-by-section analysis of the proposed amendments. Following that is the text of the proposed new waiver regulations.

Part 91

(1) The proposed § 91.1 is substantially the same as the existing § 91.1, and it also incorporates existing § 93.3.

(2) The proposed definitions in § 91.2 do not itemize every travel, transportation or relocation expense and allowance, or every statute which authorizes payments for such items. Instead, the definitions of "travel, transportation or relocation expenses and allowances" for employees in proposed § 91.2(f)(3) and "travel and transportation allowances" for members in proposed § 91.2(h)(3) specifically refer only to the most commonly relied upon statutes. The phrase "other comparable provisions" is intended to compass all other travel, transportation or relocation entitlements.

(3) Proposed § 91.2(a) is amended to include the judicial branch agencies listed in Public Law 100–702.

(4) Both proposed § 91.2 (g)(3) and (i)(3) make it clear that Public Law 99–224 is not retroactive. Only travel, transportation or relocation expenses and allowances paid on or after December 28, 1985, may be considered for waiver. *See* Public Law 99–224, section 4.

(5) Existing § 91.3(c) is omitted because of the statutory amendment made by Public Law 100–702 to include judicial branch employees.

(6) Proposed § 91.4(b) reflects the authority given by Public Law 100–702 to the Director, Administrative Office of the United States Courts, to waive debt claims against judicial branch employees aggregating not more that $10,000, as contrasted with other agency heads who are limited to $500. *See also* § 91.4(c)(2).

(7) Existing § 91.4(b) provides that when an agency denies an application for waiver in an amount aggregating more than $500, the applicant must be advised of the right to appeal the denial to GAO. The proposed § 91.4(c)(2) provides that the applicant must be advised of the right to appeal the agency's denial of waiver of any amount.

(8) The proposed § 91.4(d) reflects the principles established in our decisions concerning the treatment of travel advances. We have held that waiver consideration is appropriate to the extent that a travel advance was made to cover the expenses erroneously authorized and the employee or member actually spent the advance in reliance on the duly authorized, albeit erroneous, travel orders. *See Rajindar N. Khanna,* 67 Comp. Gen. 493 (1988); *Major Kenneth M. Dieter,* 67 Comp. Gen. 496 (1988). As a general rule, we presume that expenses incurred in accordance with erroneous orders were made in reliance on those orders. However, under certain circumstances we believe it would be inappropriate to assume detrimental reliance. For example, in a case where a member was overadvanced funds for mileage based on an inaccurate distance calculation, we could not say that the member relied on this error to his detriment since he had to drive the same distance regardless of the specific mileage allowed. *Major Kenneth M. Dieter, supra.*

(9) Moreover, the government's payment to a commercial carrier for a household goods shipment under a government bill of lading where the payment results in a debt owed by the employee or member for excess weight charges or unauthorized services generally is not considered to be an "erroneous payment." Thus, collection of the resulting debt is not subject to waiver consideration unless there is evidence of some government error, such as erroneous travel orders. *Transportation Debt Waivers,* 67 Comp. Gen. 484 (1988).

(10) The existing regulations, at § 91.5(a), incorporate the various effective dates and filing periods for applications for waiver which are contained in 5 U.S.C. 5584. These dates range from July 1, 1960, through July 25, 1977. The dates are still controlling but have been omitted from these proposed regulations because, as a practical matter, it is unlikely that such early dates would be relevant to an application for waiver pending today. Instead, proposed § 91.5(a)(1) refers to the standard 3-year period from the date of discovery rule and provides that, in the case of applications received prior to July 25, 1977, the reader should refer directly to the provisions of 5 U.S.C. 5584(b).

(11) Because the statutory period for receipt of an application for waiver runs from the date of discovery of the error, proposed § 91.5(a)(2) requires agencies and departments to give prompt notice to the employee, member, or other person of the discovery of an erroneous payment. In addition, proposed § 91.5(a)(2) incorporates the principle, already stated in subsection 103.5 of Title 4 of the GAO Policy and Procedures Manual for Guidance of Federal Agencies, the doubts as to the date of discovery are to be resolved in favor of the applicant for waiver.

(12) The existing regulations, at § 91.5(c), provide that waiver is ordinarily precluded where a person receives "any significant unexplained increase" and fails to make inquiries and bring the matter to the attention of the appropriate official. This standard for denial of waiver is correct as far as it goes, but it does not apply to all cases.

Accordingly, proposed § 91.5(b) adds a phrase providing that waiver is also ordinarily precluded where the person "knew, or reasonably should have known" that an erroneous payment has occurred and fails to make inquiries and bring the matter to the attention of the appropriate official. This "knew or reasonably should have known" standard reflects existing case law and may be applied in all cases, including those involving travel, transportation and relocation expenses and allowances.

(13) The proposed § 91.6 is substantially the same as the existing §§ 93.1 and 93.2.

Part 92

(1) Unless otherwise noted, the changes to proposed Part 92 were made for editorial reasons or to more accurately and fully reflect existing practices.

(2) Proposed § 92.2 was added to make it clear that agencies may on a case-by-case basis consider the cost of processing an application for waiver and, if there are no countervailing Government policies, terminate collection where the costs of processing a waiver application are likely to exceed the amount recoverable on the claim. For a discussion of the concept of countervailing Government policies, see 65 Comp. Gen. 893 (1986).

(3) A provision has been added in proposed § 92.4(a)(1) which requires that agencies provide the names and mailing addresses of the employees, members or other persons from whom collection is sought, or a statement that they cannot reasonably be located.

(4) The proposed § 92.5(b) requires the agency or department to give notice to the employee, member, or other person from whom collection is sought that waiver has been granted or denied, or that the matter has been referred to GAO. Sometimes employees, members, or other persons have complained that they did not know a matter had been referred to GAO. No particular form of notice is required and notice could be easily accomplished by providing the applicant with a copy of the report to GAO. Similarly, no particular form is required for notice that waiver has been granted or denied by the agency. Agencies may provide such notice by providing copies of relevant documents, or by whatever other means appear administratively feasible.

(5) The proposed § 92.6(b) was added to make it clear that actions by the Claims Group granting or denying waiver in whole or in part may be appealed to the Comptroller General, either by the employing agency or department, or by the employee, member, or other person from whom collection is sought. Some questions have arisen concerning whether an agency may appeal a Claims Group determination granting waiver. Inasmuch as there is nothing in the waiver statutes which would preclude such an appeal, we believe agencies should be allowed to appeal a grant or a denial of waiver. Such review is similar to that afforded agencies under our regulations at 4 CFR part 32 for review of claims settlements made pursuant to 31 U.S.C. 3702.

(6) Proposed § 92.7 changes the existing § 92.5 which provides that where an erroneous payment has been repaid, and is subsequently waived, a refund of the amount repaid may be made provided an application for refund is made within 2 years of the date of the waiver. Under that provision agencies are required to notify the affected persons of their right to request a refund and the affected persons are then required to apply for a refund. The proposed § 92.7 eliminates the need for a separate application. It construes the waiver application as an application for a refund so that agencies shall pay the refund upon notification of the grant of waiver. In keeping with the statutory requirement, however, no refund may be paid where the person entitled to a refund cannot be located within 2 years of the date of waiver. This change is intended to reduce the administrative burden and cost of processing refunds.

List of Subjects

4 CFR Part 91

Accounting, Claims, Government employees, Military personnel, Relocation expenses, Travel and transportation expenses, Wages.

4 CFR Part 92

Accounting, Administrative practice and procedure, Claims, Government employees, Investigations, Military personnel, Wages.

4 CFR Part 93

Accounting, Claims, Government employees, Military personnel, Wages.

For the reasons set out in the preamble, parts 91, 92, and 93 of Title 4, chapter I, subchapter G, Code of Federal Regulations, are proposed to be amended as follows:

1. The title of subchapter G is revised to read as follows:

SUBCHAPTER G—STANDARDS FOR WAIVER OF CLAIMS FOR ERRONEOUS PAYMENTS OF PAY AND ALLOWANCES, AND OF TRAVEL TRANSPORTATION, AND RELOCATION EXPENSES AND ALLOWANCES

2. Parts 91 and 92 are revised to read as follows:

PART 91—STANDARDS FOR WAIVER

Sec.

91.1 Purpose and scope of subchapter.
91.2 Definitions.
91.3 Exclusions.
91.4 Authority to waive.
91.5 Conditions for waiver.
91.6 Effect of waiver.

Authority: 31 U.S.C. 711. Interpret or apply 5 U.S.C. 5584, 10 U.S.C. 2774, and 32 U.S.C. 716, as amended by Pub. L. 99–224, 99 Stat. 1741–1742, December 28, 1985, and by Pub. L. 100–702, Title X, section 1009(a), 102 Stat. 4667, Nov. 19, 1988.

§ 91.1 Purpose and scope of subchapter.

This subchapter implements 5 U.S.C. 5584, 10 U.S.C. 2774, and 32 U.S.C. 716. It prescribes the effect of and the standards and procedures for waiver of claims of the United States arising out of erroneous payments of pay and allowances, and erroneous payments of travel, transportation, and relocation expenses and allowances, made to or on behalf of employees of an agency or members of the uniformed services, including the National Guard, the collection of which would be against equity and good conscience and not in the best interests of the United States. These regulations do not affect any authority under any other statute to litigate, settle, compromise, or waive any claim of the United States.

§ 91.2 Definitions.

(a) *Agency* means—

(1) An executive agency as defined in 5 U.S.C. 105, including the General Accounting Office,

(2) The Government Printing Office,

(3) The Library of Congress,

(4) The Office of the Architect of the Capitol,

(5) The Botanic Garden, and

(6) The Administrative Office of the United States Courts, the Federal Judicial Center, and any of the courts set forth in section 610 of title 28, U.S. Code. Section 610 defines "courts" to include the courts of appeals and district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, the District Court of the Virgin Islands, the United States Claims Court and the Court of International Trade.

(b) *Secretary concerned* shall have the same meaning as it does in section 101(5) of Title 37, United States Code.

(c) *Head of an agency* means the head of each agency listed in paragraphs (a)(1) through (5) of this section and the Director, Administrative Office of the United States Courts, for the agencies and courts listed in paragraph (a)(6) of this section.

(d) *Uniformed services* means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service.

(e) *National Guard* means the Army National Guard, the Air National Guard, the Army National Guard of the United States, and Air National Guard of the United States.

(f) *Employee* means an officer or employee as defined in 5 U.S.C. 2104 and 2105 who is or was employed in a civilian capacity by an agency.

(g) As it relates to employees, the term—

(1) *Pay* means salary, wages, pay, compensation, emoluments, and remuneration for services. It includes but is not limited to overtime pay; night, standby, irregular and hazardous duty differential; pay for Sunday and holiday work; payment for accumulated and accrued leave; and severance pay.

(2) *Allowances* includes but is not limited to payments for quarters, uniforms, and overseas cost of living expenses.

(3) *Travel, transportation or relocation expenses and allowances* includes but is not limited to items referred to in 5 U.S.C. 5724, 5724a, 5724b and 5724c, 22 U.S.C. 4081, and other comparable provisions, payment of which is made on or after December 28, 1985.

(h) *Member* means a member or former member of the uniformed services, or member or former member of the National Guard.

(i) As it relates to members, the term—

(1) *Pay* includes but is not limited to base and longevity pay, basic pay, training duty pay, special and incentive pays, readjustment pay, severance pay, mustering-out pay, retainer pay, retired pay, retirement pay, lump-sum leave pay, and equivalent-pay.

(2) *Allowances* includes but is not limited to payments in lieu of subsistence, quarters, uniforms, clothing, personal money allowance, family separation allowance, and overseas station allowance.

(3) *Travel and transportation allowances* includes but is not limited to items referred to in 37 U.S.C. 404 and other comparable provisions, payment of which is made on or after December 28, 1985.

(j) *Aggregate amount* means the gross amount of the claim against the employee, member, or other person from whom collection is sought.

§ 91.3 Exclusions.

This part does not apply to:

(a) Employees of the District of Columbia Government,

(b) Employees of the legislative branch of the government, except employees of the Architect of the Capitol, the Government Printing Office, the Library of Congress, the United States Botanic Garden, and the General Accounting Office.

§ 91.4 Authority to waive.

(a) The Comptroller General of the United States, or his designee, may grant waiver in whole or in part of a claim of the United States in any amount arising out of an erroneous payment of pay or allowances made on or after July 1, 1960, or an erroneous payment of travel, transportation or relocation expenses or allowances made on or after December 28, 1985, to an employee or member, when all of the requirements for waiver are met. Claims referred to the Attorney General for litigation will not be considered for waiver by the Comptroller General of the United States without first having obtained permission from the Attorney General.

(b) The Director of the Administrative Office of the United States Courts may grant waiver in whole or in part of a claim of the United States in an amount aggregating not more than $10,000 arising out of an erroneous payment of pay or allowances or an erroneous

payment of travel, transportation or relocation expenses or allowances to an officer or employee of the Administrative Office of the United States Courts, the Federal Judicial Center, or any of the courts listed in § 91.2(a)(6) of this part. This authority applies with respect to any claim arising before November 19, 1988, which was pending on that date and to any claim which arose on or after that date.

(c) The head of an agency or the Secretary concerned, or his designee—

(1) May grant waiver in whole or in part of a claim of the United States in an amount aggregating not more than $500 when all of the requirements for waiver are met, except that the Director of the Administrative Office of the United States Courts may grant waiver in whole or in part of a claim in an amount aggregating not more than $10,000;

(2) May deny waiver of a claim in any amount, provided that the employee, member, or other person from whom collection is sought must be advised of the right to appeal the denial to the General Accounting Office pursuant to the procedures set forth in part 92 of this subchapter; and

(3) May not grant waiver of any claim which is the subject of an exception made by the Comptroller General in the amount of any accountable officer, or which has been referred to the General Accounting Office or to the Attorney General.

(d) The government's claim against an employee or member for repayment of an advance of funds for travel or relocation expenses may be considered for waiver if—

(1) The advance was made to cover expenses erroneously authorized;

(2) The employee or member actually spent the advance in reliance on the erroneous travel authorization; and

(3) The employee or member is indebted to the government for repayment of all or part of the amounts advanced after the advance is applied against any legitimate expenses incurred by the employee or member.

§ 91.5 Conditions for waiver.

(a) *Three-year application period.* (1) An application for waiver must be received in the General Accounting Office or in the agency or department which made the erroneous payment within 3 years immediately following the date on which the erroneous payment was discovered, or in the case of certain applications received prior to July 25, 1977, as provided in 5 U.S.C. 5584(b).

(2) The employee, member, or other person from whom collection is sought shall be promptly notified of the discovery of an erroneous payment. In determining the date of discovery of an erroneous payment, all doubts are to be resolved in favor of the applicant.

(b) Waiver may be granted only when collection would be against equity and good conscience and not in the best interests of the United States. Generally, these criteria will be met by a finding that the erroneous payment occurred through administrative error and that there is no indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee, member, or other person having an interest in obtaining a waiver of the claim. Generally, waiver is precluded when an employee, member, or other person having an interest in obtaining waiver receives a significant unexplained increase in pay or allowances, or otherwise knew, or reasonably should have known, that an erroneous payment has occurred, and fails to make inquiries or bring the matter to the attention of the appropriate officials. Waiver under this standard must necessarily depend upon the facts existing in the particular case. The facts upon which waiver is based should be recorded in detail and made a part of the written record in accordance with the provisions of part 92 of this subchapter.

§ 91.6 Effect of waiver.

(a) In the audit and settlement of the accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived.

(b) An erroneous payment, the collection of which is waived pursuant to this subchapter, is deemed a valid payment for all purposes.

PART 92—PROCEDURE

Sec.

92.1 Who may apply for waiver.
92.2 Costs of processing an application.
92.3 Where to apply.
92.4 Report of the agency or department.
92.5 Action by the agency or department.
92.6 Initial action by the General Accounting Office and Appeals to the Comptroller General.
92.7 Refund of amounts repaid and waived.
92.8 Written record.
92.9 Register of waivers and report.
92.10 Referral of claims for collection or litigation.

Authority: 31 U.S.C. 711. Interpret or apply 5 U.S.C. 5584, 10 U.S.C. 2774, and 32 U.S.C. 716, as amended by Pub. L. 99–224, 99 Stat. 1741–1742, December 28, 1985, and by Pub. L. 100–702, Title X, section 1009(a), 102 Stat. 4667, November 19, 1988.

§ 92.1 Who may apply for waiver.

An application for waiver may be initiated by an employee, member, or other person from whom collection is sought, or by an unauthorized official of the agency or department which made the erroneous payment, or by the Comptroller General of the United States.

§ 92.2 Costs of processing an application.

An application for waiver may be suspended and collection efforts terminated pursuant to the Federal Claims Collection Standards, part 104 of this title, when the cost of processing the application for waiver is likely to exceed the amount recoverable on the claim and there are no countervailing Government policies. Actions taken pursuant to this section should be recorded as a termination of collection efforts and do not constitute a grant of waiver.

§ 92.3 Where to apply.

(a) An application for waiver filed by an employee, member, or other person from whom collection is sought shall be submitted to the agency or department which made the erroneous payment.

(b) After the agency or department has taken the actions required by §§ 92.4 and 92.5, the employee, member, or other person from whom collection is sought may request the agency or department to submit the matter to the General Accounting Office.

(c) The agency or department shall submit all waiver applications and appeals for consideration by the General Accounting Office to: Claims Group, General Government Division, U.S. General Accounting Office, Washington, DC 20548.

The submission shall include all of the information required by §§ 92.4 and 92.5, and any written comments on the matter submitted by the employee, member, or other person from whom collection is sought.

§ 92.4 Report of the agency or department.

(a) Except as provided in paragraph (b) of this section, upon initiation of an application for waiver, the agency or department shall prepare a written report containing a chronological summary of the facts and circumstances including:

(1) The names and mailing addresses of each employee, member, or other person from whom collection is sought, or a statement that the person cannot reasonably be located;

(2) The aggregate amount of the claim;

(3) The date the erroneous payment was discovered;

(4) The date the employee, member, or other person from whom collection is sought was notified of the error and a statement of the erroneous amounts paid before and after receipt of such notice;

(5) A statement as to the circumstances under which the erroneous payment was made, the applicant's knowledge of the erroneous payment and the steps the applicant took, if any, to bring the matter to the attention of the appropriate official;

(6) A determination as to whether there is any indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee, member, or other interested person and the factual basis for such a determination;

(7) A statement as to whether or not the erroneous payment is the subject of an exception made by the Comptroller General of the United States;

(8) Legible copies or the originals of supporting documents such as leave and earnings statements, travel authorizations and vouchers, and military orders;

(9) Statements of the employee, member, or other interested person;

(10) A statement as to the reason the agency or department believes the erroneous payment occurred and the corrective action taken to prevent the occurrence of similar erroneous payments;

(11) A statement as to what action, if any, has been taken to obtain repayment of the claim, and whether or not the employee, member, or other person from whom collection may be sought has made any repayment.

(b) No written report is required where the amount involved is $100 or less and there is no indication of fraud, misrepresentation, fault, or lack of good faith.

§ 92.5 Action by the agency or department.

Upon completion of the report, the agency or department,

(a) Shall grant or deny waiver if authorized by §§ 91.4(c) and 91.5 of this subchapter, or refer the matter to the General Accounting Office in accordance with § 92.3(c) of this part, and

(b) Shall provide written notice as to whether the application for waiver has been granted, denied, or referred to the General Accounting Office, to the employee, member, or other person from whom collection is sought provided the person can reasonably be located. Where waiver has been denied, the notice shall state that, upon request, the agency or department will forward an appeal to the General Accounting Office pursuant to § 92.3 of this part.

§ 92.6 Initial action by the General Accounting Office and appeals to the Comptroller General.

(a) The Claims Group will issue a letter to the agency or department granting or denying waiver in whole or in part. In every case where waiver is denied in whole or in part, the Claims Group will send a copy of the letter to the employee, member, or other person from whom collection is sought.

(b) Letters issued by the Claims Group granting or denying waiver may be appealed to the Comptroller General upon written request by the agency or department, or by the employee, member, or other person from whom collection is sought. The request should fully explain the errors alleged and the basis of the appeal and should be addressed to: Claims Group, General Government Division, U.S. General Accounting Office, Washington, DC 20548.

(c) The Comptroller General will issue a decision on the appeal and will send a copy of the decision to the agency or department, and to the employee, member, or other person from whom collection is sought.

§ 92.7 Refund of amounts repaid and waived.

(a) Where an employee, member, or other person from whom collection is sought has repaid all or part of a claim to the United States and all or part of the claim is subsequently waived, the application for waiver shall be construed as an application for a refund and the agency or department shall, to the extent of the waiver, refund the amount paid. However, no refund shall be paid where the employee, member, or other person from whom collection is sought cannot reasonably be located within 2 years after the effective date of the waiver. Refunds shall be charged to the appropriation from which the erroneous payment was made.

(b) When no refund is made to an otherwise eligible person, the written record should include information as to the attempts made to locate that person and other pertinent information.

§ 92.8 Written record.

(a) The report of the agency or department, any written comments submitted by the employee, member or other person from whom collection is sought, an account of the waiver action taken and the reasons therefor, and other pertinent information such as the action taken to refund amounts repaid shall constitute the written record in each case.

(b) The written record shall be retained for review by the General Accounting Office.

(c) Upon request by an employee, member, or other person against whom collection is sought, the agency or department shall make the written record of the waiver application which pertains to them available for inspection.

§ 92.9 Register of waivers and report.

(a) The agency or department shall maintain a register for each of the categories listed in paragraph (c) of this section showing the disposition of each application for waiver considered pursuant to this subchapter. These registers shall be retained for review by the General Accounting office.

(b) Within 60 days after the close of each fiscal year, the agency or department shall furnish a report to the Claims Group, General Accounting Office, showing the following information for each of the categories listed in paragraph (c) of this section with respect to matters considered pursuant to this subchapter:

(1) The total amount waived by the agency or department;

(2) The number and dollar amount of waiver applications granted in full;

(3) The number of waiver applications granted in part and denied in part and the dollar amount of each;

(4) The number and dollar amount of waiver applications denied in their entirety;

(5) The number of waiver applications referred to the General Accounting Office for action;

(6) The dollar amount refunded as a result of waiver action by the agency or department; and

(7) The dollar amount refunded as a result of waiver action by the General Accounting Office.

§ 92.10 Referral of claims for collection or litigation.

(a) If the agency or department has considered waiver and has denied waiver in whole or in part, the General Accounting Office shall be so advised when any claim is referred to it.

(b) No claim for the recovery of an erroneous payment which is under consideration for waiver shall be referred to the Attorney General unless the time remaining for suit within the applicable limitation does not permit such waiver consideration prior to referral.

PART 93—[REMOVED]

3. Part 93 is removed.

Charles A. Bowsher,

Comptroller General of the United States.

[FR Doc. 90–28157 Filed 11–29–90; 8:45 am]

BILLING CODE 1610–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Docket No. FV–89–213]

Table Grapes (European or Vinifera Type); Grade Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed action would revise the United States Standards for Grades of Table Grapes (European or Vinifera Type). The proposal would allow small bunches of grapes between two and five ounces to be certified to a U.S. grade. The California Grape and Tree Fruit League, a trade association representing major table grape growers and packers, has requested the USDA to add an additional grade, U.S. No. 1 Institutional, to the U.S. grade standards. In the proponents judgement, this change would improve marketing information and communication between shippers and receivers of small bunch, institutional pack type table grapes. The Agricultural Marketing Service (AMS), has the responsibility to develop and improve standards of quality, condition, quantity, grade, and packaging in order to encourage uniformity and consistency in commercial practices.

DATES: Comments must be postmarked or courier dated on or before January 29, 1991.

ADDRESSES: Interested parties are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Standardization Section, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Room 2056 South Building, Washington, DC 20090–6456. Comments should make reference to the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours.

FOR FURTHER INFORMATION CONTACT: Thomas G. Gambill, at the above address or call (202) 447–5024.

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

Pursuant to the requirements set forth in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities. This proposed rule for the revision of U.S. Standards for Grades of Table Grapes (European or Vinifera Type) will not impose substantial direct economic cost, recordkeeping, or personnel workload changes on small entities, and will not alter the market share or competitive position of these entities relative to large businesses. In addition, under the Agricultural Marketing Act of 1946, the application of these standards is voluntary.

The United States Standards for Grades of Table Grapes (European or Vinifera Type) were last revised in June 1987. The standards are covered under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*). Industry representatives have requested that the standards be revised to add a new grade, U.S. No. 1 Institutional.

In recent years, new marketing and packaging techniques have developed small, consumer size servings of grapes. Under the present grade requirements these grapes cannot meet any U.S. grade due to bunch size requirements.

The growers and shippers represented by the California Grape and Tree Fruit League requested a revision because the present standards do not, in their judgement, reflect current marketing practices. They believe that this proposed revision would give the industry grade standards that would reflect today's modern marketing and packaging methods. This would be accomplished by creating a new grade.

Specifically, the proposed revision would create a new section following U.S. No. 1 Table entitled "U.S. No. 1 Institutional." This new grade would have all the requirements of the present U.S. No. 1 Table grade except for a smaller bunch size and added marking requirements. The tolerance sections also would be reworded to provide for this smaller bunch size. The U.S. No. 1 Table grade requires the minimum bunch size to be not less than one-fourth pound. The proposed additional grade, U.S. No. 1 Institutional, would provide that the bunch size be no less than 2 ounces and no greater than 5 ounces in weight. The U.S. No. 1 Table grade provides a tolerance of 8 percent at shipping point and 12 percent en route or at destination for undersize bunches and for bunches and berries failing to meet the remaining requirements of the grade. Remaining requirements are those requirements exclusive of bunch color requirements, stem color requirements and minimum diameter of berries. Since the proposed grade includes an upper size limit (5 ounces), the proposal would include oversize bunches in this tolerance. Therefore, the word offsize would be used instead of undersize in § 51.886 (currently § 51.885) Tables I and II Section (D). This proposal would allow shipments of table grapes in this size range to be certified to a U.S. grade. In addition, a marking requirement would be added to this grade to distinguish the U.S. No. 1 Institutional grade from the U.S. No. 1 Table grade. This grade would require that not less than 95% of the shipping containers in a lot be legibly marked "Institutional Pack."

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Vegetables.

PART 51—[AMENDED]

For reasons set forth in the preamble, it is proposed that 7 CFR part 51 be amended as follows:

1. The authority citation for 7 CFR part 51 continues to read as follows:

Authority: Sections 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624, unless otherwise noted.

2. In subpart—United States Standards for Grades of Table Grapes (European or Vinifera Type), §§ 51.885 through 51.912 are redesignated §§ 51.886 through 51.913 and the appropriate cross references within the part are changed.

3. The table of contents for the subpart is revised to read as follows:

Subpart—United States Standards for Grades of Table Grapes (European or Vinifera Type)

Grades

Sec.

51.880 U.S. Extra Fancy Table.
51.881 U.S. Extra Fancy Export.
51.882 U.S. Fancy Table.
51.883 U.S. Fancy Export.
51.884 U.S. No. 1 Table.
51.885 U.S. No. 1 Institutional.

Tolerances

51.886 Tolerances.

Application of Tolerances

51.887 Application of Tolerances.

Sec.
Maturity Requirements
51.888 Maturity Requirements.
Definitions
51.889 Well developed grapes.
51.890 One variety.
51.891 Uniform in appearance.
51.892 Color terms.
51.893 Firm.
51.894 Weak.
51.895 Shriveled at capstem.
51.896 Shattered.
51.897 Wet.
51.898 Decay.
51.899 Waterberry.
51.900 Sunburn.
51.901 Damage.
Sec.
51.902 Fairly well filled.
51.903 Excessively tight.
51.904 Shot berries.
51.905 Dried berries.
51.906 Well developed and strong.
51.907 Diameter.
51.908 Serious damage.
51.909 Materially shriveled at capstem.
51.910 Straggly.
51.911 Container.
51.912 Export.
Metric Conversion Table
51.913 Metric conversion table.

4. Proposed new § 51.885 reads as follows:

§ 51.885 U.S. No. 1 institutional.

U.S. No. 1 institutional consists of grapes which meet the requirements for U.S. No. 1 Table except that bunches shall weigh not less than two ounces and not more than five ounces. Additionally, not less than 95% of the containers in the lot must be legibly marked Institutional Pack.

5. Newly redesignated 51.886 is amended by revising the tables to read as follows:

§ 51.886 Tolerances.

* * * * *

TABLE I.—TOLERANCES AT SHIPPING POINT [1]

[Percent]

Factor	U.S. extra fancy table	U.S. fancy table	U.S. no. 1 table
(A) For bunches failing to meet color requirements	10	10	10
(B) For bunches failing to meet requirements for minimum diameter of berries	10	10	10
(C) For bunches failing to meet stem color requirements	10		
(D) For offsize bunches and for bunches and berries failing to meet the remaining requirements for the grade	8	8	8
Including in (D):			
(a) For serious damage	2	2	2
And, including in (a):			
(i) For decay	½ of 1	½ of 1	½ of 1

TABLE II.—TOLERANCES EN ROUTE OR AT DESTINATION

(A) For bunches failing to meet color requirements	10	10	10
(B) For bunches failing to meet requirements for minimum diameter of berries	10	10	10
(C) For bunches failing to meet stem color requirements	10		
(D) For offsize bunches and for bunches and berries failing to meet the remaining requirements of the grade	12	12	12
Including in (D):			
(a) For permanent defects	8	8	8
(b) For serious damage	4	4	4
And, including in (b):			
(i) For serious damage by permanent defects	2	2	2
(ii) For decay	1	1	1

[1] Shipping Point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

Dated: November 23, 1990

D. Michael Holbrook,

Acting Administrator.

[FR Doc. 90–28143 Filed 11–29–90; 8:45 am]

BILLING CODE 3410–02–M

Food and Nutrition Service

7 CFR Part 273

[Amendment No. 326]

Food Stamp Program: Treatment of Foster Care Individuals and Foster Care Payments

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This action proposes to amend Food Stamp Program (FSP) regulations governing the treatment of certain individuals receiving foster care payments when determining the eligibility and benefit level of households caring for such individuals. This action is the result of several recent court suits and two appeals court decisions in Minnesota (*Murray* v. *USDA*, August 16, 1988) and Vermont (*Foster* v. *USDA*, June 24, 1988). The appeals courts have concluded that the foster children involved in the court cases are boarders and cannot be required to be considered members of the households caring for such children and that foster care maintenance payments are not to be considered countable income to such households when determining the households' food stamp eligibility and benefit levels. This action adopts the decision reached by the courts for foster children and extends the policy to include like household situations containing foster care adults.

DATES: Comments must be received on or before January 29, 1991 to be assured of consideration.

ADDRESSES: Comments should be submitted to Joseph H. Pinto, Certification Policy Branch, Program Development Division, Food Stamp Program, Food and Nutrition Service, USDA, room 711, 3101 Park Center Drive, Alexandria, Virginia 22302. All written comments shall be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at 3101 Park Center Drive, room 708, Alexandria, Virginia.

FOR FURTHER INFORMATION CONTACT: Questions regarding this rulemaking should be addressed to Judith M. Seymour, Supervisor, Eligibility and Certification Rulemaking Section at the above address or by telephone at (703) 756–3496.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

This action has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1521–1. The Department has classified this action as nonmajor. The effects of this action on the economy will be less than $100 million. This action will have little, if any, effect on cost or prices. Competition, employment, investment, productivity, and innovation will remain unaffected.

There will be no effect on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the Final rules and related Notices to 7 CFR part 3015, subpart V, this Program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This action has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612. Betty Jo Nelsen, Administrator of the Food and Nutrition Service, has certified that this rule does not have a significant economic impact on a substantial number of small entities. State and local welfare agencies are affected to the extent that the provisions described in this action reflect new or different policy from that which the agencies are currently operating under.

Paperwork Reduction Act

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

Background

Current regulations at 7 CFR 273.1(a)(2)(i)(B) provide that, under no circumstances, can children under 18 years of age who are under the parental control of an adult household member be considered separate for food stamp benefits from the person providing the parental control. This parental control provision includes foster children. Current regulations at 7 CFR 273.9(c) further prohibit granting boarder status to children under parental control. Lastly, current regulations at 7 CFR 273.9(b)(2)(i) provide that foster care payments are unearned income and counted in their entirety when determining the eligibility and benefit level of the household caring for the foster individual.

The treatment of foster care individuals and payments as discussed above has been significantly changed as a result of several court suits and, in particular, by two courts of appeals decisions which cover 10 States. *See Murray* v. *Lyng*, 854 F.2d 303 (8th Cir. 1988) and *Foster* v. *Celani*, 849 F.2d 91 (2nd Cir. 1988). Both appeals courts concluded that foster children are "boarders" under the Food Stamp Act of 1977, as amended, and cannot be required to be considered members of the provider household caring for such children under the specific household composition provisions of 7 CFR 273.1(a). The *Foster* decision expressly adopted the reasoning of the district court, and reference to that opinion is necessary for a complete understanding of the Second Circuit's rationale. *Foster*, 849 F.2d at 92; *Foster* v. *Celani*, 683 F. Supp. 84 (D. Vt. 1987). It is the Department's view that the decisions of the appeals courts set a precedent for treating all foster individuals (children and adults) as boarders.

The Department was concerned that a delay in establishing a nationwide policy to address the decision of the appeals courts regarding the treatment of foster care individuals and payments would lead to additional legal action against the Department and/or other State welfare agencies and would create a situation where like households are being treated differently across the nation. Therefore, the Food and Nutrition Service Regional Offices were informed to instruct State agencies to implement the decision of the courts prior to the publication of a formal rulemaking. State agencies under the jurisdiction of the circuit courts were required to implement the policy change within the timeframes specified by the courts' final orders. All other State agencies were subject to the FNS directive which provided that State agencies implement the policy change by February 1, 1989, for households with foster care children or adults.

This action proposes to codify (formally incorporate into the Code of Federal Regulations) the decision of the appeals courts.

Accordingly, this action proposes to amend the regulations to provide that the current prohibitions against granting separate household status (7 CFR 273.1(a)) or granting boarder status (7 CFR 273.2(c)) to children under parental control of an adult household member and other adults (regardless of relationship) are not applicable to foster care individual placed in the homes of relatives or other individuals or families.

The *Murray* decision recognizes the fact that current regulations governing the treatment of boarders and boarder income at 7 CFR 273.1(b), 273.11(b)(1)(i) and 273.1(b)(1)(ii) provide that any direct payment to the household from a boarder would be considered self-employment income to the household, excluding costs for lodging and meals as a cost-of-doing business expense. The court concluded that, pursuant to current regulations, a household caring for foster care boarders would not realize a "net gain" under the category of self-employment income received from foster care boarders. *Murray*, 854 F.2d at 306–07. In other words, it is the court's view that the household receives a direct payment from the foster care boarder equal to the amount the household could claim as an excludable cost-of-doing business expense. In light of the court's conclusion, and for administrative ease, the Department has determined that it is not necessary for State agencies to compute "net" self-employment income from foster care boarders pursuant to 7 CFR 273.11(b)(1)(i) and (ii). Accordingly, this action proposes to amend 7 CFR 273.11(b)(1) to exempt foster care payments from the computation of self-employment income from boarders.

It is important to note that current regulations at 7 CFR 273.1(c) allow a household that provides boarder services has the option to request that the boarder be considered a member of the household. In cases where such requests are made, the boarder's income would be counted in its entirety to the household providing the boarder service like any other household member. The courts recognized that this policy exists and did not dispute the continuation of the policy with respect to foster care individuals and foster care payments. *Murray*, 854 F.2d at 305; *Foster*, 683 F. Supp. at 87. This action proposes that households continue to have the right to utilize this option for foster care individuals and that the entire foster care payment would be considered as unearned income to the household providing the foster care under this option.

Accordingly, this action proposes to amend 7 CFR 273.1(c) to add a new paragraph (c)(6) which provides that foster care individuals who have been placed in the homes of relatives or other individuals or families are boarders, and that Federal, State or local governmental

or court-ordered foster care payments for these individuals shall not be considered as earned/unearned income to the provider household under 7 CFR 273.1(b). In addition, the new paragraph (c)(6) would provide that such payments are exempt from the provisions of 7 CFR 273.11(b) governing the computation of net self-employment income received from boarders. Conforming amendments are also made to 7 CFR 273.9 (b)(1)(ii), (b)(2)(ii) and (c) and 7 CFR 273.11(b)(1).

Implementation

The Department has determined that it is necessary to establish, by regulation, a specific effective date for the final regulatory action which will codify the change in policy relative to the treatment of foster care individuals. A specified effective date is necessary in order to determine from what point in time State agencies would be held responsible for delayed implementation of the policy change once they were notified by the FNS Regional Office to implement and from what point in time households would be entitled to restored benefits as a result of delayed implementation. As stated earlier in this preamble, State agencies were instructed, through an agency directive, to implement the policy change on the treatment of foster care individuals no later than February 1, 1989. To be consistent with the agency directive, the Department proposes that the effective date of the subsequent final rulemaking on the provisions of this proposed action be retroactive to February 1, 1989.

The Department also proposes that the final rulemaking provide for restored benefits to affected households in cases where a State agency failed to implement the agency directive by February 1, 1989. Such restored benefits would be provided back to February 1, 1989 or the date of the household's initial application for benefits, whichever occurred later.

List of Subjects in 7 CFR Part 273

Administrative practice and procedures, Aliens, Claims, Food stamps, Fraud, Grant programs-social programs, Penalties, Reporting and recordkeeping requirements, Social Security, Students.

Accordingly, 7 CFR part 273 is proposed to be amended as follows:

1. The authority citation for part 273 continue to read as follows:

Authority: 7 U.S.C. 2011–2029.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

2. In § 273.1, a new paragraph (c)(6) is added to read as follows:

§ 273.1 Household concept.

* * * * *

(c) *Boarders.* * * *

(6) Notwithstanding the provisions of paragraphs (c) (1), (2) and (4) of this section, foster care individuals placed in the home of relatives or other individuals or families by a Federal, State or local foster care program, shall be considered boarders. The Federal, State, or local governmental, or court ordered, foster care payments received by the household for such foster care boarder shall not be considered as available income to the household and such payment is exempt from the computation of net self-employment income from boarders under the provisions § 273.11(b). Foster care boarders may participate in the Program as members of the household providing the boarder services to them, at such household's request. If the household chooses this option, foster care payments received by the household shall be considered unearned income to the household and counted in their entirety in determining the household's income eligibility and benefit level. The provisions of this paragraph do not apply to individuals qualified to participate in the Program under paragraph (e) of this section.

* * * * *

§ 273.9 [Amended]

3. In § 273.9:

a. The last sentence of paragraph (b)(1)(ii) is amended by adding the words", except foster care boarders," after the word "boarder".

b. Paragraph (b)(2)(ii) is amended by adding the words "who are considered members of the household" after the words "foster care payment for children or adults", and a new paragraph (c)(15) is added to read as follows:

§ 273.9 Income and deductions.

* * * * *

(c) *Income exclusions.* * * *

(15) Foster care payments received by households with foster care individuals who are considered to be boarders in accordance with § 273.1(c).

* * * * *

§ 273.11 [Amended]

4. In § 273.11, the third sentence of paragraph (b)(1) is amended by adding the words ", except foster care boarders," after the word "boarder".

Dated: November 20, 1990.

George A. Braley,

Acting Administrator.

[FR Doc. 90–28149 Filed 11–29–90; 8:45 am]

BILLING CODE 3410–30–M

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Docket No. FV–90–209]

Nectarines, Pears, Plums and Peaches Grown in California; Order Directing That Referenda Be Conducted; Determination of Representative Period for Voter Eligibility; and Designation of Referenda Agents To Conduct the Referenda

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Order for referenda.

SUMMARY: This document directs that referenda be conducted among eligible growers of nectarines, pears, plums and peaches grown in California to determine whether they favor continuance of the marketing orders regulating the handling of those fruits.

DATES: The representative production period is from January 1, 1990, through December 31, 1990. The referendum will be conducted from January 7 through February 6, 1991.

FOR FURTHER INFORMATION CONTACT: Kurt J. Kimmel of the Agriculture Marketing Service (AMS), Fruit and Vegetable Division's Fresno, California, Marketing Field Office, 2202 Monterey St., suite 102–B, Fresno, California 93721, telephone (209) 487–5901, or, George J. Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 475–3919.

SUPPLEMENTARY INFORMATION: This order directs that referenda be conducted among eligible growers to determine whether they favor continuance of Marketing Order Nos. 916 and 917 (7 CFR parts 916 and 917) regulating the handling of nectarines, pears, plums and peaches grown in California. The marketing orders are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act. The referenda are to be conducted among the growers who, during the period January 1, 1990, through December 31, 1990 (which is hereby determined to be the representative period for purposes of conducting the referenda), were engaged, in the State of California, in the production of nectarines, pears, plums and peaches covered by the two marketing orders. The referenda will be conducted during the period January 7 through February 6, 1991.

Section 916.64(e) of the order regulating the handling of nectarines and § 917.61(e) of the order regulating the handling of pears, plums and peaches provide that the Secretary shall conduct continuance referenda every fourth year. The last such referenda were conducted during January and February, 1987.

The Secretary of Agriculture has determined that continuance referenda are an effective means for ascertaining whether growers favor continuation of marketing order programs. The Secretary would consider termination of an order with respect to one or more of the regulated fruits if less than two-thirds of the growers of such fruit voting in the referenda and growers of less than two-thirds of the volume of such fruit represented in the referenda, favor continuance. The outcome of the referendum on each fruit covered under Marketing Order 917 is not dependent on the results of the referenda relative to the other fruit covered under that marketing order. In evaluating the merits of continuance versus termination, the Secretary would consider the results of the continuance referenda, other relevant information concerning the operation of the orders, and the relative benefits and disadvantages to growers, handlers, and consumers. Through such analysis, the Secretary would determine whether continued operation of the orders would tend to effectuate the declared policy of the Act.

In any event section 8c(16)(B) of the Act requires the Secretary to terminate an order whenever the Secretary finds that a majority of all growers favor termination, and that majority produced for market more than 50 percent of the commodity covered by the order.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the ballot material that will be used in the referenda herein ordered has been submitted to and approved by the Office of Management and Budget (OMB) and has been assigned OMB No. 0581–0089. It has been estimated that it will take an average of 20 minutes to read and complete the ballot for each of the approximately 1,800 growers who elect to participate in the voluntary referenda balloting.

The procedure applicable to the referenda is the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR part 900.400 *et seq.*).

Gary D. Olson and Kurt J. Kimmel of the AMS, Fruit and Vegetable Division's Fresno, California, Marketing Field Office are hereby designated as referenda agents of the Secretary of Agriculture to conduct the referenda. Ballots may be obtained from the referenda agents, or from their appointees, at 2202 Monterey St., suite 102–B, Fresno, California 93721, telephone (209) 487–5901. Copies of the texts of Marketing Order Nos. 916 and 917 may be examined in the office of the referenda agents and are also available for examination at the Office of the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Division, 14th and Independence Avenue SW., room 2525–S, Washington, DC 20250.

List of Subjects in 7 CFR Parts 916 and 917

Marketing agreements, Nectarines, Pears, plums and peaches, Reporting and recordkeeping requirements.

Authority: Agricultural Marketing Agreement Act of 1937, as amended; Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Dated: November 23, 1990.

John E. Frydenlund,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 90–28142 Filed 11–29–90; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90–NM–239–AD]

Air Worthiness Directives; Boeing Model 727–200 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to certain Boeing 727–200 series airplanes, which currently requires a one-time visual inspection to detect cracks and/or corrosion of the fuselage skin adjacent to stringer (S)–28L and S–28R from body station (BS) 700 to BS 720 and repair, if necessary. This action would require similar repetitive visual inspections and would provide an optional terminating modification. This proposal is prompted by the possibility of corrosion and/or cracking developing after the initial inspection and the development of a modification that will reduce the possibilities of corrosion developing in the affected area. This condition, if not corrected, could result in rapid decompression of the airplane.

DATES: Comments must be received no later than January 23, 1991.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103 Attention: Airworthiness Rules Docket No. 90–NM–239–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 98055–4056.

FOR FURTHER INFORMATION CONTACT: Mr. Shardul R. Panchal, Seattle Aircraft Certification Office, Airframe Branch, ANM–120S; telephone (206) 227–2780. 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 90–NM–239–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On October 26, 1989, the FAA issued AD 89-23-13, Amendment 39-6388 (54 FR 46366, November 3, 1989), to require a one-time visual inspection to detect cracks and/or corrosion of the fuselage skin adjacent to stringer (S) 28L and S-28R from body station (BS) 700 to BS 720 and repair, if necessary. That action was prompted by a report of a 48-inch crack in the fuselage skin adjacent to S-28 and the failure of an adjacent frame. This condition, if not corrected, could result in rapid decompression of the airplane.

Since issuance of that AD, the FAA has determined that repetitive visual inspections to detect corrosion and cracks are warranted, based on the nature of corrosion and consequent cracking, as well as reports of these discrepancies in the subject area. Additionally, the manufacturer has developed a preventative modification which, if installed, will reduce the probability of corrosion occurring in the affected area of the fuselage skin.

The FAA has reviewed and approved Boeing Alert Service Bulletin 727-53A0203, Revision 1, dated April 26, 1990, which describes procedures for repetitive visual inspections to detect corrosion and cracking, and installation of a preventative modification of the fuselage skin.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would supersede AD 89-23-13 to require repetitive visual inspections of the fuselage skin adjacent to S-28L and S-28R from BS 700 to BS 720, and repair, if necessary, in accordance with the service bulletin previously described. The proposal provides for an optional preventative modification which, if accomplished, would constitute terminating action for the repetitive inspections.

There are approximately 1,028 Model 727-200 series airplanes of the affected design in the worldwide fleet. It is estimated that 671 airplanes of U.S. registry would be affected by this AD, that it would take approximately 6 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $161,040.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39-6388 (54 FR 46366, November 3, 1989), AD 89-23-13, with the following new airworthiness directive:

Boeing: Applies to Model 727-200 series airplanes, except line number 001 through 765 which are currently subject to the inspection requirements of AD 76-13-01 [inspections adjacent to stringer (S) 28L and S-28R from body station (BS) 700 to BS 720], certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent rapid decompression of the airplane, accomplish the following:

A. Within 15 days after November 20, 1989 (the effective date of Amendment 39-6388, AD 89-23-13), conduct an external detailed visual inspection for cracks and corrosion of the fuselage skin adjacent to stringer (S) 28L and S-28R from body station (BS) 700 to BS 720, in accordance with Boeing Alert Service Bulletin 727-53A0203, dated October 20, 1989, or Revision 1, dated April 26, 1990. Any cracks or corrosion must be repaired prior to further flight, in accordance with the service bulletin.

B. Within 12 months after the initial inspection required by paragraph A. of this AD, or 6 months after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 12 months, repeat the inspection required by paragraph A. of this AD.

C. Modification in accordance with paragraph I. of the Accomplishment Instructions of Boeing Alert Service Bulletin 727-53A0203, Revision 1, dated April 26, 1990, constitutes terminating action for the inspections required by paragraph B. of this AD.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing 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 98055-4056.

Issued in Renton, Washington, on November 20, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-28121 Filed 11-29-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-165-AD]

Airworthiness Directives; McDonnell Douglas Model DC-8 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 McDonnell Douglas Model DC-8 series airplanes, which would require the implementation of a corrosion control program. This proposal is prompted by reports of recent incidents involving fatigue cracking and corrosion in transport category airplanes. These incidents have jeopardized the airworthiness of the affected airplanes. These conditions if

not corrected, could result in a degradation of the structural capabilities of the affected airplanes.

DATES: Comments must be received no later than January 28, 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. 90–NM–165–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. 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 Certificate Office, 3229 East Spring Street, Long Beach California.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Cecil, Airframe Branch, ANM–120L; Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach California, telephone (213) 988–5322.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–165–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

In April 1988, a high-cycle Boeing Model 737 suffered major structural damage in flight. The airplane had numerous fatigue cracks and a great deal of corrosion. Subsequent inspections conducted by the operator on the high-cycle airplanes in its fleet revealed that two other airplanes had extensive fatigue cracking and corrosion. These airplanes were taken out of service.

In June 1988, the FAA sponsored a conference on aging airplanes. It became obvious, because of the huge increase in air travel, the relatively slow pace of new airplane production, and the apparent economic feasibility of operating older technology airplanes that older airplanes will continue to be operated rather than be retired. Because of the problems revealed by the accident described above, it was generally agreed that increased attention needed to be focused on this aging fleet and maintaining its continued operational safety.

The Air Transport Association (ATA) of America and the Aerospace Industries Association (AIA) of America committed to identifying and implementing procedures to ensure continuing structural airworthiness of aging transport category airplanes. An Airworthiness Assurance Task Force, with representatives from aircraft operators, manufacturers, regulatory authorities, and other aviation representatives was established in August 1988. The objective of the Task Force was to sponsor "Working Groups" to (1) Select service bulletins, applicable to each airplane model in the transport fleet to be recommended for mandatory modification of aging airplanes, (2) develop corrosion-directed inspections and prevention programs, (3) review the adequacy of each operator's structural maintenance program, (4) review and update the Supplemental Inspection Documents (SID), and (5) assess repair quality.

The Working Group assigned to review the McDonnell Douglas Model DC–8 series airplanes completed its work on Item (1), above, in June 1989. The Working Group's proposal is contained in McDonnell Douglas Document Number MDC K1579, "DC–8 Aging Aircraft Service Action Requirements Document." On June 4, 1990, the FAA issued AD 90–16–05, Amendment 39–6614 (55 FR 31818, August 6, 1990), which mandates the installation of the modifications identified in that Document.

The Working Group has now completed its work on Item (2) and has developed a baseline program for controlling corrosion problems that may jeopardize the continued airworthiness of the McDonnell Douglas Model DC–8 fleet. This program is contained in McDonnell Douglas Document Number MDC K4608, "DC–8 Corrosion Prevention and Control Document," dated April 1990, which the FAA has reviewed and approved.

Section 1 of the Document defines three levels of corrosion: Level 1 is corrosion which does not exceed certain limits. Level 2 corrosion is that which exceeds those limits. Level 3 corrosion is significant corrosion which is potentially an urgent airworthiness concern.

Section 2 of the Document provides guidelines to develop a corrosion prevention and control program. These guidelines address such things as a baseline program, implementation ages, access for inspection, repetitive inspection intervals, operating environment, newly acquired airplanes, general cleanliness of the airplane, and the fact that sampling is unreliable in effectively controlling corrosion.

Section 3 of the Document sets forth the general implementation requirements for the corrosion inspection/control program. As described in that section, each airplane area is assigned an "Implementation Age" and a "Repeat Interval." The program is applicable in each area to all Model DC–8 airplanes whose age has reached or exceeded the Implementation Age for that area. For each airplane area, the program must be implemented on all affected airplanes within the period identified as the Repeat Interval for that area. For airplanes that have already exceeded the applicable Implementation Age, this period is to be measured starting from the date the operator adopts the program. For airplanes whose age exceeds 20 years, the maximum period for implementing the program in any area is 6 years or the Repeat Interval for that area, which ever is less. Finally, this section establishes a minimum implementation rate of one airplane per year for each task.

Section 4 of the Document identifies the specific airplane areas that are subject to the program, and describes the "Basic Task" to be accomplished in each defined airplane area as part of the Baseline Program, along with the implementation age and repeat interval for each area, and other information necessary to carry out the program for each area. The task includes visual inspections of all primary and secondary structure, and may also include detailed visual and non-destructive inspections (NDI). Where

NDI's are employed, adequate standards and procedures must be developed and properly recorded for the area inspected. Any corrosion or other damage found as a result of these inspections must be repaired.

Section 5 establishes the procedures for reporting the results of the inspections required by the corrosion prevention and control program.

Section 6 provides for periodic review and update of the data contained in the Document.

Since corrosion is likely to exist or develop on airplanes of this type design, an AD is proposed which would require adoption of a corrosion prevention control program that is equivalent to or better than the program specified in the McDonnell Douglas Document previously described.

Paragraph A. of the proposed rule would require a revision to the operators' FAA-approved maintenance programs to include the McDonnell Douglas Document Number MDC K4608, "DC–8 Corrosion Prevention and Control Document" dated April 1990, in its entirety. A note states that any cracks or corrosion found must be addressed in accordance with FAR part 43. A second note states that, to the extent that there are differences between the terms of the Document and the terms of the AD, the terms of the AD are controlling. Further, a note pertaining to non-destructive inspection (NDI) methods states that NDI's done in accordance with section 4 of the Document, must be performed in accordance with methods that are acceptable to the Administrator in accordance with FAR 43.13.

Paragraph B. would require that within 7 days after determining the existence of Level 3 corrosion, an operator must either inspect the same area on the remainder of its fleet, or submit to the FAA either a plan for expediting those inspections or data substantiating that no such scheduling adjustments are necessary. To ensure that Level 3 corrosion is detected in a timely manner, the FAA may, upon reviewing these submissions, require additional data or adjustments beyond those that were submitted by the operator. A note clarifies that for the purposes of this paragraph, Level 3 corrosion includes isolated occurrences which, in accordance with the McDonnell Douglas document, might otherwise be downgraded to Level 1. Finally, once approved, this revision inspection schedule would be required to be incorporated into the operator's maintenance program prior to the compliance time specified for the first task required under the FAA-approved adjusted schedule.

Paragraph C. would include the cognizant FAA Principal Inspector in the coordination/review process for extension to the inspection intervals. In addressing unanticipated scheduling requirements, it is not the intent of the FAA to include the initial inspection requirements for Level 1 corrosion since these time frames would have already been established by the baseline program.

Paragraph D. would require that all Level 2 corrosion reports and follow-up reports for Level 3 corrosion be submitted at least quarterly to McDonnell Douglas. It should be noted that although the Document prescribes a 30-day reporting requirement, this AD would require quarterly reporting submissions. Furthermore, this reporting requirement would be in addition to the existing reporting requirements of FAR § 121.703, which requires reporting of "corrosion of aircraft structures, if more than the maximum acceptable to the manufacturer or the FAA."

Paragraph E. would preclude operators whose corrosion inspection programs currently provide for more frequent inspections than those specified in the Document from extending the intervals for those inspections without approval by the FAA. This is to ensure that existing inspection programs are not degraded as a result of this AD.

Paragraph F. would require that operators ensure that transferred airplanes are inspected in accordance with the baseline program on the same basis as if there were continuity in ownership, and that scheduling of the inspections for each airplane is not delayed or postponed due to a transfer of ownership. Airplanes that have previously been subject to an FAA-approved maintenance program would have to be inspected in accordance with either the previous operator's or the new operator's inspection schedule, whichever occurs first. Other airplanes would have to be inspected before an operator could begin operating them or in accordance with a schedule approved by the FAA.

Paragraph G. would require that operators, upon finding corrosion exceeding Level 1 during a repetitive inspection, review their program to ensure that future corrosion findings are limited to Level 1 or better. Where corrective action is necessary to reduce corrosion to level 1 or better, an operator must submit a proposal for such corrective action for the FAA's approval within 60 days after the finding of corrosion. Within 30 days after approval, operators are required to incorporate these corrective actions into their FAA-approved maintenance program.

It should be noted that, if corrosion is not representative, then a means to reduce corrosion to Level 1 or better will have already been implemented in accordance with paragraph A. of the AD, and no further corrective action may be necessary. For example, if a finding of corrosion is attributable to a particular spill of mercury or other unique event, or if corrosion is found on an airplane recently acquired from another operator, the means specified in the existing program may be adequate for controlling corrosion in the remainder of the operator's fleet. Similarly, if an operator has already implemented means to reduce corrosion in an area based on pervious findings, no additional corrective action may be necessary. In reviewing the reports submitted in accordance with paragraph D. of the AD, the FAA will monitor the effectiveness of the operator's means to reduce corrosion. If the FAA determines that an operator has failed to implement adequate means to reduce corrosion to Level 1 or better, appropriate action will be taken to ensure compliance with this paragraph.

Paragraph H. would permit operators to request that inspection intervals and thresholds be increased if data is provided to substantiate that during previous inspections of the area, no significant corrosion was found, and that the requested increase will continue to provide an acceptable level of safety. Without such data, or without the FAA's first-hand experience, there would be no basis to justify such an increase. The FAA intends to initiate a program wherein FAA engineers will gain experience as to the affected operators' corrosion problems. This program will be beneficial to the FAA when assessing requests for increases in inspection intervals.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB Control Number 2120–0056.

There are approximately 337 Model DC–8 series airplanes of the affected design in the worldwide fleet. It is estimated that 222 airplanes of U.S. registry would be affected by this AD, that it would take approximately 1,922 manhours per airplane to accomplish the required actions. For an average labor cost of $40 per manhour, the total cost to inspect each airplane would be $76,880. Based on these figures, the total cost impact of the AD on U.S. operators for

the estimated 6-year average inspection cycle is $17,067,360.

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:

McDonnell Douglas: Applies to all Model DC–8 series airplanes, certified in any category. Compliance required as indicated, unless previously accomplished.

Note: This AD references McDonnell Douglas Document Number MDC K4608, "DC–8 Corrosion Prevention and Control Document," dated April 1990, for inspection procedures, compliance times, and reporting requirements. In addition, this AD specifies inspection and reporting requirements beyond those included in the Document. Where there are differences between the AD and the Document, the AD prevails.

To control corrosion accomplish the following:

A. Within one year after the effective date of this AD, revise the FAA-approved maintenance program to include the corrosion control program specified in McDonnell Douglas Document Number MDC K4608, "DC–8 Corrosion Prevention and Control Document," dated April 1990 (hereinafter referred to as "the Document").

Note: All structure found corroded or cracked as a result of an inspection conducted in accordance with this paragraph must be addressed in accordance with FAR part 43.

Note: Where non-destructive inspection (NDI) methods are employed, in accordance with section 4 of the Document, the standards and procedures used must be acceptable to the Administrator in accordance with FAR 43.13.

B. 1. If, as a result of any inspection conducted in accordance with the program required by paragraph A. of this AD Level 3 corrosion is determined to exist in any area, accomplish one of the following within 7 days after such determination:

a. Submit a report of the findings of any Level 3 corrosion to the Manager of the Los Angeles Aircraft Certification Office (ACO) and inspect the affected area on all Model DC–8 aircraft in the operator's fleet; or

b. Submit for approval to the Manager of the Los Angeles ACO one of the following:

(1) Proposed adjustments to the schedule for performing the tasks in that area on the remaining airplanes in the operator's fleet, which are adequate to ensure that any other Level 3 corrosion is detected in a timely manner, along with substantiating data for those adjustments; or

(2) Data substantiating that the Level 3 corrosion found is an isolated occurrence and that no such adjustments are necessary.

Note: Notwithstanding the provision of section 1 of the Document which would permit corrosion which otherwise meets the definition of Level 3 corrosion (i.e., which is determined to be a potentially urgent airworthiness concern requiring expeditious action) to be treated as Level 1 if the operator finds that it "can be attributed to an event not typical of the operator's usage of other airplanes in the same fleet," this paragraph requires that data substantiating any such finding be submitted to the FAA for approval.

Note: As used throughout this AD, where documents are to be submitted to the Manager of the Los Angeles ACO, the document should be submitted directly to the Manager, Los Angeles ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Los Angeles ACO. The Los Angeles ACO will not respond to the operator without the PI's comments or concurrence.

2. The FAA may impose adjustments other than those proposed, upon a finding that such adjustments are necessary to ensure that any other Level 3 corrosion is detected in a timely manner.

3. Prior to the compliance time specified for the first task required in the adjusted schedule approved under paragraph B.1. or B.2. of this AD, revise the FAA-approved maintenance program to include those adjustments.

Note: The reporting requirements of this paragraph and of paragraph D. of this AD do not relieve operators from reporting corrosion as required by FAR section 121.703.

C. To accommodate unanticipated scheduling requirements, it is acceptable for a repeat inspection interval to be increased by up to 10% but not to exceed 6 months. The cognizant FAA Principal Inspector (PI) must be informed, in writing, of any extension.

Note: Except as provided in this paragraph, notwithstanding section 2.1, paragraph 14, of the Document, all extensions to any compliance time must be approved by the Manager of the Los Angeles ACO.

D. Reports of Level 2 corrosion and follow-up reports for Level 3 corrosion must be submitted at least quarterly to McDonnell Douglas.

E. If the repeat inspection or task intervals of an operator's existing corrosion inspection program are shorter than the corresponding intervals in section 4 of the Document, they may not be increased without specific approval from the Manager of the Los Angeles ACO.

F. Before any airplane that is subject to this AD can be added to an air carrier's operations specifications, a program for the accomplishment of tasks required by this AD must be established in accordance with the following:

1. For airplanes that have previously been operated under an FAA-approved maintenance program, the initial task on each area to be accomplished by the new operator must be accomplished in accordance with the previous operator's schedule or with the new operator's schedule, whichever would result in the earlier accomplishment date for that task. After each task has been performed once, each subsequent task must be performed in accordance with the new operator's schedule.

2. For airplanes that have not previously been operated under an FAA-approved maintenance program, each initial task required by this AD must be accomplished either prior to the airplane's being added to the air carrier's operations specifications, or in accordance with a schedule approved by the Manager, Los Angeles ACO.

G. If corrosion is found to exceed Level 1 on any inspection after the initial inspection, the corrosion control program for the affected area must be reviewed and means implemented to reduce corrosion to Level 1 or better.

1. Within 60 days after such a finding, if corrective action is necessary to reduce future findings of corrosion to Level 1 or better, such proposed corrective action must be submitted for approval to the Manager, Los Angeles ACO.

2. Within 30 days after the corrective action is approved, revise the FAA-approved maintenance program to include the approved corrective action.

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

Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

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

I. 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 McDonnell Douglas Corporation, P.O. box 1771, Long Beach, California 90846–0001, Attention: Business Unit Manager, Technical Publications, C1–HDR (54–60). These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, or Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

Issued in Renton, Washington, on November 5, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–28122 Filed 11–29–90; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–NM–166–AD]

Airworthiness Directives; McDonnell Douglas Model DC–9 and C–9 (Military) Series Airplanes, Including Model DC–9–80 Series and Model MD–88 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 McDonnell Douglas Model DC–9 and C–9 (Military) series airplanes, including Model DC–9–80 series and Model MD–88, airplanes, which would require the implementation of a corrosion control program. This proposal is prompted by reports of recent incidents involving fatigue cracking and corrosion in transport category airplanes. These incidents have jeopardized the airworthiness of the affected airplanes. These conditions, if not corrected, could result in a degradation of the structural capabilities of the affected airplanes.

DATES: Comments must be received no later than January 28, 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. 90–NM–166–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. 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–HCW (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 Cerification Office, 3229 East Spring Street, Long Beach California.

FOR FURTHER INFORMATION CONTACT: Mr. David Y.J. Hsu, Airframe Branch, ANM–120L; Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach California, telephone (213) 988–5323.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–166–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

In April 1988, a high-cycle Boeing Model 737 suffered major structural damage in flight. The airplane had numerous fatigue cracks and a great deal of corrosion. Subsequent inspections conducted by the operator on the high-cycle airplanes in its fleet revealed that two other airplanes had extensive fatigue cracking and corrosion. These airplanes where taken out of service.

In June 1988, the FAA sponsored a conference on aging airplanes. It became obvious, because of the huge increase in air travel, the relatively slow pace of new airplane production, and the apparent economic feasibility of operating older technology airplanes that older airplanes will continue to be operated rather than be retired. Because of the problems revealed by the accident described above, it was generally agreed that increased attention needed to be focused on this aging fleet and maintaining its continued operational safety.

The Air Transport Association (ATA) of America and the Aerospace Industries Association (AIA) of America committed to identifying and implementing procedures to ensure continuing structural airworthiness of aging transport category airplanes. An Airworthiness Assurance Task Force, with representatives from aircraft operators, manufacturers, regulatory authorities, and other aviation representatives was established in August 1988. The objective of the Task Force was to sponsor "Working Groups" to: (1) Select service bulletins, applicable to each airplane model in the transport fleet to be recommended for mandatory modification of aging airplanes, (2) develop corrosion-directed inspections and prevention programs, (3) review the adequacy of each operator's structural maintenance program, (4) review and update the Supplemental Inspection Documents (SID), and (5) assess repair quality.

The Working Group assigned to review the McDonnell Douglas Model DC–9 and C–9 (Military) series airplanes, including Model DC–9–80 series and Model MD–88 airplanes completed its work on Item (1), above, in June 1989. The Working Group's proposal is contained in McDonnell Douglas Report No. MDC–K1572, "DC–9/MD–80 Aging Aircraft Service Action Requirements Document." On August 6, 1990, the FAA issued AD 90–18–03, Amdt 39–6701 (55 FR 34704, August 24, 1990), which mandates the installation

of the modifications and inspections identified in that Document.

The Working Group has now completed its work on Item (2) and has developed a baseline program for controlling corrosion problems that may jeopardize the continued airworthiness of the fleet of McDonnell Douglas Model DC–9 and C–9 (Military) series airplanes, including Model DC–9–80 series and Model MD–88 airplanes. This program is contained in McDonnell Douglas Document Number MDC K4606, "DC–9/MD–80 Corrosion Prevention and Control Document," dated April 1990, which the FAA has reviewed and approved.

Section I of the Document defines three levels of corrosion: Level 1 is corrosion which does not exceed certain allowable limits. Level 2 corrosion is that which exceeds those limits. Level 3 corrosion is significant corrosion which is potentially an urgent airworthiness concern.

Section 2 of the Document provides guidelines to develop a corrosion prevention and control program. These guidelines address such things as a baseline program, implementation ages, access for inspection, repetitive inspection intervals, operating environment, newly acquired airplanes, general cleanliness of the airplane, and the fact that sampling is unreliable in effectively controlling corrosion.

Section 3 of the Document sets forth the general implementation requirements for the corrosion inspection/control program. As described in that section, each airplane area is assigned an "Implementation Age" and a "Repeat Interval." The program is applicable in each area to all Model DC–9 and C–9 (Military) series airplanes, including Model DC–9–80 series and Model MD–88 airplanes whose age has reached or exceeded the Implementation Age for that area. For each airplane area, the program must be implemented on all affected airplanes within the period identified as the Repeat Interval for that area. For airplanes that have already exceeded the applicable Implementation Age, this period is to be measured starting from the date the operator adopts the program. For airplanes whose age exceeds 20 years, the maximum period for implementing the program in any area is 6 years or the Repeat Interval for that area, whichever is less. Finally, this section establishes a minimum implementation rate of one airplane per year for each task.

Section 4 of the Document identifies the specific airplane areas that are subject to the program, and describes the "Basic Task" to be accomplished in each defined airplane area as part of the Baseline Program, along with the implementation age and repeat interval for each area, and other information necessary to carry out the program for each area. The task includes visual inspections of all primary and secondary structure, and may also include detailed visual and non-destructive inspections (NDI). Where NDI's are employed, adequate standards and procedures must be developed and properly recorded for the area inspected. Any corrosion or other damage found as a result of these inspections must be repaired.

Section 5 establishes the procedures for reporting the results of the inspections required by the corrosion prevention and control program.

Section 6 provides for periodic review and update of the data contained in the Document.

Since corrosion is likely to exist or develop on airplanes of this type design, an AD is proposed which would require adoption of a corrosion prevention control program that is equivalent to or better than the program specified in the McDonnell Douglas Document previously described.

Paragraph A. of the proposed rule would require a revision to the operators' FAA-approved maintenance programs to include the McDonnell Douglas Document Number MDC K4606, "DC–9/MD–80 Corrosion Prevention and Control Document," dated April 1990, in its entirety. A note states that any cracks or corrosion found must be addressed in accordance with FAR part 43. A second note states that to the extent that there are differences between the terms of the Document and the terms of the AD, the terms of the AD are controlling. Further, a note pertaining to non-destructive inspection (NDI) methods states that NDI's done in accordance with section 4 of the Document, must be performed in accordance with methods that are acceptable to the Administrator in accordance with FAR 43.13.

Paragraph B. would require that within 7 days after determining the existence of Level 3 corrosion, an operator must either inspect the same area on the remainder of its fleet, or submit to the FAA either a plan for expediting those inspectors or data substantiating that no such scheduling adjustments are necessary. To ensure that Level 3 corrosion is detected in a timely manner, the FAA may, upon reviewing these submissions, require additional data or adjustments beyond those that were submitted by the operator. A note clarifies that for the purposes of this paragraph, Level 3 corrosion includes isolated occurrences which, in accordance with the McDonnell Douglas document, might otherwise be downgraded to Level 1. Finally, once approved, this revised inspection schedule would be required to be incorporated into the operator's maintenance program prior to the compliance time specified for the first task required under the FAA-approved adjusted schedule.

Paragraph C. would include the cognizant FAA Principal Inspector in the coordination/review process for extension to the inspection intervals. In addressing unanticipated scheduling requirements, it is not the intent of the FAA to include the initial inspection requirements for Level 1 corrosion since these time frames would have already been established by the baseline program.

Paragraph D. would require that all Level 2 corrosion reports and follow-up reports for Level 3 corrosion be submitted at least quarterly to McDonnell Douglas. It should be noted that although the Document prescribes a 30-day reporting requirement, this AD would require quarterly reporting submissions. Furthermore, this reporting requirement would be in addition to the existing reporting requirements of FAR § 121.703, which requires reporting of "corrosion of aircraft structures, if more than the maximum acceptable to the manufacturer or the FAA."

Paragraph E. would preclude operators whose corrosion inspection programs currently provide for more frequent inspections than those specified in the Document from extending the intervals for those inspections without approval by the FAA. This is to ensure that existing inspection programs are not degraded as a result of this AD.

Paragraph F. would require that operators ensure that transferred airplanes are inspected in accordance with the baseline program on the same basis as if there were continuity in ownership, and that scheduling of the inspections for each airplane is not delayed or postponed due to a transfer of ownership. Airplanes that have previously been subject to an FAA-approved maintenance program would have to be inspected in accordance with either the previous operator's or the new operator's inspection schedule, whichever occurs first. Other airplanes would have to be inspected before an operator could begin operating them or in accordance with a schedule approved by the FAA.

Paragraph G. would require that operators, upon finding corrosion

exceeding Level 1 during a repetitive inspection, adjust their program to ensure that future corrosion findings are limited to Level 1 or better. Where corrective action is necessary to reduce corrosion to Level 1 or better, an operator must submit a proposal for such corrective action for the FAA's approval within 60 days after the finding of corrosion. Within 30 days after approval, operators are required to incorporate these adjusted inspection schedules into their FAA-approved maintenance program.

It should be noted that, if corrosion is not representative, then a means to reduce corrosion to Level 1 or better will have already been implemented in accordance with paragraph A. of the AD, and no further corrective action may be necessary. For example, if a finding of corrosion if attributable to a particular spill of mercury or other unique event, or if corrosion is found on an airplane recently acquired from another operator, the means specified in the existing program may be adequate for controlling corrosion in the remainder of the operator's fleet. Similarly, if an operator has already implemented means to reduce corrosion in an area based on previous findings, not additional corrective action may be necessary. In reviewing the reports submitted in accordance with paragraph D. of the AD, the FAA will monitor the effectiveness of the operator's means to reduce corrosion. If the FAA determines that an operator has failed to implement adequate means to reduce corrosion to Level 1 or better, appropriate action will be taken to ensure compliance with this paragraph.

Paragraph H. would permit operators to request that inspection intervals and thresholds be increased if data is provided to substantiate that during previous inspections of the area, no significant corrosion was found, and that the requested increase will continue to provide an acceptable level of safety. Without such data, or without the FAA's first-hand experience, there would be no basis to justify such an increase. The FAA intends to initiate a program wherein FAA engineers will gain experience as to the affected operator's corrosion problems. This program will be beneficial to the FAA when assessing requests for increases in inspection intervals.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have assigned OMB Control Number 2120-0056.

There are approximately 1,655 Model DC-9 and C-9 (Military) series airplanes, including Model DC-9-80 series and Model MD-88 airplanes, of the affected design in the worldwide fleet. It is estimated that 1,016 airplanes of U.S. registry would be affected by this AD, that it would take approximately 16 manhours per area to accomplish the required actions. There are 99 areas called out in the McDonnell Douglas document, and for an average labor cost of $40 per manhour, the total cost to inspect each airplane would be $63,360. Based on these figures, the total cost impact of the AD on U.S. operators for the estimated 6-year average inspection cycle is $64,373,760.

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:

McDonnell Douglas: Applies to Model DC-9 and C-9 (Military) series airplanes, including Model DC-9-80 series and Model MD-88 airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

Note: This AD references McDonnell Douglas Document Number MDC K4606, "DC-9/MD-80 Corrosion Prevention and Control Document," dated April 1990, for inspection procedures, compliance times, and reporting requirements.

In addition, this AD specifies inspection and reporting requirements beyond those included in the Document. Where there are differences between the AD and the Document, the AD prevails.

To control corrosion, accomplish the following:

A. Within one year after the effective date of this AD, revise the FAA-approved maintenance program to include the corrosion control program specified in McDonnel Douglas Document Number MDC K4606, "DC-9/MD-80 Corrosion Prevention and Control Document," dated April 1990 (hereinafter referred to as "the Document").

Note: All structure found corroded or cracked as a result of an inspection conducted in accordance with this paragraph must be addressed in accordance with FAR part 43.

Note: Where non-destructive inspection (NDI) methods are employed, in accordance with section 4 of the Document, the standards and procedures used must be acceptable to the Administrator in accordance with FAR 43.13.

B. 1. If, as a result of any inspection conducted in accordance with the program required by paragraph A. of this AD, Level 3 corrosion is determined to exist in any area, accomplish one of the following within 7 days after such determination:

a. Submit a report of any findings of Level 3 corrosion to the Manager of the Los Angeles Aircraft Certification Office (ACO) and inspect the affected area on all Model DC-9 and C-9 (Military) series airplanes, including Model DC-9-80 series and Model MD-88 airplanes, in the operator's fleet; or

b. Submit for approval to the Manager of the Los Angeles ACO one of the following:

(1) Proposed adjustments to the schedule for performing the tasks in that area on the remaining airplanes in the operator's fleet, which are adequate to ensure that any other Level 3 corrosion is detected in a timely manner, along with substantiating data for those adjustments; or

(2) Data substantiating that the Level 3 corrosion found is an isolated occurrence and that no such adjustments are necessary.

Note: Notwithstanding the provision of Section 1 of the Document which would permit corrosion which otherwise meets the definition of Level 3 corrosion (i.e., which is determined to be a potentially urgent airworthiness concern requiring expeditious action) to be treated as Level 1 if the operator finds that it "can be attributed to an event not typical of the operator's usage of other airplanes in the same fleet," this paragraph

requires that data substantiating any such finding be submitted to the FAA for approval.

Note: As used throughout this AD, where documents are to be submitted to the Manager of the Los Angeles ACO, the document should be submitted directly to the Manager, Los Angeles ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Los Angeles ACO. The Los Angeles ACO will not respond to the operator without the PI's comments or concurrence.

2. The FAA may impose adjustments other than those proposed, upon a finding that such adjustments are necessary to ensure that any other Level 3 corrosion is detected in a timely manner.

3. Prior to the compliance time specified for the first task required in the adjusted schedule approved under paragraph B.1. or B.2. of this AD, revise the FAA-approved maintenance program is to include those adjustments.

Note: The reporting requirements of this paragraph and of paragraph D. of this AD do not relieve operators from reporting corrosion as required by FAR § 121.703.

C. To accommodate unanticipated scheduling requirements, it is acceptable for a repeat inspection interval to be increased by up to 10% but not to exceed 6 months. The cognizant FAA Principal Inspector (PI) must be informed, in writing, of any extension.

Note: Except as provided in this paragraph, notwithstanding § 2.1, paragraph 14, of this Document, all extensions to any compliance time must be approved by the Manager of the Los Angeles ACO.

D. Reports of Level 2 corrosion and follow-up reports for Level 3 corrosion must be submitted at least quarterly to McDonnell Douglas.

E. If the repeat inspections or task intervals of an operator's existing corrosion program are shorter than the corresponding intervals in section 4 of the Document, they may not be increased without specific approval from the Manager of the Los Angeles ACO.

F. Before any airplane that is subject to this AD can be added to an air carrier's operations specifications, a program for the accomplishment of tasks required by this AD must be established in accordance with the following:

1. For airplanes that have previously been operated under an FAA-approved maintenance program, the initial task on each area to be accomplished by the new operator must be accomplished in accordance with the previous operator's schedule or with the new operator's schedule, whichever would result in the earlier accomplishment date for that task. After each task has been performed once, each subsequent task must be performed in accordance with the new operators's schedule.

2. For airplanes that have not previously been operated under an FAA-approved maintenance program, each initial task required by this AD must be accomplished either prior to the airplane's being added to the air carrier's operations specifications, or in accordance with a schedule approved by the Manager, Los Angeles ACO.

G. If corrosion is found to exceed Level 1 on any inspection after the initial inspection, the corrosion control program for the affected area must be reviewed and means implemented to reduce corrosion to Level 1 or better.

1. Within 60 days after such a finding, if corrective action is necessary to reduce future findings of corrosion to Level 1 or better, such proposed corrective action must be submitted for approval to the Manager, Los Angeles ACO.

2. Within 30 days after the corrective action is approved, revise the FAA-approved maintenance program to include the approved corrective action.

H. As an alternative means 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 submitted directly to the Manager, Los Angeles ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Los Angeles ACO.

I. 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 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 Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach California.

Issued in Renton, Washington, on November 5, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-28123 Filed 11-29-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-167-AD]

Airworthiness Directives; McDonnell Douglas Model DC-10 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 McDonnell Douglas Model DC-10 series airplanes, which would require the implementation of a corrosion control program. This proposal is prompted by reports of recent incidents involving fatigue cracking and corrosion in transport category airplanes. these incidents have jeopardized the airworthiness of the affected airplanes. These conditions, if not corrected, could result in a degradation of the structural capabilities of the affected airplanes.

DATES: Comments must be received no later than January 28, 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. 90-NM-167-AD, 1601 Lind Avenue SW., Renton Washington 98055-4056. 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: Ms. Dorenda D. Baker, Airframe Branch, ANM-120L; Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach California, telephone (213) 988-5231.

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

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

proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–167–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

In April 1988, a high-cycle Boeing Model 737 suffered major structural damage in flight. The airplane had numerous fatigue cracks and a great deal of corrosion. Subsequent inspections conducted by the operator on the high-cycle airplanes in its fleet revealed that two other airplanes had extensive fatigue cracking and corrosion. These airplanes were taken out of service.

In June 1988, the FAA sponsored a conference on aging airplanes. It became obvious, because of the huge increase in air travel, the relatively slow pace of new airplane production, and the apparent economic feasibility of operating older technology airplanes that older airplanes will continue to be operated rather than be retired. Because of the problems revealed by the accident described above, it was generally agreed that increased attention needed to be focused on this aging fleet and maintaining its continued operational safety.

The Air Transport Association (ATA) of America and the Aerospace Industries Association (AIA) of America committed to identifying and implementing procedures to ensure continuing structural airworthiness of aging transport category airplanes. An Airworthiness Assurance Task Force, with representatives from aircraft operators, manufacturers, regulatory authorities, and other aviation representatives was established in August 1988. The objective of the Task Force was to sponsor "Working Groups" to: (1) Select service bulletins, applicable to each airplane model in the transport fleet to be recommended for mandatory modification of aging airplanes, (2) develop corrosion-directed inspections and prevention programs, (3) review the adequacy of each operator's structural maintenance program, (4) review and update the Supplemental Inspection Documents (SID), and (5) assess repair quality.

The Working Group assigned to review the McDonnell Douglas Model DC–10 series airplanes completed its work on Item (1), above, in August 1989. The Working Group's proposal is contained in McDonnell Douglas Document Number MDC K1571, "DC–10/KC–10 Aging Aircraft Service Action Requirements Document." On June 4, 1990, the FAA issued AD 90–16–04, Amendment 39–6613 (55 FR 31816, August 6, 1990), which mandates the installation of the modifications identified in that Document.

The Working Group has now completed its work on Item (2) and has developed a baseline program for controlling corrosion problems that may jeopardize the continued airworthiness of the McDonnell Douglas Model DC–10 fleet. This program is contained in McDonnell Douglas Document Number MDC K4607, "DC–10/KC–10 Corrosion Prevention and Control Document," dated April 1990, which the FAA has reviewed and approved.

Section 1 of the Document defines three levels of corrosion: Level 1 is corrosion which does not exceed certain limits. Level 2 corrosion is that which exceeds those limits. Level 3 corrosion is significant corrosion which is potentially an urgent airworthiness concern.

Section 2 of the Document provides guidelines to develop a corrosion prevention and control program. These guidelines address such things as a baseline program, implementation ages, access for inspection, repetitive inspection intervals, operating environment, newly acquired airplanes, general cleanliness of the airplane, and the fact that sampling is unreliable in effectively controlling corrosion.

Section 3 of the Document sets forth the general implementation requirements for the corrosion inspection/control program. As described in that section, each airplane area is assigned an "Implementation Age" and a "Repeat Interval." The program is applicable in each area to all Model DC–10 airplanes whose age has reached or exceeded the Implementation Age for that area. For each airplane area, the program must be implemented on all affected airplanes within the period identified as the Repeat Interval for that area. For airplanes that have already exceeded the applicable Implementation Age, this period is to be measured starting from the date the operator adopts the program. For airplanes whose age exceeds 20 years, the maximum period for implementing the program in any area is 6 years or the Repeat Interval for that area, whichever is less. Finally, this section establishes a minimum implementation rate of one airplane per year for each task.

Section 4 of the Document identifies the specific airplane areas that are subject to the program, and describes the "Basic Task" to be accomplished in each defined airplane area as part of the Baseline Program, along with the implementation age and repeat interval for each area, and other information necessary to carry out the program for each area. The task includes visual inspections of all primary and secondary structure, and may also include detailed visual and non-destructive inspections (NDI). Where NDI's are employed, adequate standards and procedures must be developed and properly recorded for the area inspected. Any corrosion or other damage found as a result of these inspections must be repaired.

Section 5 establishes the procedures for reporting the results of the inspections required by the corrosion prevention and control program.

Section 6 provides for periodic review and update of the data contained in the Document.

Since corrosion is likely to exist or develop on airplanes of this type design, and AD is proposed which would require adoption of a corrosion prevention control program that is equivalent to or better than the program specified in the McDonnell Douglas Document previously described.

Paragraph A. of the proposed rule would require a revision to the operators' FAA-approved maintenance programs to include the McDonnell Douglas Document Number MDC K4607, "DC–10/KC–10 Corrosion Prevention and Control Document," dated April 1990, in its entirety. A note states that any cracks or corrosion found must be addressed in accordance with FAR part 43. A second note states that to the extent that there are differences between the terms of the Document and the terms of the AD, the terms of the AD are controlling. Further, a note pertaining to non-destructive inspection (NDI) methods states that NDI's done in accordance with section 4 of the Document, must be performed in accordance with methods that are acceptable to the Administrator in accordance with FAR 43.13.

Paragraph B. would require that within 7 days after determining the existence of Level 3 corrosion, an operator must either inspect the same area on the remainder of its fleet, or submit to the FAA either a plan for expediting those inspections or data substantiating that no such scheduling adjustments are necessary. To ensure that Level 3 corrosion is detected in a timely manner, the FAA may, upon reviewing these submissions, require additional data or adjustments beyond those that were submitted by the operator. A note clarifies that for the

purposes of this paragraph, Level 3 corrosion includes isolated occurrences which, in accordance with the McDonnell Douglas document, might otherwise be downgraded to Level 1. Finally, once approved, this revised inspection schedule would be required to be incorporated into the operator's maintenance program prior to the compliance time specified for the first task required under the FAA-approved adjusted schedule.

Paragraph C. would include the cognizant FAA Principal Inspector in the coordination/review process for extension to the inspection intervals. In addressing unanticipated scheduling requirements, it is not the intent of the FAA to include the initial inspection requirements for Level 1 corrosion since these time frames would have already been established by the baseline program.

Paragraph D. would require that all Level 2 corrosion reports and follow-up reports for Level 3 corrosion be submitted at least quarterly to McDonnell Douglas. It should be noted that although the Document prescribes a 30-day reporting requirement, this AD would require quarterly reporting submissions. Furthermore, this reporting requirement would be in addition to the existing reporting requirements of FAR § 121.703, which requires reporting of "corrosion of aircraft structures, if more than the maximum acceptable to the manufacturer or the FAA."

Paragraph E. would preclude operators whose corrosion inspection programs currently provide for more frequent inspections than those specified in the Document from extending the intervals for those inspections without approval by the FAA. This is to ensure that existing inspection programs are not degraded as a result of this AD.

Paragraph F. would require that operators ensure that transferred airplanes are inspected in accordance with the baseline program on the same basis as if there were continuity in ownership, and that scheduling of the inspections for each airplane is not delayed or postponed due to a transfer of ownership. Airplanes that have previously been subject to an FAA-approved maintenance program would have to be inspected in accordance with either the previous operator's or the new operator's inspection schedule, whichever occurs first. Other airplanes would have to be inspected before an operator could begin operating them or in accordance with a schedule approved by the FAA.

Paragraph G. would require that operators, upon finding corrosion exceeding Level 1 during a repetitive inspection, adjust their program to ensure that future corrosion findings are limited to Level 1 or better. Where corrective action is necessary to reduce corrosion to Level 1 or better, an operator must submit a proposal for such corrective action for the FAA's approval within 60 days after the finding of corrosion. Within 30 days after approval, operators are required to incorporate these adjusted inspection schedules into their FAA-approved maintenance program.

It should be noted that, if corrosion is not representative, then a means to reduce corrosion to Level 1 or better will have already been implemented in accordance with paragraph A. of the AD, and no further corrective action may be necessary. For example, if a finding of corrosion is attributable to a particular spill of mercury or other unique event, or if corrosion is found on an airplane recently acquired from another operator, the means specified in the existing program may be adequate for controlling corrosion in the remainder of the operator's fleet. Similarly, if an operator has already implemented means to reduce corrosion in an area based on previous findings, no additional corrective action may be necessary. In reviewing the reports submitted in accordance with paragraph D. of the AD, the FAA will monitor the effectiveness of the operator's means to reduce corrosion. If the FAA determines that an operator has failed to implement adequate means to reduce corrosion to Level 1 or better, appropriate action will be taken to ensure compliance with this paragraph.

Paragraph H. would permit operators to request that inspection intervals and thresholds be increased if data is provided to substantiate that during previous inspections of the area, no significant corrosion was found, and that the requested increase will continue to provide an acceptable level of safety. Without such data, or without the FAA's first-hand experience, there would be no basis to justify such an increase. The FAA intends to initiate a program wherein FAA engineers will gain experience as to the affected operators' corrosion problems. This program will be beneficial to the FAA when assessing requests for increases in inspection intervals.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB Control Number 2120–0056.

There are approximately 423 Model DC–10 series airplanes of the affected design in the worldwide fleet. It is estimated that 244 airplanes of U.S. registry would be affected by this AD, that it would take approximately 16 manhours per area to accomplish the required actions. There are 59 areas called out in the McDonnell Douglas document, and for an average labor cost of $40 per manhour, the total cost to inspect each airplane would be $37,760. Based on these figures, the total cost impact of the AD on U.S. operators for the estimated 6-year average inspection cycle is $9,213.440.

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:

McDonnell Douglas: Applies to all Model DC–10 series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

Note: This AD references McDonnell Douglas Document Number MDC K4607, "DC–10/KC–10 Corrosion Prevention and Control Document," dated April 1990, for inspection procedures, compliance times, and reporting requirements. In addition, this AD specifies inspection and reporting requirements beyond those included in the Document. Where there are differences between the AD and the Document, the AD prevails.

To control corrosion, accomplish the following:

A. Within one year after the effective date of this AD, revise the FAA-approved maintenance program to include the corrosion control program specified in McDonnell Douglas Document Number MDC K4607, "DC–10/KC–10 Corrosion Prevention and Control Document," dated April 1990 (hereinafter referred to as "the Document").

Note: All structure found corroded or cracked as a result of an inspection conducted in accordance with this paragraph must be addressed in accordance with FAR part 43.

Note: Where non-destructive inspection (NDI) methods are employed, in accordance with section 4 of the Document, the standards and procedures used must be acceptable to the Administrator in accordance with FAR 43.13.

B. 1. If, as a result of any inspection conducted in accordance with the program required by paragraph A. of this AD Level 3 corrosion is determined to exist in any area, accomplish one of the following within 7 days after such determination:

a. Submit a report of any findings of Level 3 corrosion to the Manager of the Los Angeles Aircraft Certification office (ACO) and inspect the affected area on all Model DC–10 aircraft in the operator's fleet; or

b. Submit for approval to the Manager of the Los Angeles ACO one of the following:

(1) Proposed adjustments to the schedule for performing the tasks in that area on the remaining airplanes in the operator's fleet, which are adequate to ensure that any other Level 3 corrosion is detected in a timely manner, along with substantiating data for those adjustments; or

(2) Data substantiating that the Level 3 corrosion found is an isolated occurrence and that no such adjustments are necessary.

Note: Notwithstanding the provision of section 1 of the Document which would permit corrosion which otherwise meets the definition of Level 3 corrosion (i.e., which is determined to be a potentially urgent airworthiness concern requiring expeditious action) to be treated as Level 1 if the operator finds that it " can be attributed to an event not typical of the operator's usage of other airplanes in the same fleet," this paragraph require that data substantiating any such finding be submitted to the FAA for approval.

Note: As used throughout this AD, where documents are to be submitted to the Manager of the Los Angeles ACO, the document should be submitted directly to the Manager, Los Angeles ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Los Angeles ACO. The Los Angeles ACO will not respond to the operator without the PI's comments or concurrence.

2. The FAA may impose adjustments other than those proposed, upon a finding that such adjustments are necessary to ensure that any other Level 3 corrosion is detected in a timely manner.

3. Prior to the compliance time specified for the first task required in the adjusted schedule approved under paragraph B.1. or B.2. of this AD, revise the FAA-approved maintenance program to include those adjustments.

Note: The reporting requirements of this paragraph and of paragraph D. of this AD do not relieve operators from reporting corrosion as required by FAR § 121.703.

C. To accommodate unanticipated scheduling requirements, it is acceptable for a repeat inspection interval to be increased by up to 10% but not to exceed 6 months. The cognizant FAA Principal Inspector (PI) must be informed, in writing, of any extension.

Note: Except as provided in this paragraph, notwithstanding section 2.1, paragraph 14, of the Document, all extensions to any compliance time must be approved by the manager of the Los Angeles ACO.

D. Reports of Level 2 corrosion and follow-up reports for Level 3 corrosion must be submitted at least quarterly to McDonnell Douglas.

E. If the repeat inspection or task intervals of an operator's existing corrosion inspection program are shorter than the corresponding intervals in section 4 of the Document, they may not be increased without specific approval from the Manager of the Los Angeles ACO.

F. Before any airplane that is subject to this AD can be added to an air carrier's operations specifications, a program for the accomplishment of tasks required by this AD must be established in accordance with the following:

1. For airplanes that have previously been operated under an FAA-approved maintenance program, the initial task on each area to be accomplished by the new operator must be accomplished in accordance with the previous operator's schedule or with the new operator's schedule, whichever would result in the earlier accomplishment date for that task. After each task has been performed once, each subsequent task must be preformed in accordance with the new operator's schedule.

2. For airplanes that have not previously been operated under an FAA-approved maintenance program, each initial task required by this AD must be accomplished either prior to the airplane's being added to the air carrier's operations specifications, or in accordance with a schedule approved by the Manager, Los Angeles ACO.

G. If corrosion is found to exceed Level 1 on any inspection after the initial inspection, the corrosion control program for the affected area must be reviewed and means implemented to reduce corrosion to Level 1 or better.

1. Within 60 days after such a finding, if corrective action is necessary to reduce future findings of corrosion to Level 1 or better, such proposed corrective action must be submitted for approval to the Manager, Los Angeles ACO.

2. Within 30 days after the corrective action is approved, revise the FAA-approved maintenance program to include the approved corrective action.

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

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

I. 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 McDonnell Douglas Corporation, P.O. box 1771, Long Beach, California 90846–0001, Attention: Business Unit Manager, Technical Publications, C1–HDR (54–60). These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, or Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach California.

Issued in Renton, Washington, on November 5, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–28124 Filed 11–29–90; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 820

[Docket No. 90N–0172]

Medical Devices; Current Good Manufacturing Practices (CGMP) Regulations Document; Suggested Changes; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking; availability of document.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of an information document created to facilitate the development of changes to the medical devices current good manufacturing practices (CGMP) regulations. The information document is intended to facilitate discussion of suggested changes and to generate comments for consideration by the agency when drafting the language for changing the CGMP regulations.

DATES: Written comments by January 29, 1991.

ADDRESSES: Submit written requests for single copies to the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send two self-addressed adhesive labels to assist the division in processing your requests. Submit written comments on the information document to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Requests and comments should be identified with the docket number found in brackets in the heading of this document.

The information document and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: W. Fred Hooten, Center for Devices and Radiological Health (HFZ–330), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301–427–1131.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 15, 1990 (55 FR 24544), FDA published an advance notice of proposed rulemaking. In this notice, the agency announced that it was considering whether changes would be made in the current good manufacturing practices (CGMP) regulations for medical devices (21 CFR part 820). On June 19 and 20, 1990, FDA presented proposed revisions during an open public meeting of the Device GMP Advisory Committee (the Advisory Committee). At this meeting, FDA promised to seek comments from interested persons in the development of the proposed changes.

The information document made available by this notice is one mechanism the agency is using to meet the commitment made during the Advisory Committee meeting. It is intended to facilitate discussion of suggested changes and to generate comments for consideration by the agency when drafting the language for changing the CGMP regulations. The draft language developed from the comments will then be offered as a proposed rule for comment.

Dated: November 23, 1990.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 90–28215 Filed 11–29–90; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 6 and 8

RIN 2900–AE79

Settlement Interest

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rules.

SUMMARY: The Department of Veterans Affairs proposes to establish regulations to authorize the payment of settlement interest on the proceeds of participating National Service Life Insurance (NSLI), Veterans Special Life Insurance (VSLI) and Veterans Reopened Life Insurance (VRI), and all United States Government Life Insurance (USGLI) policies. The payment of such interest is administratively and actuarially sound and should be made in order to comply with the relevant statutory authority.

DATES: Comments must be received on or before December 31, 1990. Comments will be available for public inspection until January 10, 1991. This amendment is proposed to be effective 30 days after publication of the final rule.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulation to the Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132 of the above address, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until January 10, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Paul F. Koons, Assistant Director for Insurance, Department of Veterans Affairs Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, Pennsylvania 19101, (215) 951–5360.

SUPPLEMENTARY INFORMATION: Sections 728 and 763 of title 38 of the United States Code, authorize the Secretary of Veterans Affairs to pay settlement interest on the proceeds of participating NSLI, VSLI and VRI policies, and all USGLI policies provided the Secretary determines that the payment of such interest is administratively and actuarially sound for the settlement option involved. The proposed regulations will allow settlement interest to be paid under all settlement options in all those programs. Based on a determination by the Chief of the Insurance Service's Actuarial Staff, the payment of settlement interest in the affected programs is consistent with the Contribution Principle and the Source of Earnings Method of distributing surplus earnings on investments as recommended by the American Academy of Actuaries and, therefore, is administratively and actuarially sound.

Pursuant to sections 728 and 763 any settlement interest paid would be paid at the rate that is established by the Secretary for dividends held on credit or deposit in policyholders' accounts under the insurance program involved. Interest calculations for Option 1, lump sum, would be based upon the entire net amount of all of the proceeds due to that beneficiary or policyholder. The interest calculation for Options 2, 3, 4 or 5, monthly installment options, would be based upon the entire net amount of the initial payment due to that beneficiary or policyholder as determined by the number of installments due from the date of policy maturity until the date of payment. Subsequent monthly installment payments would not include settlement interest since interest is already included in the tables used to calculate these payments. Settlement interest would be paid only on policies that mature on or after the effective date of this rule.

The Secretary of Veterans Affairs hereby certifies that these proposed regulations, if promulgated, will not have a significant impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these proposed regulations are, therefore, exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that these regulations will affect only certain Government life insurance policyholders and beneficiaries. They will, therefore,

have no significant direct impact on small entities in terms of compliance costs, paperwork requirements or effects on competition.

VA has determined that these proposed regulations are nonmajor in accordance with Executive Order 12291, Federal Regulation. These regulations will not have a $100 million annual effect on the economy, will not cause a major increase in costs or prices, and will not, otherwise have any significant adverse economic effects.

(The Catalog of Federal Domestic Assistance Program number for these proposed regulations is 64.103.)

List of Subjects

38 CFR Part 6

United States Government Life Insurance.

38 CFR Part 8

National Service Life Insurance.

Approved: November 8, 1990.

Edward J. Derwinski,

Secretary of Veterans Affairs.

38 CFR part 6, United States Government Life Insurance, and part 8, National Service Life Insurance, are proposed to be amended as follows:

PART 6—[AMENDED]

1. Section 6.71 is added to read as follows:

§ 6.71 Settlement Interest.

Subject to the provisions of section 763 of title 38, United States Code, settlement interest shall be paid on the proceeds of a United States Government Life Insurance policy that matures on or after [the effective date of this rule].

(Authority 38 U.S.C. 763)

PART 8—[AMENDED]

2. Section 8.83 is added to read as follows:

§ 8.83 Settlement Interest.

Subject to the provisions of section 728 of title 38, United States Code, settlement interest shall be paid on the proceeds of a participating National Service Life Insurance, Veterans' Special Life Insurance and Veterans' Reopened Insurance policy that matures on or after [the effective date of this rule.]

(Authority 38 U.S.C. 763).

[FR Doc. 90-28067 Filed 11-29-90; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9E3778/P518; FRL-3837-8]

Pesticide Tolerance for 2-(2-Chlorophenyl)Methyl-4,4-Dimethyl-3-Isoxazolidinone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the herbicide 2-(2-chlorophenyl)methyl-4,4-dimethyl-3-isoxazolidinone, also referred to as clomazone, in or on the raw agricultural commodity pepper. The proposed regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number [PP 9E3778/P518], must be received on or before December 31, 1990.

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

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

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

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4, (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (PP) 9E3778 to EPA on behalf of the IR-4 Project, and the Agricultural Experiment Stations of North Carolina, Florida, New Jersey, Puerto Rico, Kentucky, Maryland, Georgia, and Arkansas.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide 2-(2-chlorophenyl)methyl-4,4-dimethyl-3-isoxazolidinone in or on the raw agricultural commodity pepper at 0.05 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance include:

1. A rat developmental toxicity study with a maternal no-observed-effect level (NOEL) of 100 milligrams (mg)/kilogram (kg)/day and a fetotoxic NOEL of 100 mg/kg/day. No developmental effects were observed at the highest level tested (600 mg/kg/day).

2. A rabbit developmental toxicity study with a developmental NOEL of 700 mg/kg/day, a maternal NOEL of 240 mg/kg/day, and a fetotoxicity NOEL of 240 mg/kg/day.

3. A 1-year dog feeding study with a NOEL of 500 ppm (equivalent to 12.5 mg/kg/day) and a lowest effect level (LEL) of 2,500 ppm (equivalent to 62.5 mg/kg/day), based on increased absolute and relative liver weights in male and female dogs.

4. A 2-year rat feeding study with a NOEL of 100 ppm (equivalent to 4.3 mg/kg/day) for systemic effects, and an LEL of 500 ppm (equivalent to 21.5 mg/kg/day), based on increased cholesterol and increased liver weight. No carcinogenic effects were observed under the conditions of the study at any of the dose levels tested (20, 100, 500, 1,000, and 2,000 ppm).

5. A 2-year mouse feeding study with a NOEL of 100 ppm (equivalent to 15 mg/kg/day) for systemic effects and negative for carcinogenic effects under the conditions of the study at all dose levels tested (20, 100, 500, 1,000, and 2,000 ppm).

6. Mutagenic studies: including an unscheduled DNA synthesis test,

negative for mutagenicity; reverse mutation tests (two studies) (*Salmonella*) both negative with/without activation; a point mutation test (CHO/HGPT), weakly positive without activation; and an *in vivo* cytogenetic (chromosomal aberrations) test, negative for mutagenicity.

The reference dose (RfD), based on the 2-year rat feeding study (NOEL of 4.30 mg/kg/day) and using an uncertainty factor of 100, is calculated to be 0.043 mg/kg of body weight (bw)/day. The theoretical maximum residue contribution (TMRC) from existing tolerances is calculated to be 0.000026 mg/kg/day; the current action will increase the TMRC by 0.000002 mg/kg/day. Published tolerances and the proposed tolerance for pepper utilize less than 1.0 percent of the RfD.

The nature of the residue is adequately understood, and an adequate analytical method, gas chromatography using a nitrogen/phosphorus detector, is available for enforcement purposes. Because of the long lead time for establishing these tolerances to publication of the enforcement methodology in the Pesticide Analytical Manual, the analytical methodology is available upon request from: Calvin Furlow, Public Information Branch, Field Operations Division (H7505C), 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 246, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-557-4432.

There is no expectation of secondary residues in meat and milk since pepper is not considered an animal feed commodity. There are currently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.425 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

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

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 9E3778/P518]. All written comments filed in response to this petition will be available in the Public Information Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

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

List of Subjects in 40 CFR Part 180

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

Dated: November 15, 1990.

Anne E. Lindsay.

Director, Registration Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

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

2. Section 180.425 is amended by adding, and alphabetically inserting, the the raw agricultural commodity pepper, to read as follows:

§ 180.425 2-(2-Chlorophenyl)methyl-4,4-dimethyl-3-isoxazolidinone; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Pepper	0.05
* * * * *	

[FR Doc. 90-28021 Filed 11-29-90; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-581, RM-7521]

Radio Broadcasting Services; Volga, SD

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by CD Broadcasting Corporation of Brookings seeking the substitution of Channel 272C3 for Channel 272A at Volga, South Dakota, and the modification of its license for Station KKQQ-FM to specify operation on the higher powered channel. Channel 272C3 can be allotted to Volga in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.6 kilometers (4.7 miles) south of the community to accommodate petitioner's desired transmitter site. The coordinates for Channel 272C3 are North Latitude 44-15-21 and West Longitude 96-57-22. In accordance with § 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 272C3 at Volga or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before January 17, 1991, and reply comments on or before February 1, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follow: CD Broadcasting Corporation of Brookings, 308 Edina Executive Plaza, 5200 Willson Road, Edina, Minnesota 55424 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-581, adopted November 8, 1990, and released November 26, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service (202) 857-3800,

2100 M Street NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time of Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90–28211 Filed 11–29–90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

48 CFR Part 5243 and 5252

Navy Acquisition Procedures Supplement; Adjustments to Prices Under Shipbuilding Contracts

AGENCY: Department of the Navy, DOD.

ACTION: Proposed rule; extension of date for receipt of post hearing comments.

SUMMARY: The Department of the Navy promulgated proposed regulations on part 5243, subpart 5243.70 of Navy Acquisition Procedures Supplement (NAPS) to restrict contract price adjustments under shipbuilding contracts, thus implementing by regulation the requirements of 10 U.S.C. 2405. The Department also promulgated proposed amendments to part 5252 to add the text of a solicitation provision and a contract clause. The proposed regulation was published on June 29, 1990 at 55 FR 26708. That proposed regulation amended earlier proposed rules, and among other things, established August 23, 1990 as the date for a public hearing and September 6, 1990 as the date for receipt of post hearing comments. By notice of August 16, 1990 at 55 FR 33541, the date of the public hearing was changed to September 24, 1990 and the date for receipt of post hearing comments was changed to October 8, 1990. By further notice of October 26, 1990 at 55 FR 43150, the date of the public hearing was changed to November 9, 1990 and the date for receipt of post hearing comments was changed to December 7, 1990. The date for receipt of post hearing comments is being amended as set forth below.

DATES: Post hearing comments may be submitted until 5 p.m., e.s.t. January 7, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Moye, (703) 602–2807.

Dated: November 19, 1990.

Wayne T. Baucino,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 90–28081 Filed 11–29–90; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 266

[FRA Docket No. SR–1979–1, Notice No. 2]

RIN 2130–AA60

Local Rail Freight Assistance to States

AGENCY: Federal Railroad Administration ("FRA"), Department of Transportation ("DOT").

ACTION: Notice of proposed rulemaking.

SUMMARY: FRA is revising the procedures and requirements for the receipt of financial assistance contained in part 266. These changes establish deadlines for submission of project applications for those seeking federal funding to provide local rail freight assistance and impose consequences for failure to expend approved funding. The new deadline for submission of project applications for entitlement and discretionary funding will be October 1 and January 1 of each year, respectively. FRA also is requesting comments on ways to improve the effectiveness of the program while complying with the recent statutory changes concerning administration of the program.

DATES: Comments must be submitted on or before December 31, 1990.

ADDRESSES: Written comments should identify the notice number and be submitted (preferably in triplicate) to the Docket Clerk, Federal Railroad Administration, Office of Chief Counsel, room 8201, 400 Seventh Street, SW., Washington, DC 20590. Persons desiring to be notified of receipt of their comments by FRA should submit a stamped, self addressed postcard with their comments. Written comments will be available for inspection, both before and after the closing date for comments during regular business hours in room 8201 of the Nassif building at the above address.

FOR FURTHER INFORMATION CONTACT: Laurence Fitzgerald, Program Analyst, State Programs Division, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, (telephone: (202) 366–1677).

SUPPLEMENTARY INFORMATION: Section 5 of the Department of Transportation Act (49 U.S.C. 1654 *et. seq.*) establishes a program of federal grants to fund the operation of local rail freight assistance. The regulation implementing section 5 of the Act is contained in 49 CFR part 266 and was initially published on August 30, 1979 (44 FR 51129).

Part 266 contains the procedural requirements that must be adhered to by State agencies seeking to obtain grants for the acquisition of rail lines, track rehabilitation and rail facility construction. This rule revises part 266 to reflect the amendment of section 5 by the Local Rail Service Reauthorizing Act, Public Law No. 101–213 (Dec. 11, 1989), ("Reauthorizing Act"). Current government-wide grant application and management requirements are also incorporated.

The most significant change made by the Reauthorizing Act is the establishment of deadlines for submission of project applications. Project applications for entitlement and discretionary funding are due October 1 and January 1 of each year, respectively.

The Reauthorizing Act also provides an annual entitlement of $36,000 to each eligible state and requires that it be obligated by the state within three months after the end of the fiscal year for which the funds were made available. Entitlement funds not applied for by October 1 of the fiscal year for which they are appropriated or obligated by December 31 following the end of the fiscal year in which they were granted become available to FRA for discretionary allocation.

Another important change is the statutory reduction of the allowable Federal share of acquisition and rail facility construction projects to 50 percent. The Federal share of rehabilitation projects remains at 70 percent.

Finally, the Reauthorizing Act amended eligibility requirements for rehabilitation and rail facility construction projects to include lines of railroad which annually carry less than 5 million gross ton miles of freight per mile, provided that the rail carrier certifies that the line carried more than

20 carloads per mile during the most recent year of operation; in a case where the railroad is no longer in existence, the state shall provide the required information. In addition, all projects must not have a benefit-cost ratio greater than 1 as calculated in accordance with the standard methodology established by FRA in July 1990 and distributed to individual states. The methodology is availabe upon request. Such requests should be directed to Mr. Laurence Fitzgerald, whose address and telephone number appear earlier in this notice.

All applications for financial assistance must comply with the requirements of section 5 of the Act as amended by the Reauthorizing Act. FRA's existing procedural requirements, contained in part 266, do not accurately reflect these recent statutory changes. In order to assure that future applications comply with the new provisions of section 5 of the Act and to alert applicants to the new criteria for administering this program, FRA is amending 49 CFR part 266. The regulatory changes made pursuant to this notice reflect the necessary adjustments to FRA's procedures to bring them into conformity with the Reauthorizing Act. No substantive changes to part 266 have been made other than those dictated by the Reauthorizing Act. Interested parties are invited to submit their views or comments on these changes or others that may be desired concerning the administration of the program by writing to the Docket Clerk.

Section-by-Section Analysis

FRA is publishing with this notice the full text of the revised regulation, which includes the changes made to comport with the Reauthorizing Act as well as some non-substantive changes, which have been suggested over the last ten years, to improve the clarity of the regulation. Publication herein of the full, amended text of part 266 is being done to aid those charged with submitting applications for funding. The following sections have been substantively revised to comport with the Reauthorizing Act:

Section 266.5 Rail Freight Assistance Program

This section, originally § 266.3 and titled "Rail Service Assistance Program," has been revised to include the new statutory limitations that no more than 15 percent of the discretionary funds provided in any fiscal year may be granted to a state and no more than 20 percent may be provided for any one project. This section has also been revised to reflect the amount of entitlement currently available to a state.

Section 266.9 Project Eligibility

This section, originally § 266.7, has been modified to make lines annually carrying less than 5 million gross ton miles of freight per mile eligible for rehabilitation or improvement assistance and rail facility construction assistance. Additionally, two new eligibility requirements are imposed on all projects, including a certification by the railroad that the line has carried more than 20 carloads per mile during the most recent year of operation and that the project must have a benefit-cost ratio greater than 1.0. In a case where the railroad is no longer in existence, the state shall provide the certification.

Section 266.11 Federal/State Share

This section, originally § 266.9, has been changed to reflect the requirement that the Federal share of rehabilitation or improvement assistance projects shall be 70 percent and acquisition and rail facility construction assistance projects shall be 50 percent.

Section 266.15 Distribution of Funds

This section, originally § 266.13, has been revised to reflect the statutory deadlines of October 1 for entitlement applications and Janaury 1 for discretionary applications.

Section 266.17 Requirements for State Rail Plan

This section, originally § 266.15, has been modified to require that the FRA standard methodology be used for calculating the benefits-costs ratio for proposed projects.

Section 266.19 Applications

This section, originally § 266.17, has been revised to require the inclusion of the following statutorily mandated information with all project applications:

(1) The percentage of lines identified to the Interstate Commerce Commission by the rail carrier for abandonment or potential abandonment within a state;

(2) The likelihood of future abandonments within the State;

(3) The ratio of benefits to costs for a proposed project calculated in accordance with the FRA standard methodology;

(4) The likelihood that the line will continue operating with rail freight assistance; and

(5) The impact of rail bankruptcies, rail restructuring, and rail mergers on the State applying for assistance.

The following sections have been revised substantially, but not substantively, to reflect suggested improvements to the program over the last ten years:

Section 266.17 Requirements for the State Rail Plan.

This section, which was § 266.15, has been revised to eliminate the reporting of data which reflected incremental steps in the analytical process. In addition, the required number of State Rail Plan copies has been reduced from five to two.

Section 266.19 Applications.

This section, originally § 266.17, has been changed to allow certain assurances to be submitted once and subsequently referenced. It has also been restructured so that the specific requirements for each type of application are more readily identifiable.

Section 266.21 Environmental Impact.

This section, which was § 266.19, has been changed to include additional classes of action which FRA has documented as being categorically excluded from the requirement for completion of an environmental assessment.

Regulatory Impact

This rule has been evaluated in accordance with existing policies and procedures. The rule is considered to be non-major under Executive Order 12291 and non-significant under the Department's policies and procedures (44 FR 11034, February 26, 1979).

The rule is procedural in nature and will not have any economic impact on any entity. The rule does not impose any additional recordkeeping and information collection requirements; will have no impact on Federalism under Executive Order 12612; and does not itself constitute a major FRA action requiring environmental assessment.

List of Subjects in 49 CFR Part 266

Grant Programs-Transportation; Railroads; Railroad freight financial assistance; State grant programs.

The Proposed Rule

In consideration of the foregoing, 49 CFR part 266 is proposed to be revised to read as set forth below:

PART 266—LOCAL RAIL FREIGHT ASSISTANCE TO STATES UNDER SECTION 5 OF THE DEPARTMENT OF TRANSPORTATION ACT

Sec.

266.1 Applicability.
266.3 Definitions.
266.5 Rail Freight Assistance Program.
266.7 State Eligibility.
266.9 Project Eligibility.
266.11 Federal/State Share.
266.13 Allowable Costs.
266.15 Distribution of Funds.
266.17 Requirements for State Rail Plan.
266.19 Applications.
266.21 Environmental Impact.
266.23 Grant Agreement and Disbursement.
266.25 Record, Audit, and Examination.
266.27 Waivers and Modifications.

Authority: Section 5 of the Department of Transportation Act (49 U.S.C. 1654, *et. seq.*).

§ 266.1 Applicability.

This part prescribes the procedures governing applications for financial assistance pursuant to section 5 of the Department of Transportation Act.

§ 266.3 Definitions.

As used in this part:

Acquisition assistance means funds granted to a State under section 5(b)(1) of the Department of Transportation Act (49 U.S.C. 1654(b)(1)) to cover the cost of acquiring by purchase, lease, or in such other manner as the State considers appropriate, a line of railroad or other rail properties, or any interest therein for existing or future rail freight service.

Act means the Department of Transportation Act (49 U.S.C. 1650 *et. seq.*).

Administrator means the Administrator of the Federal Railroad Administration or the Administrator's delegate.

Benefit-Cost Methodology means the methodology to be used for calculating the ratio of benefits to costs of projects considered for financial assistance hereunder, established by the Administrator on July 1, 1990 pursuant to section 5(n) of the Act. Copies are available on request from FRA's Office of Passenger and Freight Services.

Commission means the Interstate Commerce Commission or any successor Federal agency to the relevant activity.

Common Rule means 49 CFR part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

Designated State Agency means the State agency designated under section 5(a) of the Act.

Discretionary means the amount of assistance available for distribution by the Administrator under section 5(g) of the Act.

Entitlement means the assistance which a state is eligible to receive annually under section 5(g) of the Act.

Equipment means railroad rolling stock of the kind generally used by rail carriers in revenue freight service.

Facilities means track, ties, roadbed and related structures including terminals, team tracks and appurtenances, bridges and tunnels, and other structures used or usable for rail service operations.

Federal Share means that portion of allowable costs of an approved project to be funded pursuant to section 5(e) of the Act.

FRA means the Federal Railroad Administration.

Gross ton miles per mile means the combined weight of locomotives and all trailing cars and their contents used in revenue freight trains multiplied by the number of route miles traveled and divided by the number of route miles of the line.

Line means a line of railroad.

Maintenance means inspection and light repairs, emergency repairs and a planned program of periodic maintenance which is necessary to keep a line at its existing condition or to comply with FRA Class 1 Safety Standards.

Planning assistance means funds granted to a State under section 5(g) of the Act to meet the cost of establishing (including developing a planning application), implementing, revising, and updating the State Rail Plan required by section 5(a)(1) of the Act.

Planning Work Program means that portion of a state's planning application which outlines the state's plan for establishing, implementing, revising, or updating a State Rail Plan that meets the requirements of section 5(a) of the Act.

Program operations assistance means funds granted to a State to cover those administrative costs allowable under Office of Budget and Management Circular A–87 (copies available from FRA's Office of Passenger and Freight Services).

Rail carrier means a person providing railroad transportation for compensation who is subject to the jurisdiction of the commission under subchapter I of chapter 105 of title 49 of the United States Code.

Rail facility construction assistance means funds granted to a State under section 5(b)(3) of the Act to cover the cost of constructing rail or rail related facilities (including new connections between two or more existing lines, intermodal freight terminals, sidings, and relocation of existing lines) for the purpose of improving the quality and efficiency of rail freight service.

Rail Freight Assistance Program means the FRA program through which funds are provided to each State pursuant to section 5 of the Act.

Rehabilitation or improvement assistance means funds granted to a State under section 5(b)(2) of the Act to cover the cost of replacing or upgrading, to the extent necessary to permit adequate and efficient rail freight service, facilities needed to provide service on a line.

State means any State in which a rail carrier maintains any line of railroad.

State Rail Plan means the current plan, including all updates, revisions, and amendments required by section 5(a)(3) of the Act.

State Share means the portion of allowable costs of an approved project not included in the Federal Share.

§ 266.5 Rail Freight Assistance Program.

(a) Scope of the program.

Financial assistance may be provided to States under the Rail Freight Assistance Program for the following purposes:

(1) Acquisition assistance;

(2) Rehabilitation or improvement assistance;

(3) Rail facility construction assistance;

(4) Planning assistance; and

(5) Program operations assistance.

(b) Special limitations.

(1) A State is eligible to receive up to 5 percent of the total amount of funds granted to it each fiscal year under paragraph (a)(1), (2) and (3) of this section as program operations assistance.

(2) No more than 15 percent of the funds appropriated in any fiscal year for the purposes described in paragraphs (a)(1), (2) and (3) of this section may be provided to any one state.

(3) No more than 20 percent of the funds appropriated in any fiscal year for the purposes described in paragraphs (a)(1), (2) and (3) of this section may be provided for any one project.

§ 266.7 State Eligibility.

A State is eligible for financial assistance if:

(a) The state has certified, pursuant to section 5(a)(4) of the Act, that it has or will adopt and maintain adequate procedures for financial control, accounting and performance evaluation in order to assure proper use of Federal funds; and

(b) (1) The State has established an adequate plan for rail services in the State which

(i) Meets the requirements of § 266.17 of this part;

(ii) Is part of an overall planning process for all transportation services in the State;

(iii) Includes a suitable procedure for updating, revising, and amending such plan; and

(iv) As updated, revised, or amended has been approved by the Administrator;

(2) Such State Rail Plan:

(i) Is administered or coordinated by a designated State agency;

(ii) Provides for the equitable distribution of resources; and

(iii) Uses the Benefit-Cost Methodology for determining the ratio of benefits to costs of projects for which acquisition assistance, rehabilitation or improvement assistance, and rail facility construction assistance is sought;

(3) The State agency:

(i) Has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail transportation services;

(ii) Employs or will employ, directly or indirectly, sufficient trained and qualified personnel;

(iii) Maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation; and

(iv) Is designated and directed solely or in cooperation with other State agencies to take all practicable steps to improve rail transportation safety and to reduce transportation-related energy utilization and pollution; and

(4) The State undertakes to immediately notify the Administrator of any change in conditions which might affect its compliance with this section.

§ 266.9 Project Eligibility.

(a) A project is eligible for financial assistance only if:

(1) The line of railroad related to that project has been certified by the rail carrier as having carried more than 20 carloads per mile during the most recent year of operation (If the rail carrier is no longer in existence, the applicant shall provide the required certification. The Administrator may waive the 20 carload requirement if the Administrator determines that the line is contractually guaranteed at least 40 carloads per mile for each of the first 2 years of operation if the proposed project is carried out, and the Administrator finds that there is reasonable expectation that such contractual guarantee will be fulfilled.); and

(2) The project has a ratio of benefits to costs calculated in accordance with the Benefit-Cost Methodology greater than 1.0.

(b) A project is eligible for assistance under section 266.3(a)(1) of this part, if the Commission has authorized, or exempted from the requirement of authorization, the abandonment, or the discontinuance, of rail service on the line related to the project.

(c) A project is eligible for assistance under § 266.3(a) (2) and (3) of this part if the line related to the project is certified by the rail carrier as having carried five million gross ton miles per mile or less during the prior year.

§ 266.11 Federal/State Share.

(a) The Federal Share of projects shall be 50 percent, with the exception that the Federal Share of rehabilitation or improvement projects shall be 70 percent.

(b) The State Share of projects shall be provided either in cash or through approved in-kind benefits which would not otherwise have been provided. When more than the required State Share is provided, the amount in excess of the required State Share may be carried forward to subsequent fiscal years. The State Share may not be satisfied directly or indirectly by any Federal funds, unless the funds are provided through a Federal program which specifically authorized the use of such funds to satisfy the non-Federal share of a Federally subsidized program.

(1) The following are eligible in-kind benefits when provided for projects eligible under § 266.9 of this part (whether, or not, Federal financial assistance has been requested for the project):

(i) The value of forgiven taxes, such as those portions of gross receipts or revenue taxes which are applicable to an approved project or property taxes on project related property, shall be the amount which would otherwise have been levied by the taxing authority. Forgiveness may be through exemption or remission;

(ii) The value of trackage rights secured by a State for a railroad shall be the amount paid by rail carriers for comparable rights on comparable rail freight properties;

(iii) The value of State salaries for State public employees working in the State Rail Freight Assistance Program, which shall be consistent with rates paid for similar work by State public employees working in comparable State programs but shall not include overhead or general administrative costs;

(iv) The value of donations by the State, or by a third party on behalf of the State, of real property or tangible personal property of the kind necessary for safe and efficient operation of rail freight service, such as State or locally owned or leased buildings used in rail freight operations or equipment or materials. The value of such donations shall be determined as follows:

(A) State personal property—the actual cost of State tangible personal property in accordance with Office of Management and Budget Circular A–87;[1]

(B) Donated tangible personal property—shall be determined in accordance with the applicable provisions of the Common Rule;

(C) State real property—the State's actual cost in accordance with Office of Management and Budget Circular A–87, if at least one independent appraisal, based on the results of a title search, was performed when the property was purchased by the State; otherwise the fair market value as established by at least one independent appraisal based on the results of a title search at the time the State proposes to make the property available as an in-kind benefit; and

(D) Donated real property—the fair market value, at the time of donation to the State, as established by at least one independent appraisal based on the results of a title search.

(2) To be applied toward the State share, in-kind benefits must:

(i) Be verifiable from the State's records;

(ii) Be necessary and reasonable for proper and efficient accomplishment of the objectives of the Rail Freight Assistance Program;

(iii) Be provided for in the approved grant budget;

(iv) Be approved under paragraph (b)(3) of this section; and

(v) Be supported by such information as the Administrator may request to verify the value;

(3) In-kind benefits must be approved by the Administrator. A request for approval shall include the following:

(i) Full name and principal business address of the contributor, if other than the applicant;

(ii) Detailed documentation of the in-kind benefits including in-kind benefits as well as their estimated value. When in-kind benefits are to be provided by a third party, a copy of the executed agreement between the State and the third-party; and

(iii) Certification by the State that the contribution will be used solely for the approved purposes.

§ 266.13 Allowable Costs.

Allowable costs include only costs incurred by a State after the execution

[1] Copies available on request from FRA's Office of Passenger and Freight Services.

of a grant agreement, which are properly allocable to the work performed as part of the project approved by such agreement, and planning and program operation costs as permitted by Office of Management and Budget Circular A–87. Costs incurred by a State prior to the execution of a grant agreement will not be allowable unless, based on the State's demonstration of a compelling need to incur the costs, the Administrator has authorized in writing the incurrence of such costs prior to the execution of a grant agreement.

§ 266.15 Distribution of Funds.

(a) *Entitlement.* (1) On the first day of the Federal fiscal year, each State shall be entitled to an amount specifically designated under section 5(g) of the Act. Such funds may be used during the Federal fiscal year to meet the cost of establishing, implementing, revising, and updating the State Rail Plan, or for acquisition assistance, rehabilitation or improvement assistance, or rail facility construction assistance.

(2) Each State must apply for entitlement funds on or before the first day of the Federal fiscal year, except in Federal fiscal years in which authorizations of appropriations have not been enacted as of the first day of the Federal fiscal year, in which case application must be made within 60 days after the date of enactment of legislation authorizing appropriations for that Federal fiscal year. Applications shall be submitted in accordance with § 266.19 of this part.

(3) Entitlement funds not applied for in accordance with the preceding paragraph, or remaining unobligated 3 months beyond the close of the Federal fiscal year in which such funds were granted, shall be made available to FRA in accordance with section 5(g) of the Act for distribution under section 5(f) of the Act.

(b) *Discretionary.* A State seeking discretionary funds for acquisition assistance, rehabilitation or improvement assistance, and rail facility construction assistance shall apply by January 1 of the fiscal year for which the funds have been appropriated, except in fiscal years in which the authorizations of appropriations have not been enacted as of the first day of the fiscal year, in which case application must be made within 90 days after the date of enactment of legislation authorizing appropriations for that fiscal year.

(c) *Interstate sharing of allocated funds.* Where not in violation of State law, two or more States, which are eligible to receive assistance under the Rail Freight Assistance Program pursuant to § 266.9 of this part may combine any portion of their entitlements for purposes of conducting any eligible project of mutual benefit provided that they enter into an agreement for this purpose.

§ 266.17 Requirements for State Rail Plan.

(a) State planning process. The State Rail Plan shall be based on a comprehensive, coordinated and continuing planning process for all transportation services within the State and shall be developed with an opportunity for participation by persons interested in rail activity in the State and adjacent States, where appropriate. At a minimum, the State shall hold a public hearing if, on the basis of reasonable public notice appearing in the press, there is sufficient public interest to justify a hearing. Public notice shall be given, in accordance with applicable State law and practice concerning comparable matters, that a draft of the State Rail Plan is available for public inspection at a reasonable time in advance of the hearing. The State shall enable local and regional governmental bodies to review and comment on appropriate elements of the State Rail Plan. Provisions shall also be made for updating, revising, and amending the State Rail Plan.

(b) Format of the State Rail Plan. Each item submitted in response to a requirement of this section shall reference that requirement by subsection, paragraph, and subparagraph.

(c) Contents of the State Rail Plan. Each State Rail Plan shall:

(1) Specify the objectives of the State's Rail Freight Assistance Program and explain how the implementation of the State Rail Plan will accomplish these objectives and explain relevant data sources, assumptions, analytical methodology, legal constraints and special problems or conditions which will aid the public in understanding the State Rail Plan;

(2) Contain an illustration of the State's entire rail system on suitable scale maps of the State highway system (such as a reduction of county highway planning maps), designating with respect to each line listed under paragraph (c)(3) of this section, including all lines connecting to them:

(i) Operating carrier or carriers;

(ii) Freight traffic density; and

(iii) Written description of the service provided on each line;

(3) Identify the following classes of rail service within the State:

(i) Rail lines in the State which are eligible for assistance under § 266.9 of this part other than those included in paragraph (c)(3)(ii) of this section;

(ii) Rail lines in the State which a rail carrier has identified on its system diagram map submitted under 49 CFR 1152.10 as potentially subject to abandonment and rail lines which are anticipated to be the subject of an abandonment or discontinuance application within three years following the date of submission;

(iii) Rail lines in the State for which abandonment or discontinuance applications are pending; and

(iv) Rail projects for which the State plans to request Federal assistance or approval as in-kind benefits;

(4) Establish and describe screening criteria to be used in selecting the eligible rail lines which the State analyzes in detail, identify these lines, and explain how the application of the screening criteria resulted in their selection;

(5) Apply the Benefit-Cost Methodology to each rail line the State has selected to analyze in detail;

(6) Describe the planning process participation of local and regional governmental bodies, rail carriers, railroad labor, rail service users, and the public in general; and

(7) Describe the overall planning process for all transportation services in the State.

(d) Updates, revisions, and amendments of the State Rail Plan shall include the following:

(1) An update of information in previous submittals which is no longer accurate as a result of plan implementation, action by a governmental entity or railroad, or changed conditions;

(2) An update of the maps and descriptions required under paragraph (c)(2) of this section;

(3) Analysis of any new projects developed by the State in accordance with paragraphs (c)(4) and (5) of this section;

(4) An explanation of how the State Rail Plan will be related to the overall planning process for transportation within the State. This explanation shall concentrate on the expectations of the State for the future of local rail freight services and consider such factors as likelihood of profitability of existing rail lines, State acquisition of rail lines, use of alternate modes of transportation in lieu of rail freight service, and other long-term alternatives;

(5) A description of the methods by which the State will involve local and regional governmental bodies and the public generally in its rail planning process, including its methods of providing for equitable distribution of resources;

(6) Changes in agency responsibilities and authority including ability to provide the non-Federal share; and

(7) Revisions in the State's policies, objectives or long-range expectations.

(e) Adoption and submission of State Rail Plan and Updates. An original and two copies of the State Rail Plan, and any amendments, revisions, or updates shall be submitted to FRA for review and approval with a certification by the Governor, or by the Governor's delegate, that the submission constitutes the State Rail Plan established by the State as provided in section 5(a) of the Act. The State Rail Plan and all amendments, revisions, and updates shall be subject to intergovernmental review in accordance with Executive Order 12372 and 49 CFR part 17.

(f) Review of the State Rail Plan and Updates. The State Rail Plan and all amendments, revisions, and updates shall include, and analyze in accordance with this section, all projects for which the State anticipates requesting rail service assistance, other than planning assistance, during the fiscal year. A project for which funds are requested must have been addressed in a previously approved State Rail Plan or update. If the Administrator determines that the State Rail Plan or update does not comply with this part, the Administrator will notify the State in writing setting forth the Administrator's reasons for such a determination.

§ 266.19 Applications.

(a) Applications for acquisition assistance, rehabilitation or improvement assistance, or rail facility construction assistance shall include the following:

(1) The percentage of rail lines identified to the Interstate Commerce Commission by rail carriers for abandonment or potential abandonment within a State;

(2) The likelihood of future abandonments within the State;

(3) The ratio of benefits to costs for a proposed project calculated in accordance with the Benefit-Cost Methodology;

(4) The likelihood that the line will continue operating with rail freight assistance;

(5) The impact of rail bankruptcies, rail restructuring, and rail mergers on the State applying for assistance, and

(6) An assurance by the chief executive officer of the applicant that:

(i) Repaid loan funds and interest accumulated with respect to such funds will not be loaned or granted without the prior written approval of the Administrator;

(ii) The Federal Share of repaid loan funds will be placed in an interest-bearing account or, with the prior written approval of the Administrator, will be deposited by the borrower, for the benefit and use of the State, in a bank which has been designated by the Secretary of the Treasury in accordance with 12 U.S.C. 265; and

(iii) If the rehabilitated or improved facilities are not used for rail freight service during the useful life of the improvement, the Federal Share of the fair market value of the improvement or facility will be placed in an interest-bearing account or, with the prior written approval of the Administrator, will be deposited by the owner of the rail properties, for the benefit and use of the State, in a bank which has been designated by the Secretary of the Treasury in accordance with 12 U.S.C. 265.

(b) Applications for acquisition assistance, rehabilitation or improvement assistance, rail facility construction assistance, planning assistance, or program operations assistance shall be submitted by the designated State agency using the Standard Forms 424 (revised 4/88) and 424A & B (revised 4/88). Each item submitted in response to a requirement of this section shall reference that requirement by subsection, paragraph and subparagraph. Such submission shall include:

(1) Full name and principal business address of the applicant;

(2) Name, title, address and phone number of the person to whom correspondence regarding the application should be addressed;

(3) Budget estimates for the total amount of assistance;

(4) Applicant's proposed means of furnishing its share of the total costs of the projects, as well as copies of executed agreements between the agency and any third party which may be providing the non-Federal share or a portion thereof;

(5) Assurance by the chief executive officer of the applicant that the Federal funds provided under the Act will be used solely for the purpose for which the assistance will be provided and in conformity with limitations on expenditures under the Act and applicable regulations;

(6) Assurance that the applicant has established in accordance with the Common Rule, adequate procedures for financial control, accounting and performance evaluation in order to assure proper use of the Federal funds;

(7) Assurance by applicant's chief executive officer that the timing of all advances by the applicant will comply with the Department of Treasury advance financing regulations (31 CFR part 205). In the event that a previously submitted assurance is still accurate, the assurance may be referenced by source, location and date of submission;

(8) Statement as to whether the applicant prefers to receive disbursement of Federal funds by advance payment or reimbursement. In the event that a previously submitted statement is still accurate, the statement may be referenced by source, location and date of submission;

(9) Opinion of applicant's legal counsel showing that counsel is familiar with the corporate or other organizational powers of the applicant, that the applicant is authorized to make the application, that the applicant is eligible to participate in the Rail Freight Assistance Program in accordance with the provisions of the Act and this part, and that the applicant has the requisite authority to carry out actions proposed in the application and to assume the responsibilities and obligations created thereby;

(10) Assurances that the applicant will comply with, and that the program will be conducted in accordance with, the following Federal laws, policies, regulations and pertinent directives. In the event that a previously submitted assurance is still accurate, it may be referenced by source, location and date of submission:

(i) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, and 49 CFR part 21;

(ii) The Rehabilitation Act of 1973, 29 U.S.C. 794 and 49 CFR part 27, relating to non-discrimination on the basis of handicap; and

(iii) The State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 *et seq.*,

(11) A copy of the Affirmative Action Program required under 49 CFR part 265;

(12) When two or more States desire to combine their entitlements or any portion of them for the purpose of funding a project, certification of the Governor or the Governor's delegate, of each State that it is a party to an interstate agreement as required under section 5(j) of the Act. Such certification shall include the amount of money to be used from each State's entitlement and which State is to enter into a grant agreement for the project, pursuant to § 266.21 of this part; and

(13) Assurance that the agency submitting the application has the statutory authority and administrative jurisdiction to develop, promote, supervise and support safe, adequate, and efficient rail transportation services;

that it employs or will employ, directly or indirectly, sufficient trained and qualified personnel; that it maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation; and that it is designated and directed solely, or in cooperation with other State agencies, to take all practicable steps to improve rail transportation safety and to reduce transportation related energy utilization and pollution.

(c) Applications for planning assistance shall include a Planning Work Program which, together with such other information the State may choose to submit, demonstrates to the satisfaction of the Administrator that the State's proposed use of planning assistance will produce a State Rail Plan, or an update, amendment or revision which meets the requirements of § 266.17 of this part. The Planning Work Program shall include the following information:

(1) An identification of the data to be obtained on the rail network and rail services in the State, the sources of this data, and the methodology to be employed in the collection of the data; and

(2) A brief description of discrete tasks or activities to be accomplished, including a work schedule and a task budget.

(d) Applications for acquisition assistance shall include the following:

(1) Copies of the results of a title search, and the basis for the proposed acquisition price including an independent valuation appraisal by a qualified appraiser. Such appraisal shall be performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and shall be based on the results of a title search and comparable sales and shall take cognizance of all easements, encumbrances and restrictions that may affect the value of the property. Such appraisals shall be reviewed by a State Review appraiser to establish just compensation;

(2) Written assurance that the acquisition is being undertaken in accordance with 49 CFR 24.102, 24.103, 24.104, and 24.105 to the greatest extent practicable under State law;

(3) Written assurance that the owner of the property to be acquired has been advised of the requirements of 49 CFR 24.102 or will be advised of such requirements prior to the consummation of the acquisition;

(4) A description of the necessary steps, and timing for completion of the acquisition;

(5) When acquisition for future rail freight service is involved, evidence that the properties for which assistance is requested have service potential, such as plans for agricultural development or existence of fossil fuel reserves, the State's anticipated timetable for returning the line to service, and its proposed use of the property while it is out of service including its maintenance plans; and

(6) Evidence that the anticipated benefits and costs of the proposed acquisition have been analyzed in accordance with the Benefit-Cost Methodology.

(e) Applications for rehabilitation or improvement assistance and rail facility construction assistance shall include the following:

(1) A detailed estimate of the materials and labor directly related to the work, the total estimated cost of the work, the estimated numbers and kinds of ties and other material, a map displaying the milepost termini involved, and a schedule for completion of the work;

(2) Evidence that the anticipated benefits and costs of the proposed project have been analyzed in accordance with the Benefit-Cost Methodology.

(3) Assurance by the chief executive officer of the applicant that rehabilitated or improved facilities or newly constructed facilities will be maintained to prevent deterioration below the speed at which the rail line related to the project could be operated upon completion of the project during the period of time established as the payback period in the benefit-cost analysis of the projects;

(4) An indication of which of the following methods will be used to complete the work:

(i) On an actual cost basis by the operator or the applicant;

(ii) By contracting for the work in accordance with the applicable provisions of the Common Rule;

(iii) Under an existing continuing contract between the operator and another firm provided that the applicant can demonstrate the costs are comparable to those under paragraphs (e)(4)(i) and (ii) this section; and

(5) A description of the plans for inspection of the work including identification and qualifications of staff to be responsible for the inspection and a proposed schedule of inspections.

(f) Execution and filing of applications.

(1) Each original application shall bear the date of execution and be signed by the chief executive officer of the agency submitting the application.

(2) Each application and two (2) copies thereof, shall be filed with the Administrator.

§ 266.21 Environmental Impact.

(a) The Administrator has determined that planning assistance, acquisition assistance, and rehabilitation or improvement assistance for a project consisting of work which does not change the existing character of the facility, (including work to overcome normal periodic maintenance that had been deferred) are not major actions significantly affecting the quality of the human environment.

(b) The Administrator has determined that rail facility construction assistance for the following projects is not a major actions significantly affecting the quality of the human environment:

(1) Modernization of existing facilities which does not include significant land acquisition and is consistent with local zoning;

(2) Construction of minor sections of new track; including side tracks, passing tracks, crossovers, short connections between existing rail lines and new tracks within or adjacent to rail yards, when the project is consistent with local zoning, does not include acquisition of a significant amount of land and does not significantly alter the traffic density characteristics of the existing rail lines or rail facilities; and

(3) Construction of minor loading and unloading facilities, when the project is consistent with local zoning, does not involve the acquisition of a significant amount of land, and does not significantly alter the traffic density characteristics of existing rail or highway facilities, provided that the project satisfies the following criteria:

(i) The action is not likely to be environmentally controversial from the point of view of people living within the environment affected by the action or controversial with respect to the availability of adequate relocation housing;

(ii) The action is not inconsistent with any Federal, State, or local law, regulation, ordinance, or judicial or administrative determination relating to environmental protection;

(iii) The action will not have any significant adverse impact in any natural, cultural, recreational, or scenic environment(s) in which the action takes place, or on the air or water quality or ambient noise levels of such environment(s);

(iv) The action will not: Use 4(f) protected properties; adversely affect properties under section 106 of the National Historic Preservation Act;

involve new construction location in a wetlands area; or affect a base floodplain;

(v) The action will not cause a significant short- or long-term increase in traffic congestion, or other significant adverse environmental impact on any mode of transportation;

(vi) The action is not an integral part of a program of actions which, when considered separately, would not be classified as major FRA actions, but when considered together would be so classified; and

(vii) Environmental assessment or documentation is not required by any Federal law, regulation, guideline, order, or judicial or administrative determination other than this part.

(c) Applications for rehabilitation or improvement assistance or rail facility construction assistance for projects not exempt under paragraphs (a) or (b) of this section, shall include an environmental assessment to determine whether the future use of the property will significantly affect the quality of the human environment.

(1) Prior to submitting an application, FRA recommends that the applicant seek the Administrator's advice as to form and substance of the assessment for the project under consideration. The environmental assessment shall utilize an interdisciplinary approach in identifying the type, degree of effect, and probability of occurrence of primary, secondary and cumulative potential environmental impacts (positive and negative) of the proposed action and of alternative courses of action. The depth of coverage shall be consistent with the magnitude of the project and its expected environmental effects.

(2) Environmental impact statement. A draft environmental impact statement (EIS) shall be submitted with each application when the environmental assessment concludes that the future use significantly affects the quality of the human environment. FRA recommends that prior to submitting the application, the applicant seek the Administrator's advice as to the form and substance of the EIS for the project under consideration.

(3) Finding of no significant impact. A draft finding of no significant impact declaration shall be submitted with each application when the applicant's environmental assessment concludes that the future use does not significantly affect the quality of the human environment. The finding of no significant impact shall include a description of the project, and sufficient data and environmental findings to support the conclusions as to the impact upon the quality of the human environment. FRA recommends that prior to submitting the application, the applicant seek the Administrator's advice as to the form and substance of this finding for the project under consideration.

(4) Section 4(f) determination. For projects involving the use of any land from a public park, recreation area, wildlife and waterfowl refuge, or historic site of national, State or local significance as determined by the Federal, State, or local officials having jurisdiction thereon, information to support a determination pursuant to section 4(f) of the Act shall be submitted together with the application. The section 4(f) determination shall document that:

(i) There is no feasible and prudent alternative to the use of such land; and

(ii) The project includes all planning to minimize harm resulting from such use.

(5) Historic preservation. For projects involving the use of historic, cultural or archeological resources listed or eligible for listing in the National Register of Historic Places, information which documents that the Advisory Council on Historic Preservation has been afforded an opportunity for review and comment on the proposed project in accordance with 16 U.S.C. 470 and 36 CFR part 800 shall be submitted with the application.

§ 266.23 Grant Agreement and Disbursement.

(a) Upon the approval of an application, a grant agreement will be executed by the Administrator and the applicant (hereafter referred to as "grantee"). The grant agreement will identify the amount of the Federal Share and the State Share. The State Share (except approved in-kind benefits) shall be expended on a pro-rata basis with the Federal Share.

(b) The Federal Share shall be provided either in advance or by reimbursement in accordance with the applicable provisions of the Common Rule.

(1) Prior to receipt of advance payments, the grantee must have demonstrated to the satisfaction of the Administrator that it is in compliance with the applicable provisions of the Common Rule, including procedures that will minimize the time elapsing between the receipt of funds by the grantee and their disbursement.

(2) If the grantee is not eligible for advance payments or does not desire them, the grantee will be reimbursed for eligible expenditures at the end of each fiscal quarter upon submission of request for reimbursement.

(3) Before disbursement of Federal funds can be made to a grantee for payment to third parties, the grantee must have executed an agreement with the third party and have submitted a copy of such agreement to FRA.

(4) Before disbursement of funds for acquisition assistance, rehabilitation or improvement assistance, or rail facility construction assistance, the grantee shall retain a contingent interest (redeemable preference shares) for the Federal Share of funds in the rail line related to the project which gives the grantee the right to collect its share of the funds in the event that an application for abandonment of such line is filed under chapter 109 of title 49, United States Code, or such line is abandoned, discontinued, sold, or disposed of in any way after it has received financial assistance hereunder.

(5) Acquisition assistance will be disbursed only after the following have been approved by the Administrator:

(i) A title opinion of the chief legal officer of the grantee explaining the type of title being acquired (if a general warranty deed is not being acquired, an explanation of the reason), the need for use of the State's eminent domain powers to assure adequate title, and the possible effects of any defects identified on the marketability of the property;

(ii) A written determination that the property acquired is limited to the land and facilities that are necessary for the rail freight services which would have been curtailed or abandoned but for the acquisition; and

(iii) A written determination that the purchase price is consistent with the value of the property interest being acquired, and the evidence upon which the determination is based.

(c) In the event that an audit reveals that allowable costs under the grant agreement are less than the amount of the grant, all amounts in excess of the allowable costs shall be refunded to FRA at the end of the fiscal year in which the audit was conducted unless such amounts have been incorporated into another executed grant agreement. Upon termination of a State's participation in the Rail Freight Assistance Program, the State shall repay to FRA the Federal Share of any unused financial assistance provided by FRA and any accumulated interest thereon.

§ 266.25 Record, audit, and examination.

(a) Retention and custodial requirements for financial records, supporting documents, statistical records, and all other records pertinent to the financial assistance provided

under this part shall be governed by the applicable provisions of the Common Rule.

(b) The Administrator and the Comptroller General of the United States or any of their duly authorized representatives shall, until the expiration of three years after submission to the Administrator of the applicant's final accounting of all program funds, and for any longer period necessary to resolve audit findings, have access for the purpose of audit and examination to any books, documents, papers, and records which in the opinion of the Administrator or the Comptroller General of the United States may be related or pertinent to the grant agreement, contracts, or other arrangements arising out of, or in any way connected with the financial assistance provided herein.

§ 266.27 Waivers and modifications.

The Administrator may, with respect to individual requests, upon good cause shown, waive or modify any provision of this part not otherwise required by law and may impose any additional requirements the Administrator deems necessary. Requests for waiver or modification of any provision contained herein must be submitted, and will be considered, pursuant to the provisions of 49 CFR part 211.

Issued in Washington, DC, on August 31, 1990.

Perry A. Rivkind,

Deputy Administrator.

[FR Doc. 90–27897 Filed 11–29–90; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Finding on a Petition to Delist the Gray Wolf (Canis lupus)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of finding on petition.

SUMMARY: The Service announces a 90-day finding for a petition to amend the Lists of Endangered and Threatened Wildlife and Plants. A finding has been made for the gray wolf (*Canis lupus*) that substantial information has not been presented to indicate that delisting the species is warranted.

DATES: The finding announced in this notice was made in October 1990. Comments and information may be submitted until further notice.

ADDRESSES: Information, comments, or questions regarding this petition may be submitted to the Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, Federal Building, Ft. Snelling, Twin Cities, Minnesota 55111. The petition, finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: William F. Harrison (612/725–3276 or FTS 725–3276) at the above address.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982 (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the finding for a petition to list a species is positive, the Service is also required to promptly commence a review of the status of the involved species.

The Service has received and made a finding on a petition to delist the gray wolf (*Canis lupus*). The petition, dated July 11, 1990, was submitted by the Farm Bureau Federations of Wyoming, Montana, and Idaho, and was received by the Service on July 16, 1990.

The petition presents the contention that gray wolves are hybridizing with other canids, especially coyotes. The petition states that this hybridization is current, frequent, and widespread. The petition includes a list of literature references to support the discussion of wolf hybridization.

The Service's interpretation of the discussion within the petition is that the following two issues are put forth as the consequences of hybridization:

1. The gray wolf is not a species, and thus is not eligible for listing and protection under the Endangered Species Act;

2. The Service is unable to distinguish "pure" wolves from hybrid wolves so it is impossible to effectively carry out a program designed for the eventual recovery of the gray wolf.

The Service has reviewed the petition, the literature cited in the petition, other available literature and data, and consulted with wolf experts and molecular genetic analysis researchers. After evaluating all the information at our disposal, the Service finds that the petition does not present substantial information indicating that the requested action may be warranted. The following points summarize the reasons for this finding:

1. Neither the submitted data, nor other available data, provide substantial support for the occurrence of widespread hybridization between United States gray wolves and other wild canids.

The petition provides twenty literature references, with the petition text including information from additional publications that are not referenced. The Service has reviewed the references, along with other data, to determine their content, significance, and relevance to the petitioned action. With one exception (Anonymous 1990, discussed below) the Service views the data presented in the petition as subjective, circumstantial, and anecdotal. Some of the references contain old data (Anonymous 1927; Audubon and Bachman 1851; Gier 1975; Murie 1940; Weaver 1978) that are not relevant to the current situation. Several are from studies conducted outside of the United States (Stansfield 1970) or beyond the current U.S. range of the gray wolf (Henshaw 1982) and are of limited value in evaluating the status of gray wolves listed as threatened and endangered in the United States. Several present data dealing with hybridization in other canids (Freeman 1976; Mech 1970) or between canids in captivity (Nowak 1979; Theberge 1981). Such data represent only speculation and provide no hard data useful in evaluating hybridization in wild populations of gray wolves. The remaining references (Anonymous 1986; Anonymous 1988; Chiarelli 1975; Fuller 1989; Mayr 1970; Robinson 1989; Seal 1975; U.S. Fish and Wildlife Service 1987) deal only with background information (e.g. wolf pack behavior, molecular genetic analytical methodology, hybridization theory) and do not address wolf-coyote hybridization.

In contrast to these references, several studies and unpublished data from the many gray wolves captured in research and depredation control programs contain no evidence of wolf-coyote hybridization in Rocky Mountain wolves or in the U.S. Great Lakes wolf population in recent decades. These researchers, without exception, have reported populations of U.S. gray wolves that do not exhibit hybrid characteristics and are phenotypically

pure wolves (Fritts, U.S. Fish and Wildlife Service, pers. comm.; Fritts and Mech 1981; Fuller 1989; Mech, U.S. Fish and Wildlife Service, pers. comm.; Mech and Frenzel 1971; Nowak, U.S. Fish and Wildlife Service, pers. comm.; Van Ballenberghe 1977; Van Ballenberghe et al. 1975).

2. The petition misinterprets recent mitochondrial DNA (mtDNA) data by considering mtDNA to be equivalent to nuclear DNA.

The petition contains a single reference (Anonymous 1990) that bears directly hybridization in the existing U.S. wolf population and contains recent and quantitative data. That reference is to a three-sentence article that appeared in the February 1990 Endangered Species Technical Bulletin (incorrectly cited in the petition as the April 1990 issue). That article reported that coyote mtDNA was found in more than 50 percent of 72 gray wolves sampled from Minnesota. The petition quotes the all three sentences and adds several pages of discussion of the presumed biological implications of this finding. The petition clearly, but erroneously, equates mtDNA with nuclear DNA (the DNA found in the nucleus of cells) and bases its conclusions upon that error. Mitochondrial DNA differs substantially from nuclear DNA in both its function and in its method of inheritance.

Mitochondrial DNA does not occur in the cell nucleus and does not function in the production of observable traits. It codes only for proteins made and used within the mitochondria of individual cells. It does not code for the inherited physical and behavioral characteristics of the organism upon which natural selection can act. It is solely nuclear DNA that carries the genetic codes for the physical and behavioral traits of the offspring.

Mitochondrial and nuclear DNA are inherited differently because mtDNA is not located in the cell nucleus. Male sperm are essentially mobile nuclei carrying half of the male's genetic code in the nuclear DNA; sperm carry no mtDNA. Female eggs are complete female cells, including mtDNA outside the nucleus, and with nuclei containing half of the female's genetic code in the nuclear DNA. At fertilization the hybridization of mtDNA cannot occur because the sperm lacks mtDNA to join with the mtDNA of the egg.

These differences between mtDNA and nuclear DNA have several very significant implications. First, a developing embryo contains only its mother's mtDNA; none is inherited from its father. In contrast, nuclear DNA is passed on by both parents, and the nuclear DNA carried by an embryo originates equally from both parents. Second, once new mtDNA is introduced into a population, it (or possibly a mutated version of it) will persist indefinitely as long as that matriline (i.e., an unbroken series of female descendants) exists. The action of natural selection will modify the frequency of organisms having particular physical and behavioral traits; this also will change the frequency of the causative nuclear DNA in a population by changing the frequency of carriers of that nuclear DNA. However, mtDNA is not phenotypically expressed and is largely unaffected by natural selection. It can persist in a population despite the total elimination of nuclear DNA that originally came from the same source.

Nuclear and mitochondrial DNA differences mean that mtDNA data cannot be treated like nuclear DNA data when one is studying hybridization. For example, over a number of generations the frequencies of particular types of mtDNA in a population have no reliable correlation with the number of hybridization events, their frequency, or their timing. Further, the existence of a type of mtDNA in a population cannot be used to predict the presence or frequency of nuclear DNA that may have come from the same source.

The cited mtDNA data resulted from a recent study (Lehman, et al, in press) of the occurrence of coyote mtDNA in gray wolves throughout much of North America. The study used recently developed techniques and is the first to look at mtDNA in wild gray wolves, so the results of the study may be subject to future reinterpretation. Thus, the findings should not be viewed as conclusive until the data are expanded and replicated in additional studies. However, a reasonable interpretation of the mtDNA data, as it related to this petition, is as follows:

(a) In certain areas of North America, male wolves have mated with female coyotes in the past, leading to exchange of nuclear and mtDNA. Within the U.S., the data indicate that two wolf-coyote hybridizations have occurred in Great Lakes area wolves, and no hybridizations in Rocky Mountain wolves. The Lehman, et al, study shows that a larger number of hybridization events (at least an additional four) have occurred in southern Ontario wolf populations, and there is no mtDNA evidence that wolf-coyote hybridization has occurred in Canadian wolves west of Lake of the Woods, Ontario.

(b) Due to the maternal inheritance of mtDNA, coyote-type mtDNA passed on in wolves from these hybridization events is not "bred out," or diluted, over time in the recipient wolf population. It is passed on from a mother to her offspring in its entirety (subject to normal mutation), and its frequency depends solely upon the survival and spread of the matriline in the population. In contrast, any nuclear DNA received from coyotes can be "bred out" by natural selective pressures over succeeding generations, and this appears to have happened in the recipient U.S. wolf populations. There are no data showing phenotypic (morphological) expression of coyote traits in U.S. gray wolf populations. The study suggests that the female offspring from past hybridizations backcrossed with pure male wolves, and their offspring did the same. These backcrossings would produce rapidly decreasing proportions of coyote nuclear DNA in individual wolves, while maintaining the entire mtDNA complement. Thus, coyote traits from the coyote nuclear DNA would rapidly disappear from the wolf population, even though the mtDNA persisted.

(c) The coyote-type mtDNA found in Minnesota and Michigan wolves has diverged, via mutations, from the presumed coyote-type from which it originated. The extent of divergence, coupled with the chronology of coyote range expansion, indicates the two U.S. hybridization events occurred at least 100 years ago (Lehman, et al, in press) significantly earlier than the southeastern Ontario hybridizations, where the coyote-type mtDNA in wolves remains identical to mtDNA found in sympatric coyotes. This agrees with the existing phenotypic data which show possible coyote traits (i.e., smaller size in the "Tweed type") in southeastern Ontario and Quebec wolves, but no evidence of coyote traits in U.S. wolves.

In summary, the mtDNA study (Lehman, et al. in press) referenced in the petition supports the hypothesis of very infrequent past hybridizations between U.S. wolves and coyotes in the Great Lakes area. The mtDNA data also show a complete absence of hybridization between wolves and coyotes west of the 95th meridian (roughly where the Manitoba-Ontario border meets the U.S. border) even where coyotes are abundant in wolf range. The data do not provide any evidence of the current presence of coyote nuclear DNA in U.S. wolves, and the study provides a likely scenario for the rapid elimination of coyote nuclear DNA following a hybridization occurrence. The study does not provide any evidence of coyote phenotypic traits persisting in U.S. wolves.

3. The Service is not permitted to consider the probability of successfully recovering a species when making a decision to list or delist a species.

The petition presents the argument that if the Service is unable to distinguish "pure" wolves from hybrid wolves an effective recovery program cannot be carried out for the species. In contrast, section 4(a)(1) of the Endangered Species Act specifies the criteria to be used in designating a species as threatened or endangered. The probability of achieving successful recovery of a species is not a factor the Service can consider when making a listing or delisting decision. Thus, the potential difficulty the Service might encounter in trying to distinguish "pure" wolves from possible hybrids is not a relevant factor in any decision to list or delist the gray wolf.

4. The best scientific and commercial data available support continued listing for the gray wolf.

The Service is required to use the best scientific and commercial data available when making a listing/delisting decision. As discussed above, the scientific data supporting hybridization in U.S. wolves currently came from a single study. That study suggests past, infrequent hybridizations, but provides no support for current and/or widespread hybridization in U.S. Great Lakes wolf populations. If provides strong support for the absence of wolf-coyote hybridization in Rocky Mountain wolves in the U.S. and Canada. The remainder of the relevant scientific data show that current U.S. wolves lack coyote phenotypic traits.

Reasonable caution, an understanding of the classic scientific method, and the Endangered Species Act itself all argue for a cautious approach in applying new data and methodologies to the delisting of endangered and threatened species. The Lehman, et al., study raises important questions that should stimulate further investigation but should not be considered strongly supportive of a significant change in listing and protection for an endangered and threatened species.

It is incumbent upon the Service to avoid a possibly premature and unwarranted removal or relaxation of protection for a listed species. Given the current "state of the art" of DNA analysis and interpretation in wild canids, the Service must adopt a conservative approach in the absence of other substantial data supporting delisting of a gray wolf.

On the basis of the best scientific and commercial information available, the Service finds that this petition does not present substantial information indicating that the action requested may be warranted. The Service recognizes the possibility of wolf hybridization with other canids in certain geographic localities and will continue to encourage scientific research in this area. In addition, the Service recognizes that recent advances in molecular genetics have made it difficult to interpret such data in light of the classic biological species concept. However, several different species concepts, including a revised biological species concept, are now dominating taxonomic thinking. These alternative concepts incorporate the idea of limited genetic interchange with other recognized species if there are clear selective pressures working against the persistence of intermediate types. The Service is currently reviewing and evaluating possible alternate species concepts, with possible ramifications for the Service's approach to protection of endangered and threatened species when infrequent interbreeding occurs with other taxa.

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Author

This notice was prepared by Ronald L. Refsnider, Division of Endangered

Species, U.S. Fish and Wildlife Service, Federal Building, Ft. Snelling, Twin Cities, Minnesota 55111 (612/725–3276 or FTS 725–3276.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

List of Subjects in 50 CFR Part 17

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

Dated: November 23, 1990.

Bruce Blanchard,

Acting Director, Fish and Wildlife Service.

[FR Doc. 90–28164 Filed 11–29–90; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 640

Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic

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

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) have submitted Amendment 3 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic (FMP) for review by the Secretary of Commerce (Secretary). Comments from the public are requested.

DATES: Written comments must be received on or before January 24, 1991.

ADDRESSES: Copies of Amendment 3 are available from the Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, suite 881, Tampa, FL 33609–2486.

Comments should be sent to Michael E. Justen, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813–893–3722.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Magnuson Act) requires that a council-prepared fishery management plan or amendment be submitted to the Secretary for review and approval or disapproval. The Magnuson Act also requires that the Secretary, upon receiving the document, immediately publish a notice of its availability for public review and comment. The Secretary will consider public comment in determining approvability of the document.

On July 24, 1989, NOAA published at 54 FR 30826, revised guidelines interpreting the Magnuson Act's national standards for fishery management plans. In compliance with the revised guidelines, Amendment 3 proposes to add to the FMP a scientifically measurable definition of overfishing and an action plan to arrest overfishing should it occur. In addition, Amendment 3 proposes authority for NOAA to charge a fee to recover the administrative costs of issuing commercial and tail-separation permits and revision of the financial eligibility requirements for a corporate-owned vessel to obtain a Federal commercial spiny lobster permit.

Proposed regulations to implement Amendment 3 are scheduled to be published within 15 days.

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

Dated: November 26, 1990.

David S. Crestin,

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

[FR Doc. 90–28065 Filed 11–26–90; 2:45 pm]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 55, No. 231
Friday, November 30, 1990

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

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Legal Description of Lands Transferred Pursuant to the National Forest and Public Lands of Nevada Enhancement Act of 1988; Correction Notice

AGENCY: Bureau of Land Management, Interior. U.S. Forest Service, Agriculture.

ACTION: Correction notice.

SUMMARY: This notice makes a fourth correction to Document No. 89–27518 published on November 24, 1989, in Volume 54 FR, Pages 48659–48664.

EFFECTIVE DATE: April 26, 1989.

FOR FURTHER INFORMATION CONTACT: Regarding land transferred to the U.S. Forest Service, contact Bob Larkin, Officer, Land Management and Planning, U.S. Forest Service, Toiyabe National Forest, 1200 Franklin Way, Sparks, Nevada 89431. Regarding land transferred to the Bureau of Land Management, contact Bob Stewart, Chief, Pubic Affairs Staff, Bureau of Land Management, Nevada State Office, P.O. Box 12000, 850 Harvard Way, Reno, Nevada 89520.

SUPPLEMENTARY INFORMATION: The following corrections are made to Document No. 89–27518 published on November 24, 1989, in 54 FR 48659–48664:

1. Page 48659, third column, line 43 add ", N½NE¼NW¼NW¼" at the end of the sec. 36 description.

2. Page 48664, third column, line 32: The acres should read "704,406.09".

3. Page 48664, third column, line 35: The acres should read "269,932.488".

Fred Wolf,

Acting State Director, Nevada Bureau of Land Management.

R.M. (Jim) Nelson,

Supervisor, Toiyabe National Forest, U.S. Forest Service.

[FR Doc. 90–27592 Filed 11–29–90; 8:45 am]

BILLING CODE 4310–HC–M

Food and Nutrition Service

Food Stamp Program: Electronic Benefit Transfer Alternative Issuance Demonstration Project

AGENCY: Food and Nutrition Service, USDA.

ACTION: Amended general notice.

SUMMARY: The Department is hereby amending its General Notice for the Electronic Benefit Transfer (EBT) Alternative Issuance Demonstration Project in Reading, Pennsylvania to extend project operations through June 30, 1992. The continuing project is being conducted under the research, demonstration and evaluation authority of section 17 of the 1977 Food Stamp Act, as amended. Pennsylvania is currently pursuing the development of an Enhanced EBT demonstration project designed to replace the current Reading system with a system designed to further improve the operating efficiency and cost effectiveness of benefit delivery.

EFFECTIVE DATE: November 30, 1990.

FOR FURTHER INFORMATION CONTACT: Jeffrey Cohen, Supervisor, Demonstration Projects Section, Program Design Branch, Program Development Division; Food Stamp Program; Food and Nutrition Service, USDA; Alexandria, Virginia 22302. Telephone (703) 756–3517.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This Notice has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1. The notice will affect the economy by less than $100 million a year. The notice will not significantly raise costs or prices for consumers, industries, government agencies or geographic regions. There will not be a significant adverse effects on competition, employment, investment, productivity, or innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore the Department has classified the notice as "not major."

Executive Order 12372

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

Regulatory Flexibility Act

This Notice has also been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). Betty Jo Nelsen, Administrator of the Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities because it will be conducted in a limited area. The Commonwealth of Pennsylvania and its local welfare agencies will be affected to the extent that they are involved in administering this alternative system. Food retailers and banks within the demonstration project area will be affected to the extent that they agree to participate. Individuals participating in the Food Stamp Program and living within the Reading, Pennsylvania demonstration project area in Berks County will be affected to the extent that they will continue using an alternative benefit issuance instrument and continue to be subject to the alternative issuance procedures.

Paperwork Reduction Act

This Notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

Comments

This Notice provides for a further extension through June 30, 1992 of a current operating system without any significant changes to the demonstration's operating procedures. Consequently, comments are not being requested and the provisions of this

Notice will be effective upon publication.

Background

On July 8, 1983, the Department of Agriculture published a General Notice in the **Federal Register** (48 FR 31431) which, in accordance with 7 CFR 282.5, established the specific operational procedures and explained the basis and purpose for the Alternative Issuance Demonstration Projects, including the EBT demonstration. On August 21, 1984, the Department published an Amended General Notice in the **Federal Register** (49 FR 33152) which provided additional details on the operational procedures of the project.

The Original Demonstration Project

Implementation of the EBT system began in October 1984. Following the phase-in of participating recipients, the system became fully operational in February 1985. USDA contracted with Planning Research Corporation (PRC) of McLean, Virginia for the administration of EBT system operations through December 1985.

Reaction to the system by the different groups participating in the demonstration was favorable. Recipients had few problems using the system. Retailers and banks expressed their pleasure regarding the time and effort saved by not having to process coupons. While there were some system problems during early stages of the test which raised concern by all parties, system improvements were implemented to minimize the chance for problem recurrence and to satisfy the retailers and recipients. The final evaluation report for the initial period of EBT operations was published in May 1987 and is available for inspection at FNS Headquarters in Alexandria, Virginia.

The Extended Demonstration Project

In consultation with the Commonwealth of Pennsylvania, the Department decided in 1985 to extend demonstration project operations. The purpose of the extended EBT demonstration project evaluation was to obtain data to provide recommendations for management of the EBT system and guide other State and Federal EBT initiatives. Included in the more specific objectives were collection and assessment of data in five major areas: The costs to the government in operating a redesigned EBT system, the vulnerability of the EBT system to loss or misuse of program benefits, the costs retailers incur to participate in the EBT system, the effects of the EBT system or recipients themselves and the costs and effects of the EBT system upon participating financial institutions.

On December 30, 1985, the Department published an Amended General Notice in the **Federal Register** (50 FR 53170) to extend the project for 15 additional months. During this extension, the operating procedures remained as published in the August 1984 Amended General Notice except that the EBT Center was operational 24 hours per day instead of the 18 hours stated in the Notice. The State's operation of the EBT Demonstration Project is governed by an amendment to the State Plan of Operation. In this amendment the State agreed to maintain the EBT system performance at a level which met or exceeded the pre-existing acceptable levels of performance, with no degradation of system operations or performance, and to include a back-up system which provided continuous processing to minimize system down-time and manual processing.

For the first three months of the extended demonstration, PRC continued to operate the EBT system under contract with the Pennsylvania State agency. Subsequent to this period, Pennsylvania assumed responsibility for operating the EBT system and moved the EBT equipment and EBT Center operations to their own offices in Harrisburg, Pennsylvania. During this second phase, all operations were coordinated by State personnel in Harrisburg.

With the publication of an Amended General Notice on April 14, 1987 (52 FR 12041), the third phase of the Extended Demonstration Project began. Upon receiving FNS approval, the State proceeded to convert to a redesigned EBT system. FNS approval was based on the State's demonstration of system readiness through the documentation provided by the State and by FNS' satisfaction with the acceptance tests being conducted. The State transferred operations to the new system on June 22, 1987. The primary difference between the State's and PRC's systems is in the utilization of system equipment. Functionally the two systems are equivalent. However, the PRC system computers were totally dedicated to EBT operations. The State's system is fully integrated into the existing Pennsylvania Department of Public Welfare (PDPW) production environment and shares processing resources with other programs. System enhancements which accompanied this phase were for the most part transparent to users. The changes improved internal systems accountability and cost performance. The Department also permitted a small expansion of the project to include approximately 500 households that were customers of retailers already participating in the project.

The EBT demonstration project has been extended by Amended General Notices dated July 12, 1988 (53 FR 26292), and December 15, 1989 (54 FR 51438). An evaluation of the EBT demonstration continued through the extension periods. A report of those evaluation results was issued in February 1990 and is now available to the public. In brief, participant groups continue to prefer the EBT system to coupons, and EBT administrative costs were substantially reduced from approximately $27.00 per case month to approximately $9.00 per case month. However, EBT costs are still about three times higher than the costs of a coupon system.

In part to address this cost issue, PDPW has initiated action to substantially modify, enhance, and expand its EBT system. The proposed system modification is expected to include the disbursement of Aid to Families with Dependent Children (AFDC) payments, both at point-of-sale and through automated teller machines (ATMs). The proposal also calls for system expansion into the remainder of Berks County, and in four western Pennsylvania counties. If approved and implemented we expect these changes will reduce the case-month cost of the system and bring it closer to the cost of a coupon system.

The extension of the current EBT project announced by this Notice is designed to enable the State agency to continue the pursuit of modifications without disrupting the current EBT system. However, approval of proposed system revisions and an evaluation plan must be obtained by PDPW from FNS prior to implementation of any revisions.

Current Action

This extension will allow the extended EBT demonstration to continue to operate under demonstration project authority through June 30, 1992. During this time, the PDPW will continue actions started during the previous extension seeking waiver authority from USDA to modify, enhance, and expand its EBT system.

Dated: November 16, 1990.

Betty Jo Nelsen,

Administrator.

[FR Doc. 90-28150 Filed 11-29-90; 8:45 am]

BILLING CODE 3410-30-M

CIVIL RIGHTS COMMISSION

West Virginia Advisory Committee to the United States Commission on Civil Rights Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the West Virginia Advisory Committee to the Commission will convene at 2 p.m. and adjourn at 4 p.m. on December 12, 1990, at the Governor's Press Conference room, State Capitol Building, Charleston, WV 25305. The purpose of the meeting is to (1) to orient new committee members; (2) to discuss the status of the Commission; (3) to hear a report on Civil Rights progress and/or problems in the State; and (4) to discuss Civil Rights Day activities in West Virginia.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Marcia Pops, (304/294–7254) or Bobby Doctor, CCR staff at 202/523–5264) or 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, November 26, 1990.

Wilfredo J. Gonzalez,

Staff Director.

[FR Doc. 90–28161 Filed 11–29–90; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 46–90]

Foreign-Trade Zone 72—Indianapolis, IN, Application for Subzone, Toyota Forklift Truck Plant, Columbus, IN

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Indianapolis Airport Authority, grantee of FTZ 72, requesting special-purpose subzone status for the forklift truck manufacturing plant of Toyota Industrial Equipment Manufacturing, Inc. (Toyota Industrial Equipment) (subsidiary of Toyota Automatic Loom Works, Ltd.), located in Columbus, Indiana, some 50 miles south of Indianapolis. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on November 20, 1990.

The new Toyota Industrial Equipment plant (80 acres, 260,000 sq. ft.) is located at 5555 Inwood Drive in Columbus, Indiana. Plant construction has just been completed, and full production is slated to begin by mid-1991. The facility will produce gasoline and diesel-powered industrial forklift trucks, like those the parent company is currently exporting from Japan. Initially, the majority of the parts and materials will be sourced aboard, such as engines, transmissions, hydraulic equipment, gears, hoses, bearings, gaskets, valves, clamps, fittings, fasteners, springs, chain, glass, instruments, and electrical components. Components purchased from domestic sources will include steel mill products, metal parts, wheels, tires, counterweights, frames, bodies, seats, knobs, and batteries.

Zone procedures would exempt Toyota Industrial Equipment from Customs duty payment on the foreign material contained in its exports. On domestic sales, the company would be able to choose the duty rate on finished industrial forklifts (duty free). The duty rate for foreign-sourced components averages 3 percent. The application indicates that zone procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate and report to the Board. The committee consists of Dennis Puccinelli (Chairman), Foreign Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; John F. Nelson, District Director, North Central Region, 55 Erieview Plaza, Cleveland, Ohio 44114; and Colonel David E. Peixotto, District Engineer, U.S. Army Engineer District Louisville, P.O. box 59, Louisville, Kentucky 40201–0059.

Comments concerning the proposed foreign-trade subzone are invited in writing from interested parties. They shall be addressed to the Board's Executive Secretary at the address below and postmarked on or before January 18, 1991.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce, District Office, One North Capital, suite 520, Indianapolis, Indiana 46204.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 4213, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

Dated: November 21, 1990.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 90–28204 Filed 11–29–90; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

[A–588–818]

Initiation of Antidumping Duty Investigation; Personal Word Processors from Japan

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

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the Department of Commerce (the Department), we are initiating an antidumping duty investigation to determine whether imports of personal word processors from Japan are being, or are likely to be, sold in the United States at less than fair value. We are notifying the International Trade Commission (ITC) of this action so that it may determine whether imports of personal word processors from Japan are materially injuring, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before December 21, 1990. If that determination is affirmative, we will make our preliminary determination on or before April 15, 1991.

EFFECTIVE DATE: November 30, 1990.

FOR FURTHER INFORMATION CONTACT: Kate Johnson or Steve Alley, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–8830 or (202) 377–1766, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On November 6, 1990, we received a petition filed in proper form by Smith Corona Corporation, on behalf of the U.S. industry producing personal word processors. In compliance with the filing requirements of 19 CFR 353.12, petitioner alleges that imports of personal word processors from Japan are being, or are likely to be, sold in the United States at lesss than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or

threaten material injury to, a U.S. industry.

Petitioner has stated that it has standing to file the petition because it is an interested party, as defined under section 771(9)(C) of the Act, and because it has filed the petition on behalf of the U.S. industry producing the product that is subject to this investigation. If any interested party, as described under paragraphs (C), (D), (E), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, please file written notification with the Assistant Secretary for Import Administration.

Under the Department's regulations, any producer or reseller seeking exclusion from a potential antidumping duty order must submit its request for exclusion within 30 days of the date of the publication of this notice. The procedures and requirements regarding the filing of such requests are contained in 19 CFR 353.14.

United States Price and Foreign Market Value

Petitioner provided nine methodologies comparing United States price to foreign market value (FMV) that indicate sales at less than fair value: (1) FMV based on actual home market prices compared to U.S. transaction prices to related subsidiaries in the United States; (2) FMV based on model-specific average unit revenues on sales in the home market compared to average unit revenues on sales to related subsidiaries in the United States; (3) FMV based on model-specific average unit revenues for sales to Canada compared to average unit revenues on sales to related subsidiaries in the United States; (4) FMV based on actual Canadian prices compared to actual U.S. prices; (5) FMV based on constructed value (CV) (with selling, general, and administrative expenses (SG&A) estimated from public version disclosure worksheets for a producer of portable electric typewriters in connection with an administrative review of the antidumping duty order on *Portable Electric Typewriters from Japan*) compared to actual U.S. prices derived from call reports; (6) FMV based on CV with SG&A estimated from the same disclosure worksheets compared to U.S. prices derived from retail advertisements; (7) FMV based on CV (with SG&A derived from actual, company-specific financial statements and adjusted for selling expenses obtained from the disclosure worksheet identified in (5) above) compared to actual U.S. prices based on call reports; (8) FMV based on CV (with SG&A derived from actual, company-specific financial statements and adjusted for company-specific selling expenses obtained from a market research report contained in the petition) compared to actual U.S. prices based on retail advertisements; and (9) FMV based on model-specific average unit revenue on sales in the home market compared to actual U.S. prices based on retail advertisements.

The Department is initiating this investigation on the basis of methodologies (8) and (9) described above. The first compares FMV, based on model-specific average unit revenue obtained from a market research report for home sales in 1990, to adjusted 1990 company-specific U.S. prices obtained from retail advertisements. Given that petitioner indicates that sales in the United States are generally exporter's sales price transactions (ESP), home market selling expenses were deducted from FMV. U.S. prices were adjusted downwards for a dealer mark-up, an advertising allowance, selling expenses, and a trading company mark-up. The Department did not accept comparisons submitted by petitioner for one Japanese company, Brother, because different products were compared with no adjustment for differences in merchandise. In addition, the Department did not accept comparisons submitted by petitioner for one model produced by Matsushita because there was no support in the petition for the average unit revenue for sales of this model in the home market. Our rejection of this methodology as it pertains to Brother and Matsushita does not preclude us from initiating an investigation against those companies. The statute does not require less than fair value allegations to be company-specific.

The second methodology on which the Department is initiating this investigation compares FMV based on CV to adjusted 1990 U.S. prices obtained from retail advertisements. CV was adjusted to update all prices of components and materials to 1990 prices. Again, given that petitioner indicates that sales in the United States are generally ESP, home market selling expenses were deducted from CV. U.S. prices were adjusted downward for a dealer mark-up, an advertising allowance, selling expenses, and a trading company mark-up. The Department did not accept CV for one Matsushita model because no support for that CV was provided in the petition. Again, for the reasons stated above, the rejection of this methodology as it pertains to Matsushita does not preclude us from initiating an investigation against this company.

We do not consider methodologies (1) through (7) appropriate for purposes of initiation for the following reasons. Methodologies (1) through (3) base U.S price on sales to related parties. Methodology (4) compares U.S. and Canadian prices which are more than one year apart. Methodologies (5) through (7) base CV in whole or in part on selling expenses of a different class or kind of merchandise (*i.e.*, portable electric typewriters).

Based on a comparison of United States price and FMV, we calculated dumping margins ranging from 0.00 percent to 32.27 percent. The dumping margins alleged in the petition range from 0.00 percent to 335.3 percent.

Initiation of Investigation

Under section 732(c) of the Act, the Department must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether the petition contains information reasonably available to the petitioner supporting the allegations.

We have examined the petition on personal word processors from Japan and found that the petition meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether imports of personal word processors from Japan are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by April 15, 1991.

Scope of Investigation

The merchandise covered by this investigation consists of integrated personal word processing systems and major finished units thereof ("word processors"), which are defined as devices designed principally for the composition and correction of text. All word processors within the scope of the investigation have the following essential features: (1) A customized operating system designed exclusively for a manufacturer's word processor product line which is unable to run commercially available software and which is permanently installed by the manufacturer before or after importation; (2) a word-processing software/firmware program which is designed exclusively for the word processor product line and which is permanently installed by the

manufacturer before or after importation; and (3) internal memory (both read-only memory (ROM) and read-write random access memory (RAM)) for word processing.

In addition, word processors may include one or more of the following features: (1) An auxiliary memory storage device, whether internal (*e.g.*, RAM storage) and/or external (*e.g.*, which accepts floppy diskettes, RAM cards, or other nonvolatile media); (2) software/firmware designed or modified for us exclusively on a line of word processors (*e.g.*, a spreadsheet of word processing-assist program); (3) an interface permiting the transfer of information to other word processors, telecommunication links, computers, and the like; and (4) a type mode, which permits the word processor to function as a typewriter by typing characters directly onto paper. However, the inclusion or exclusion of these features from a word processor is not dispositive as to whether merchandise is within the scope of this investigation.

All word processors included within the scope of this investigation contain the following three units: (1) A keyboard for the entry of characters, numerals and symbols; (2) a video display; and (3) a chassis or frame containing the essential word processing features listed above. These units may either be integrated into one word processing system or be combined by the user into one working system. Word processors may include, as a fourth unit, a printer with a platen (or equivalent text-to-paper transfer system) and printing mechanism (whether a daisy wheel, ink jet, dot-matrix, laser, or other printing mechanism) to permit the printing of text on paper. However, word processors which do not include a printer as one of the major units are also included within the scope of the investigation.

Word processors may be imported as integrated systems, or the major finished units may be imported separately. Only the major finished units listed above are covered by this investigation. Keyboards and chassis/frames are included in this investigation if they are designed for use in word processors. Printers and video displays are included in this investigation only if they are dedicated exclusively for use in word processors.

Major finished units are distinguished from parts or subassemblies in that they do not require any additional manufacturing before functioning as a complete unit of a word processor. Neither parts nor subassemblies are included in the scope of this investigation.

Word processing devices which meet all of the following criteria are excluded from the scope of this investigation: (1) Easily portable, with a handle and/or carrying case, or similar mechanism to facilitate its portability; (2) electric, regardless of source of power; (3) comprised of a single, integrated unit; (4) having a keyboard embedded in the chassis or frame of the machine; (5) having a built-in printer; (6) having a platen to accommodate paper; and (7) only accommodating its own dedicated or captive software. (*See also, Final Scope Ruling: Portable Electric Typewriters from Japan* (55 FR 47358, November 13, 1990).)

Also excluded from the scope of this investigation are personal computers (PCs), including those PCs which are capable of word processing. PCs are a class of automatic data processing machines. Unlike automatic data processing machines, word processors cannot take the logical decision during processing to modify the execution of a program, *i.e.*, the user of a word processor cannot use the word processor to create new software or modify the program code of existing computer programs. PCs are also distinguished from the word processors subject to this investigation by operating systems which are capable of running a variety of "off-the-shelf" software programs installed by the purchaser. In addition, PCs generally have significantly higher memory storage capacities and often contain major finished units which are interchangeable with units manufactured by several procedures.

Word processors are provided for in subheading 8469.10.00 of the *Harmonized Tariff Schedule* (HTS). The HTS item number is provided for convenience and customs purposes. The written description remains dispositive.

ITC Notification

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-proprietary information. We will allow the ITC access to all privileged and business proprietary information in the Department's files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

Preliminary Determinations

The ITC will determine by December 21, 1990, whether there is a reasonable indication that imports of personal word processors from Japan are materially injuring, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated. Otherwise, the Department will make its preliminary determination on or before April 15, 1991.

This notice is published pursuant to section 732(c)(2) of the Act.

Dated: November 26, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Importation Administration.

[FR Doc. 90-28205 Filed 11-29-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-559-805]

Initiation of Antidumping Duty Investigation: Personal Word Processors from Singapore

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

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the Department of Commerce (the Department), we are initiating an antidumping duty investigation to determine whether imports of personal word processors from Singapore are being, or are likely to be, sold in the United States at less than fair value. We are notifying the International Trade Commission (ITC) of this action so that it may determine whether imports of personal word processors from Singapore are materially injuring, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before December 21, 1990. If that determination is affirmative, we will make our preliminary determination on or before April 15, 1991.

EFFECTIVE DATE: November 30, 1990.

FOR FURTHER INFORMATION CONTACT: Kate Johnson or Steve Alley, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitutional Avenue, NW., Washington, DC 20230; telephone (202) 377-8830 or (202) 377-1766, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On November 6, 1990, we received a petition filed in proper form by Smith Corona Corporation, on behalf of the U.S. industry producing personal word processors. In compliance with the filing requirements of 19 CFR 353.12, petitioner alleges that imports of personal word processors from Singapore are being, on are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

Petitioner has stated that it has standing to file the petition because it is an interested party, as defined under section 771(9)(C) of the Act, and because it has filed the petition on behalf of the U.S. industry producing the product that is subject to this investigation. If any interested party, as described under paragraphs (C), (D), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, please file written notification with the Assistant Secretary for Import Administration.

Under the Department's regulations, any producer of reseller seeking exclusion from a potential antidumping duty order must submit its request for exclusion within 30 days of the date of the publication of this notice. The procedures and requirements regarding the filing of such requests are contained in 19 CFR 353.14.

United States Price and Foreign Market Value

Petitioner's estimate of United States price is based on advertised retail prices of personal word processors. Petitioner deducted a dealer mark-up, U.S. customs duties, and movement expenses. In addition, given that petitioner indicates that U.S. sales are generally exporter's sales price transactions, selling expenses were also deducted. Petitioner's estimate of foreign market value (FMV) is based on a 1990 home market price. Petitioner deducted selling expenses from FMV.

Based on a comparison of United States price and FMV, petitioner alleges dumping margins ranging from 3.16 percent to 17.72 percent.

Initiation of Investigation

Under section 732(c) of the Act, the Department must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether the petition contains information reasonably available to the petitioner supporting the allegations.

We have examined the petition on personal word processors from Singapore and found that the petition meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether imports of personal word processors from Singapore are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by April 15, 1991.

Scope of Investigation

The merchandise covered by this investigation consists of integrated personal work processing systems and major finished units thereof ("word processors"), which are defined as devices designed principally for the composition and correction of text. All word processors within the scope of the investigation have the following essential features: (1) A customized operating system designed exclusively for a manufacturer's word processor product line which is unable to run commercially available software and which is permanently installed by the manufacturer before or after importation; (2) a word-processing software/firmware program which is designed exclusively for the word processor product line and which is permanently installed by the manufacturer before or after importation; and (3) internal memory (both read-only memory (ROM) and read-write random access memory (RAM)) for word processing.

In addition, word processors may include one or more of the following features: (1) An auxiliary memory storage device, whether internal (*e.g.*, RAM storage) and/or external (*e.g.*, which accepts floppy diskettes, RAM cards or other nonvolatile media); (2) software/firmware designed or modified for use exclusively on a line of word processors (*e.g.*, a spreadsheet or word processing-assist program); (3) an interface permitting the transfer of information to other word processors, telecommunication links, computers, and the like; and (4) a type mode, which permits the word processor to function as a typewriter by typing characters directly onto paper. However, the inclusion or exclusion of these features from a word processor is not dispositive as to whether merchandise is within the scope of this investigation.

All word processors included within the scope of this investigation contain the following three units: (1) A keyboard for the entry of characters, numerals and symbols; (2) a video display; and (3) a chassis or frame containing the essential word processing features listed above. These units may either be integrated into one word processing system or be combined by the user into one working system. Word processors may include, as a fourth unit, a printer with a platen (or equivalent text-to-paper transfer system) and printing mechanism (whether a daisy wheel, ink jet, dot-matrix, laser, or other printing mechanism) to permit the printing of text on paper. However, word processors which do not include a printer as one of the major units are also included within the scope of the investigation.

Word processors may be imported as integrated systems, or the major finished units may be imported separately. Only the major finished units listed above are covered by this investigation. Keyboards and chassis/frames are included in this investigation if they are designed for use in word processors. Printers and video displays are included in this investigation only if they are dedicated exclusively for use in word processors.

Major finished units are distinguished from parts or subassemblies in that they do not require any additional manufacturing before functioning as a complete unit of a word processor. Neither parts nor subassemblies are included in the scope of this investigation.

Word processing devices which meet all of the following criteria are excluded from the scope of this investigation: (1) Easily portable, with a handle and/or carrying case, or similar mechanism to facilitate its portability; (2) electric, regardless of source of power; (3) comprised of a single, integrated unit; (4) having a keyboard embedded in the chassis or frame of the machine; (5) having a built-in printer; (6) having a platen to accommodate paper; and (7) only accommodating its own dedicated or captive software. (*See also, Final Scope Ruling: Portable Electric Typewriters from Japan* (55 FR 47358, November 13, 1990).)

Also excluded from the scope of this investigation are personal computers (PCs), including those PCs which are capable of word processing. PCs are a class of automatic data processing machines. Unlike automatic data processing machines, word processors

cannot take the logical decision during processing to modify the execution of a program, *i.e.*, the user of a word processor cannot use the word processor to create new software or modify the program code of existing computer programs. PCs are also distinguished from the word processors subject to this investigation by operating systems which are capable of running a variety of "off-the-shelf" software programs installed by the purchaser. In addition, PCs generally have significantly higher memory storage capacities and often contain major finished units which are interchangeable with units manufactured by several producers.

Word processors are provided for in subheading 8469.10.00 of the *Harmonized Tariff Schedule* (HTS). The HTS item number is provided for convenience and customs purposes. The written description remains dispositive.

ITC Notification

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-proprietary information. We will allow the ITC access to all privileged and business proprietary information in the Department's files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

Preliminary Determinations

The ITC will determine by December 21, 1990, whether there is a reasonable indication that imports of personal word processors from Singapore are materially injuring, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated. Otherwise, the Department will make its preliminary determination on or before April 15, 1991.

This notice is published pursuant to section 732(c)(2) of the Act.

Dated: November 26, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-28206 Filed 11-29-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-814]

Preliminary Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip From Japan

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

ACTION: Notice.

SUMMARY: We preliminarily determine that polyethylene terephthalate film, sheet, and strip (PET film) from Japan is being, or is likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination and have directed the U.S. Customs Service to suspend liquidation of all entries of PET film from Japan, as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by February 6, 1991.

EFFECTIVE DATE: November 30, 1990.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Bradford Ward, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377-4136 or (202) 377-5288, respectively.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that PET film from Japan is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the notice of initiation on May 24, 1990 (55 FR 21415), the following events have occurred. On June 11, 1990, the ITC preliminarily determined that there is a reasonable indication that an industry in the United States is being materially injured by reason of imports of PET film from Japan (55 FR 25181, June 20, 1990).

On June 26, 1990, the Department presented its questionnaire to Teijin Ltd. (Teijin) and Toray Industries, Inc. (Toray).

On August 14 and September 24, 1990, petitioners requested that the preliminary determination be postponed. On September 27, 1990, in accordance with section 733(c)(1)(A) of the Act, we postponed the preliminary determination until November 23, 1990 (55 FR 40902, October 5, 1990).

In July and August, 1990 we received replies to the questionnaire from Teijin and Toray. A number of supplemental deficiency questionnaires were issued subsequent to the issuance of the original questionnaires. Supplemental and deficiency responses were received from the respondents prior to the date of this preliminary determination.

In the petition and in subsequent submissions, petitioners alleged that Teijin and Toray were selling PET film in the home market at prices below the cost of production. On November 2, 1990, the Department determined that petitioners' cost allegations against Teijin and Toray were insufficient for initiating a cost of production investigation.

Scope of the Investigation

The product covered by this investigation is all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet, and strip, whether extruded or coextruded. Films excluded from the scope of this investigation are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches (0.254 micrometers) thick.

PET film is currently classifiable under Harmonized Tariff Schedule (HTS) sub-heading 3920.62.00.00. The HTS subheadings are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive as to the scope of the product coverage.

Period of Investigation

The period of investigation (POI) is November 1, 1989 through April 30, 1990.

Such or Similar Comparisons

In our notice of initiation (55 FR 21415, May 24, 1990), we treated the subject merchandise as one "class or kind of merchandise' and one "such or similar" category of merchandise. Subsequent to initiation, we received numerous comments from petitioners, respondents, and other interested parties in these investigations on whether the subject merchandise constitutes one or more classes or kinds of merchandise. After consideration of all views expressed, and based upon our discussions with product experts at the U.S. Customs Service, the ITC, and within the Department, we issued a decision memorandum on June 22, 1990, in which we determined that the subject

merchandise constitutes a single class or kind, and one such or similar category of merchandise.

Alternative Reporting Requirements

We determined that there are a large number of physical criteria, and different combinations thereof, that describe the many variations of PET film. Therefore, given the complexity of identifying most similar merchandise, we have attempted to simplify and reduce the reporting requirements for respondents while maintaining a reasonable basis for our analysis. Accordingly, on July 11, 1990, we advised respondents: (1) To report full product information for all identical product matches; (2) to report limited product and sales information for non-identical U.S. home market sales; and (3) to provide product specification sheets for each unique product control number. We determined that, for purposes of classifying identical merchandise, the width and length of PET film were not relevant for determining product matches.

Fair Value Comparisons

To determine whether sales of PET film from Japan to the United States were made at less than fair value, we compared the United States price to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice. For both respondents, we compared U.S. sales of PET film to identical home market sales of PET film.

United States Price

For both Teijin and Toray, we based United States price on purchase price, in accordance with section 772(b) of the Act, as all U.S. sales were made to unrelated parties prior to importation into the United States.

A. Teijin

For Teijin, we calculated purchase price based on f.o.b. Japanese port, c & f, c.i.f, or delivered prices. We made deductions, where appropriate, for rebates and price adjustments, foreign inland freight, transport insurance, foreign brokerage and handling, ocean freight, U.S. duty, harbor and U.S. Customs user fees, U.S. brokerage and handling, and U.S. inland freight, in accordance with section 772(d)(2) of the Act.

In accordance with section 772(d)(1)(C) of the Act, we added to the United States price, net of price adjustments, the amount of Japanese consumption tax which would have been rebated, or not collected, by reason of exportation of the merchandise.

B. Toray

For Toray, we calculated purchase price based on f.o.b. Japanese port or delivered U.S. customer prices. We made deductions, where appropriate, for price adjustments, foreign inland freight and insurance, foreign brokerage and handling, ocean freight, marine insurance, U.S. duty, harbor and U.S. Customs user fees, U.S. brokerage and handling, and U.S. inland freight and insurance, in accordance with section 772(d)(2) of the Act.

In accordance with section 772(d)(1)(C) of the Act, we added to the United States price, net of price adjustments, the amount of Japanese consumption tax which would have been rebated, or not collected, by reason of exportation of the merchandise.

Foreign Market Value

In order to determine whether there were sufficient sales of PET film in the home market to serve as a viable basis for calculating FMV, we compared the volume of home market sales of PET film to the volume of third country sales of PET film, in accordance with section 773(a)(1) of the Act. Both respondents had viable home markets with respect to sales of PET film made during the POI.

A. Teijin

For Teijin, we calculated FMV based on delivered prices to unrelated customers in the home market. We made deductions, where appropriate, for rebates, inland freight and inland insurance. We deducted home market packing costs and added U.S. packing costs.

Pursuant to 19 CFR 353.56, we made circumstance of sale adjustments, where appropriate, for differences in post-sale warehousing, expenses, credit expenses, and credit insurance fees.

We have not made an adjustment for claimed home market pre-sale warehousing expenses because Teijin has not demonstrated that these expenses are directly related to home market sales. However, we will examine the claim further at verification.

We recalculated Teijin's reported inputed credit expenses on home market sales and certain U.S. sales as Teijin improperly deducted rebates from the base price in its calculations.

We added U.S. commissions and subtracted the weighted-average home market indirect selling expenses, up to the amount of the commission, from the foreign market value, where appropriate, in accordance with 19 CFR 353.56(b)(1). As Teijin did not respond to our request to calculate the home market indirect selling expenses based on the POI, we recalculated the claimed expenses to estimate the portion of the expenses incurred during the POI.

Finally, we made circumstance of sale adjustments for commodity tax differences where appropriate.

b. Toray

For Toray, we calculated FMV based on delivered prices to unrelated and related customers in the home market. We used the related party sales because the prices to the related party were determined to be at arm's-length, in accordance with 19 CFR 353.45(a). We made deductions, where appropriate, for discounts, rebates, and inland freight and insurance. We deducted home market packing costs and added U.S. packing costs.

Pursuant to 19 CFR 353.56, we made circumstance of sale adjustments, where appropriate, for differences in advertising expenses, claim compensation expenses, consignment expenses, post-sale warehousing expenses, credit expenses, and credit interest revenue.

We have not made a deduction for claimed pre-sale warehousing expenses because Toray has not demonstrated that these sales are directly related to home market sales. However, we will examine this claim further at verification.

We recalculated Toray's imputed credit claim on home market sales as Toray improperly deducted rebates from the base price, and incorrectly calculated the credit period, in reporting its credit expense.

Finally, we made circumstance of sale adjustments for commodity tax differences where appropriate.

Verification

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

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of PET film from Japan, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margin, as shown below. The suspension of liquidation will remain in effect until further notice. The weighted-average dumping margins are as follows:

Manufacturer/producer/exporter	Margin percentage
Teijin Limited	2.59
Toray Industries, Inc	14.90
All others	6.35

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary no later than January 14, 1991, and rebuttal briefs no later than January 22, 1991. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. The hearing will be held on January 24, 1991, at 10 a.m. at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20230. Interested parties who wish to participate in the hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B–099, within ten days of the publication of this notice in the **Federal Register**. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f) and 19 CFR 353.15.

Dated: November 23, 1990.

Francis J. Sailer,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90–28207 Filed 11–29–90; 8:45 am]

BILLING CODE 3510–DS–M

[A–580–807]

Preliminary Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip From the Republic of Korea

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

ACTION: Notice.

SUMMARY: We preliminary determine that polyethylene terephthalate film, sheet, and strip (PET film) from the Republic of Korea is being, or is likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination and have directed the U.S. Customs Service to suspend liquidation of all entries of PET film from the Republic of Korea, as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by February 6, 1991.

EFFECTIVE DATE: November 30, 1990.

FOR FURTHER INFORMATION CONTACT: Mark Wells or Steven Lim, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377–3003, or 377–4087, respectively.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that PET film from the Republic of Korea is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the notice of initiation on May 24, 1990 (55 FR 21417), the following events have occurred: On June 11, 1990, the ITC preliminarily determined that there is a reasonable indication that an industry in the United States is being materially injured by reason of imports of PET film from the Republic of Korea (55 FR 25181, June 20, 1990).

On June 26, 1990, the Department presented its questionnaire to SKC Limited and SKC America, Inc. (SKC) and Cheil Synthetics, Inc. (Cheil).

On August 14 and September 24, 1990, petitioners requested that the preliminary determination be postponed. On September 27, 1990, in accordance with section 733(c)(1)(A) of the Act, we postponed the preliminary determination until November 23, 1990 (55 FR 40902, October 5, 1990).

In July and August 1990 we received replies to the questionnaire from SKC and Cheil. A number of supplemental deficiency questionnaires were issued subsequent to the issuance of the original questionnaires. Supplemental and deficiency responses were received from the respondents prior to the date of this preliminary determination.

In the petition and in subsequent submissions, petitioners alleged that SKC and Cheil were selling PET film in the home market at prices below the cost of production. On Novmber 2, 1990, the Department accepted petitioners' cost allegations against SKC and Cheil as sufficient for purposes of initiating a cost of production investigation. The Department issued the Cost of Production and Constructed Value Questionnaire to SKC and Cheil on November 5, 1990.

Scope of the Investigation

The product covered by this investigation is all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet, and strip, whether extruded or coextruded. Films excluded from the scope of this investigation are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches (0-254 micrometers) thick.

PET film is currently classifiable under Harmonized Tariff Schedule (HTS) subheading 3920.62.00.00. The HTS subheadings are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive as to the scope of the product coverage.

Period of Investigation

The period of investigation (POI) is November 1, 1989 through April 30, 1990.

Such or Similar Comparisons

In our notice of initiation (55 FR 21417, May 24, 1990), we treated the subject merchandise as one "class or kind of merchandise" and one "such or similar" category of merchandise. Subsequent to

initiation, we received numerous comments from petitioners, respondents, and interested parties in these investigations on whether the subject merchandise constitutes one or more classes or kinds of merchandise. After consideration of all views expressed, and based upon our discussions with product experts at the U.S. Customs Service, the ITC, and within the Department, we issued a decision memorandum on June 22, 1990, in which we determined that the subject merchandise constitutes a single class or kind, and one such or similar category of merchandise.

Alternative Reporting Requirements

We determined that there are a large number of physical criteria, and different combinations thereof, that describe the many variations of PET film. Given the complexity of identifying most similar merchandise, we have attempted to reduce the reporting requirements for respondents while maintaining a reasonable basis for our analysis. Accordingly, on July 11, 1990, we advised respondents: (1) To report full product information for all identical product matches; (2) to report limited product and sales information for non-identical U.S. and home market sales; and (3) to provide product specification sheets for each unique product control number.

For certain products, respondents did not report full product information. However, we are treating these products as identical for purposes of this determination. We determined that, for purposes of classifying identical merchandise, the width and length of PET film were not relevant for determining product matches.

Fair Value Comparisons

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

For both respondents, we compared U.S. sales of PET film to identical home market sales of PET film. SKC reported that they sold a small quantity of the subject merchandise to the United States that was further manufactured into non-subject merchandise during the POI. Because of the small volume involved and the added burden on the respondent and the Department, we did not require SKC to report these sales.

United States Price

For SKC, we based United States price on purchase price where sales were made directly to unrelated parties prior to importation into the United States, in accordance with section 772(b) of the Act. In accordance with section 772(c) of the Act, where sales to the first unrelated purchaser took place after importation into the United States, we based United States price on exporter's sales price (ESP). For Cheil, we based United States price on purchase price because all sales were made directly to unrelated parties prior to importation into the United States.

A. SKC

For SKC, we calculated purchase price based on c.i.f. U.S. port, or delivered prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign brokerage and handling, foreign inland freight, foreign inland insurance, wharfage, containerization expense, ocean freight, marine insurance, U.S. duties, U.S. inland freight, and U.S. brokerage and handling. We added duty drawback pursuant to section 772(d)(1)(B) of the Act.

We calculated ESP based on delivered prices or freight collect to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, foreign brokerage and handling, wharfage, ocean freight, marine insurance, U.S. duties, U.S. inland freight, U.S. brokerage and handling, credit expenses, bank charges, warranty expenses, and indirect selling expenses, including inventory carrying expenses.

We recalculated the inventory carrying expenses reported by SKC on ESP sales in order to account for the average time the merchandise was in the Republic of Korea, in ocean transit, and in the United States.

For certain ESP sales, SKC calculated credit expense using an average collection period, rather than calculating credit based on actual shipment and payment dates. For these sales we recalculated the credit expense to impute credit from the date of shipment to the date of payment.

In accordance with section 772(d)(1)(C) of the Act, for both purchase price and ESP sales, we added to United States price, net of price adjustments, the amount of value-added tax (VAT) that would have been rebated, or not collected, by reason of exportation of the merchandise.

B. Cheil

For Cheil, we calculated purchase price based on f.o.b. Korean port, c.i.f. U.S. port, or delivered prices to unrelated customers in the United States. We made deductions, where appropriate, for discounts, foreign brokerage and handling, foreign inland freight, containerization expenses, wharfage, ocean freight, marine insurance, U.S. duties, U.S. inland freight, and U.S. brokerage and handling. We added duty drawback pursuant to section 772(d)(1)(B) of the Act.

In accordance with section 772(d)(1)(C) of the Act, we added to United States price, net of price adjustments, the amount of VAT that would have been rebated, or not collected, by reason of exportation of the merchandise.

Foreign Market Value

In order to determine whether there were sufficient sales of PET film in the home market to serve as a viable basis for calculating FMV, we compared the volume of home market sales of PET film to the volume of third country sales of PET film, in accordance with section 773(a)(1) of the Act. Both respondents had viable home markets with respect to sales of PET film made during the POI.

A. SKC

For SKC, we calculated FMV based on delivered prices to unrelated customers in the home market. For both purchase price and ESP sales we made deductions, where appropriate, for inland freight. We added a duty adjustment where the price reported did not include import duties. We deducted home market packing costs and added U.S. packing costs.

For comparisons to purchase price sales, pursuant to 19 CFR 353.56, we made circumstances of sale adjustments, where appropriate, for bank charges and credit expenses. We recalculated credit expense on all home market and purchase price sales because (1) SKC reported credit expense based on an average collection period; and (2) because SKC calculated credit expense on purchase price sales using their U.S. interest rate. For home market and purchase price sales we recalculated credit expense based on an average collection period, where actual shipment and payment dates were not reported, because respondent's calculations were incorrect. Where actual shipment dates and payment dates were reported for home market and purchase price sales, we recalculated credit expense to impute

credit from the date of shipment to the date of payment. For purchase price sales we recalculated credit expense to impute credit using SKC's home market interest rate.

For ESP sales, we also deducted indirect selling expenses, including inventory carrying expenses. We subtracted the weighted-average home market indirect selling expenses, up to the amount of the U.S. indirect selling expenses, from the foreign market value, where appropriate, in accordance with 19 CFR 353.56(b)(2).

Finally, we made circumstance of sale adjustment for commodity tax differences, where appropriate.

B. Cheil

For Cheil, we calculated FMV based on delivered prices to unrelated customers in the home market. We made deductions, where appropriate, for discounts, loading charges, and inland freight. We deducted home market packing costs and added U.S. packing costs.

Pursuant to 19 CFR 353.56, we made circumstances of sale adjustments, where appropriate, for post-sale warehousing expenses, bank charges, slitting costs, and credit expenses.

For those sales involving discounts, we recalculated Cheil's credit expense by deducting discounts from the gross price before imputing credit.

Finally, we made circumstance of sale adjustments for commodity tax differences, where appropriate.

Verification

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

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of PET film from the Republic of Korea, except for those of Cheil, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margin, as shown below. This suspension of liquidation will remain in effect until further notice. The weighted-average dumping margins are as follows:

Manufacturer/producer/exporter	Margin percentage
SKC Limited and SKC America.	7.79
Cheil Synthetics, Inc	0.21 (*de minimis*)
All others	7.79

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary no later than January 14, 1991, and rebuttal briefs no later than January 22, 1991. In accordance with 19 CFR 353.38(b) of the Department's regulations, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on agruments raised in case or rebuttal briefs. The hearing will be held on January 24, 1991, at 2:00 p.m. at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20230. Interested parties who wish to participate in the hearing must submit a written request to the Assistant Secretary for import Administration, U.S. Department of Commerce, Room B-099, within ten days of the publication of this notice in the **Federal Register**. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b) of the Department's regulations, oral presentations will be limited to issues raised in the briefs.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)) and 19 CFR 353.15.

Dated: November 23, 1990.

Francis J. Sailer,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-28208 Filed 11-29-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-475-059]

Final Results of Antidumping Duty Administrative Review; Pressure Sensitive Plastic Tape From Italy

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

ACTION: Notice.

SUMMARY: On October 10, 1990, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty finding on pressure sensitive plastic tape (PSPT) from Italy. The review covers two manufacturers/exporters of this merchandise to the United States, Manuli S.p.A. and NAR S.p.A., and the period October 1, 1988, through September 30, 1989. The final margins assigned to Manuli S.p.A. and NAR S.p.A. are 0.00 percent and 4.76 percent, respectively.

EFFECTIVE DATES: November 30, 1990.

FOR FURTHER INFORMATION CONTACT: James R. Terpstra or James P. Maeder, Jr., Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-3965 or (202) 377-4929, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 10, 1990, the Department published in the **Federal Register** (55 FR 41263, October 10, 1990) the preliminary results of its administrative review of the antidumping duty finding on PSPT from Italy (42 FR 56110, October 21, 1977). The Department has now completed the administrative review, in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are shipments of PSPT measuring over 1⅜ inches in width and not exceeding 4 mils in thickness. During this review period, such merchandise was provided for under items 790.5530, 790.5545, and

790.5555 in the *Tariff Schedules of the United States Annotated* (TSUSA) and under 3919.90.20 and 3919.90.50 of the Harmonized Tariff System (HTS). The HTS and TSUSA item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

This review covers two manufacturers/exporters of Italian PSPT of the United States, NAR S.p.A. and Manuli S.p.A., and the period October 1, 1988, through September 30, 1989.

Use of Best Information Available

We have determined, in accordance with section 776(c) of the Act and § 353.37 of the Department's regulations, that the use of best information available is appropriate for entries of the subject merchandise from NAR S.p.A. in this review.

In deciding whether to use best information available, § 353.37(b) of the Department's regulations provides that the Department may take into account whether a party refused to provide requested information. In this case, NAR S.p.A. attempted to cooperate and provide the requested information.

However, it failed to do so in a complete, accurate, and timely manner. In such instances, as best information available, the Department may assign the affected company the highest margin assigned that company in any previous review.

Because NAR S.p.A. attempted to cooperate, but failed to provide an adequate questionnaire response in a timely manner, we used, for the preliminary results, the highest calculated margin for that firm from all past reviews, which in this case was the 6.39 percent margin found in the 1985-1986 review. In our preliminary results, we noted, however, that the calculated margin for the 1985-1986 review was subject to change, pending approval by the Court of International Trade (CIT) of the Department's remand results. On October 30, 1990, the CIT affirmed the remand results for this review (*NAR S.p.A.* v. *United States*, Court No. 88-06-00401) which resulted in a lowering of the margin from 6.39 percent to 3.70 percent. Therefore, for purposes of the final results, we have assigned to NAR S.p.A. what is now the highest margin for the firm from all past reviews, *i.e.*, the 4.76 percent margin found in the 1979-1980 review.

Interested Party Comments

We received timely comments from the petitioner only. The petitioner concurred with the Department's decisions to use best information available with regard to the response of NAR S.p.A. and, as best information available, to use the highest calculated margin for NAR S.p.A. from all past reviews.

Final Results of the Review

Based on the comments received, we are assigning the highest dumping margin NAR S.p.A. received in any prior review. Therefore, we determine the margins to be:

Manufacturer/ exporter	Time period	Margin (percent)
NAR S.p.A.	10/1/88-9/30/89	4.76
Manuli S.p.A.	10/1/88-9/30/89	[1] 0

[1] No shipments during the period; margin is from last review in which there were shipments.

The Department will instruct the Customs Service to assess antidumping duties at those rates on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided by section 751(a)(1) of the Act, a cash deposit of estimated antidumping duties based on the above margins shall be required on entries of this merchandise from NAR S.p.A. For any shipments of this merchandise manufactured or exported by the remaining known manufacturers and/or exporters not covered in this review, the cash deposit will continue at the rate published in the final results of the last administrative review for these firms. For any entries of this merchandise from a new exporter, whose first shipments occurred after September 30, 1989, and who is unrelated to the reviewed firms or any previously reviewed firm, no cash deposit shall be required. These deposit requirements are effective for all shipments of PSPT from Italy entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

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(c)(8) of the Department's regulations.

Dated: November 26, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-28209 Filed 11-29-90; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Business Development Center Applications: Charlotte, NC

November 16, 1990.

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with the provisions of Executive Order 11625, the Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first 12 months is estimated at $194,118 for the project performance of 03/1/91 to 02/29/92. The MBDC will operate in the Charlotte, North Carolina, Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $165,000 in Federal Funds and a minimum of $29,118 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

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

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations (50 points); the resources available to the firm in providing management and technical assistance (10 points); the firm's proposed approach to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). It is advisable that applicants have an existing office in the geographic region for which they are applying.

An applicant must receive at least 70% of the points assigned to each evaluation criteria category to be considered programmatically acceptable and responsive.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Federal Government are made to pay the debt.

Applicants are subject to Governmentalwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26. In accordance with the Drug-Free Workplace Act of 1988, each applicant must make the appropriate certification as a "prior condition" to receiving a grant or cooperative agreement.

Awards under this program shall be subject to all Federal Departmental regulations, policies, and procedures applicable to Federal assistance awards.

A false statement on an application may be grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment.

Section 319 of Public Law 101–121 generally prohibits recipients of appropriated funds from lobbying the Executive or Legislative Branches of Federal Government in connection with a specific contract, grant, or loan. A "Certification for Contractors, Grants Loans, and Cooperative Agreements" and the SF–LLL, "Disclosure of Lobbying Activities" (if applicable), is required.

CLOSING DATE: The closing date for applications is January 15, 1991. Applications must be postmarked on or before January 15, 1991. The anticipated processing time is 60 days.

ADDRESSES: Atlanta Regional Office, Minority Business Development Agency, U.S. Department of Commerce, suite 505, 401 West Peachtree St., NW., room 1930, 404/730–3300.

FOR FURTHER INFORMATION CONTACT: Carlton L. Eccles, Regional Director of the Atlanta Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Note: A pre-application conference to assist all interested applicants will be held at the U.S. Department of Commerce, Minority Business Development Agency, 401 West Peachtree St., NW., room 1930, Atlanta, Georgia, December 19, 1991, at 9 a.m.

Dated: November 20, 1990.

Carlton L. Eccles,

Regional Director, Atlanta Regional Office.

[FR Doc. 90–28158 Filed 11–29–90; 8:45 am]

BILLING CODE 3510–21–M

Business Development Center Applications: Kansas City, Missouri, Kansas

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for approximately a 3 year period, subject to the availability of funds. The cost of performance for the first 12 months is estimated at $184,260 in Federal funds and a minimum of $32,516 in non-federal contributions for the budget period March 1, 1991 to February 28, 1992. Cost-sharing contributions may be in the form of cash contributions, client fees for services, in-kind contributions, or combinations thereof. The MBDC will operate in the Kansas City geographic service area. The award number of this MBDC will be 07–10–91004–01.

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

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

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

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

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

CLOSING DATE: The closing date for applications is January 7, 1991. Applications must be postmarked on or before January 7, 1991.

ADDRESSES: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street, suite 1440, Chicago, Illinois 60603, 312/353–0182.

FOR FURTHER INFORMATION CONTACT: David Vega, Regional Director, Chicago Regional Office.

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

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: November 26, 1990.

David Vega,

Regional Director, Chicago Regional Office.

[FR Doc. 90–28159 Filed 11–29–90; 8:45 am]

BILLING CODE 3510–21–M

Business Development Center Applications: Detroit, Michigan

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for approximately a 3 year period, subject to the availability of funds. The cost of performance for the first 12 months is estimated at $322,500 in Federal funds and a minimum of $56,912 in non-federal contributions for the budget period March 1, 1991 to February 28, 1992. Cost-sharing contributions may be in the form of cash contributions, client fees for services, in-kind contributions, or combinations thereof. The MBDC will operate in the Detroit, Michigan geographic service area. The award number of this MBDC will be 05–10–91003–01.

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

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

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

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

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

CLOSING DATE: The closing date for applications is January 7, 1991. Applications must be postmarked on or before January 7, 1991.

ADDRESSES: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street, Suite 1440, Chicago, Illinois 60603, 312/353–0182.

FOR FURTHER INFORMATION CONTACT: David Vega, Regional Director, Chicago Regional Office.

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

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: November 26, 1990.

David Vega,

Regional Director, Chicago Regional Office.

[FR Doc. 90–28160 Filed 11–29–90; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

Bearing Sea/Aleutian Islands King and Tanner Crab Fisheries

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

ACTION: Notice of availability of an amendment to a fishery Management plan and request for comments.

SUMMARY: NOAA issues this notice that the North Pacific Fishery Management Council (Council) has submitted Amendment 1 of the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries and the Bering Sea/Aleutian Islands for Secretarial review and is requesting comments from the public. Copies of Amendment 1 and the environmental assessment may be obtained from the address listed below.

DATES: Comments on Amendment 1 are invited through January 28, 1991.

ADDRESSES: Comments may be sent to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802–1668. Copies of the amendment and the environmental assessment are available upon request from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510. Comments are particularly requested on the environmental assessment.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin (National Marine Fisheries Service, Alaska Region) 907–586–7228.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Magnuson Act; 16 U.S.C. 1801 *et seq.*) requires that each Regional Fishery Management Council submit any fishery management plan (FMP) amendment is prepares to the Secretary of Commerce (Secretary) for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that the Secretary, upon receiving the FMP amendment, immediately publish a notice that the amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve, disapprove, or partially disapprove the amendment.

The first national standard of the Magnuson Act (16 U.S.C. 1851(a)(1)) requires that conservation and management measures prevent overfishing. However, it does not define overfishing. A comprehensive overfishing concept is set forth in revised guidelines (50 CFR part 602; 54 FR 30826, July 24, 1989), based on the national standards, which were established by the National Oceanic and Atmospheric Administration (NOAA) to assist in the development and review of FMPs. The NOAA guidelines require that each FMP must specify, to the maximum extent possible, an objective and measurable definition of overfishing for each stock or stock complex covered by an FMP, and provide an analysis of how the definition was determined and how it relates to reproductive potential.

The Commercial King and Tanner Crab Fisheries in the Bering Sea/

Aleutian Islands FMP only contains a qualitative definition of overfishing. Since the FMP contains no objective or measurable criteria for implementing a definition, the FMP must be amended. Amendment 1 examines the following four alternative means of defining overfishing for 17 crab stocks in the Bearing Sea/Aleutian Islands: (1) The status quo, (2) constant fishing mortality rate with a threshold, (3) constant fishing mortality rate (the preferred alternative by the North Pacific Fishery Management Council), and (4) variable fishing mortality rate.

The North Pacific Fishery Management Council has adopted a constant fishing mortality rate as its preferred alternative and has defined overfishing as any rate of fishing mortality in excess of F_{msy} for King and Tanner crab stocks in the Bering Sea/Aleutian Islands management area.

No Federal regulatory action is necessary to implement this amendment.

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

Dated: November 27, 1990.

David S. Crestin,

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

[FR Doc. 90-28191 Filed 11-27-90; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

November 26, 1990.

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

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

EFFECTIVE DATE: November 26, 1990.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-6828. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

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

The current limits for certain categories are being increased, variously, for carryover and carryforward.

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 54 FR 50797, published on December 11, 1989). Also see 54 FR 52047, published on December 20, 1989.

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

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 26, 1990.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive of December 14, 1989, issued to you by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China and exported during the period January 1, 1990 through December 31, 1990.

Effective on November 26, 1990 you are directed to increase the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the People's Republic of China:

Category	Adjusted 12 month limit [1]
Levels not in a group	
218	9,914,059 square meters.
219	1,703,654 square meters.
226	9,633,231 square meters.
300/301	2,655,565 kilograms.
313	37,342,305 square meters.
315	148,958,473 square meters.
317/326	16,875,149 square meters of which not more than 3,226,548 square meters shall be in Category 326.
333	45,345 dozen.
335	349,642 dozen.
338/339	2,260,585 dozen of which not more than 1,688,809 dozen shall be in Categories 338-S/339-S.[2]
341	595,253 dozen of which not more than 358,533 dozen shall be in Category 341-Y.[3]
345	121,561 dozen.
350	128,198 dozen.
359-V [4]	731,352 kilograms.
360	6,314,103 numbers of which not more than 4,222,382 numbers shall be in Category 360-P.[5]
369-H [6]	4,147,875 kilograms.
369-L [7]	2,700,462 kilograms.
410	1,400,933 square meters of which not more than 1,523,801 square meters shall be in Category 410-A [8] and not more than 1,523,801 square meters shall be in Category 410-B.[9]
433	22,370 dozen.
434	12,745 dozen.
435	23,411 dozen.
436	14,566 dozen.
438	25,491 dozen.
440	36,418 dozen of which not more than 20,810 dozen shall be in Category 440-M.[10]
442	40,579 dozen.
443	131,103 numbers.
444	114,905 numbers.
447	75,764 dozen.
448	21,297 dozen.
607	2,509,928 kilograms.
615	19,785,355 square meters.
617	13,450,418 square meters.
634	530,285 dozen.
635	569,206 dozen.
636	427,772 dozen.
649	749,094 dozen.
652	2,147,993 dozen.
659-C [11]	270,839 kilograms.
659-H [12]	2,464,286 kilograms.
669-P [13]	1,543,953 kilograms.
670-L [14]	13,648,645 kilograms.
831	355,774 dozen pairs.
833	22,617 dozen.
835	71,720 dozen.
840	328,214 dozen.
842	146,179 dozen.
846	77,453 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1989.

[2] Category 338-S: all HTS numbers except 6109.10.0012, 6109.10.0014, 6109.10.0018 and 6109.10.0023; Category 339-S: all HTS numbers except 6109.10.0040, 6109.10.0045, 6109.10.0060 and 6109.10.0065.

[3] Category 341-Y: only HTS numbers 6204.22.3060, 6206.30.3010 and 6206.30.3030.

[4] Category 359-V: only HTS numbers 6103.19.2030, 6103.19.4030, 6104.12.0040, 6104.19.2040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.0044, 6110.90.0046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.4030, 6204.12.0040, 6204.19.3040, 6211.32.0070 and 6211.42.0070.

[5] Category 360-P: only HTS numbers 6302.21.1010, 6320.21.1020, 6302.21.2010, 6302.21.2020, 6302.31.1010, 6302.31.1020, 6302.31.2010 and 6302.31.2020.

[6] Category 369-H: only HTS numbers 4202.22.4020, 4202.22.4500 and 4202.22.8030.
[7] Category 369-L: only HTS numbers 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015 and 4202.92.6000.
[8] Category 410-A: only HTS numbers 5111.11.3000, 5111.11.7030, 5111.11.7060, 5111.19.2000, 5111.19.6020, 5111.19.6040, 5111.19.6060, 5111.19.6080, 5111.20.6001, 5111.30.6001, 5111.90.3000, 5111.90.7000, 5212.11.1010, 5212.12.1010, 5212.13.1010, 5212.14.1010, 5212.15.1010, 5212.21.1010, 5212.22.1010, 5212.23.1010, 5212.24.1010, 5212.25.1010, 5311.00.2000, 5407.91.0510, 5407.92.0510, 5407.93.0510, 5407.94.0510, 5408.31.0510, 5408.32.0510, 5408.33.0510, 5408.34.0510, 5515.13.0510, 5515.22.0510, 5515.92.0510, 5516.31.0510, 5516.32.0510, 5516.33.0510, 5516.34.0510 and 6301.20.0020.
[9] Category 410-B: only HTS numbers 5007.10.6030, 5007.90.6030, 5112.11.2030, 5112.11.2060, 5112.19.6011, 5112.19.6021, 5112.19.6030, 5112.19.6041, 5112.19.6051, 5112.19.6060, 5112.20.3000, 5112.30.3000, 5112.90.3000, 5112.90.6011, 5112.90.6091, 5212.11.1020, 5212.12.1020, 5212.13.1020, 5212.14.1020, 5212.15.1020, 5212.21.1020, 5212.22.1020, 5212.23.1020, 5212.24.1020, 5212.25.1020, 5309.21.2000, 5309.29.2000, 5407.91.0520, 5407.92.0520, 5407.93.0520, 5407.94.0520, 5408.31.0520, 5408.32.0520, 5408.33.0520, 5408.34.0520, 5515.13.0520, 5515.22.0520, 5515.92.0520, 5516.31.0520, 5516,32.0520, 5516.33.0520 and 5516.34.0520.
[10] Category 440-M: only HTS numbers 6203.21.0030, 6203.23.0030, 6205.10.1000, 6205.10.2010, 6205.10.2020, 6205.30.1510, 6205.30.1520, 6205.90.2020, 6205.90.4020 and 6211.31.0030.
[11] Category 659-C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.69.1000, 6104.69.3014, 6114.30.3040, 6114.30.3050, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010.
[12] Category 659-H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5060, 6505.90.6080, 6505.90.7060, 6505.90.8060.
[13] Category 669-P: only HTS numbers 6305.31.0010, 6305.31.0020 and 6305.39.0000.
[14] Category 670-L: only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9020.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-28072 Filed 11-29-90; 8:45 am]

BILLING CODE 3510-DR-M

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

November 26, 1990.

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

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

EFFECTIVE DATE: January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Kim-Bang Nguyen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343-6496. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

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

The Bilateral Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Agreement, effected by exchange of notes dated July 1 and 11, 1985, as amended, between the Governments of the United States and Malaysia establishes limits for the period January 1, 1991 through December 31, 1991.

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

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Information regarding the 1991 CORRELATION will be published in the **Federal Register** at a later date.

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

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

November 26, 1990.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Commissioner:

Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further amended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Agreement, effected by exchange of notes dated July 1 and 11, 1985, as amended, between the Governments of the United States and Malaysia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel in the following categories, produced or manufactured in Malaysia and exported during the twelve-month period beginning on January 1, 1961 and extending through December 31, 1991, in excess of the following restraint limits:

Category	12-mo restraint limit
218, 219, 220, 225-227, 313-315, 317, 326, 613/614/615/617, as a group.	69,708,874 square meters.
Subievels within the group	
218	4,481,285 square meters.
219	21,709,335 square meters.
220	21,709,335 square meters.
225	21,709,335 square meters.
226	21,709,335 square meters.
227	21,709,335 square meters.
313	25,891,868 square meters.
314	27,883,550 square meters.
315	21,709,335 square meters.
317	21,709,335 square meters.
326	2,987,523 square meters.
613/614/615/617	21,709,335 square meters.
Other Specific Limits	
200	188,974 kilograms.
237	254,263 dozen.
300/301	2,004,275 kilograms.
331/631	1,376,106 dozen pairs.
333/334/335/835	157,810 dozen of which not more than 78,905 dozen shall be in Category 333, not more than 78,905 dozen shall be in Category 334, not more than 78,905 dozen shall be in Category 335 and not more than 78,905 dozen shall be in Category 835.
336/636	291,801 dozen.
338/339	723,445 dozen.
340/640	884,807 dozen.
341/641	1,146,742 dozen of which not more than 409,101 dozen shall be in Category 341.
342/642/842	274,670 dozen.
345	105,325 dozen.
347/348	296,258 dozen.
351/651	170,434 dozen.
363	5,049,908 numbers.
369-S [1]	546,915 kilograms.
435	14,267 dozen.
438-W [2]	11,676 dozen.
442	17,368 dozen.
445/446	27,600 dozen.
604	878,830 kilograms.
634/635	535,218 dozen of which not more than 233,558 dozen shall be in Category 635.
638/639	315,285 dozen.
645/646	241,149 dozen.
647/648	1,134,816 dozen of which not more than 794,371 dozen shall be in Category 647-K [3] and not more than 794,371 dozen shall be in Category 648-K [4].

Category	12-mo restraint limit
Group II	
201, 222-224, 229, 239, 330, 332, 349, 350, 352-354, 359-362, 369-O [5], 400-434, 436, 438-O [6], 439, 440, 443, 444, 447, 448, 459, 464-469, 600-603, 606, 607, 611, 618-622, 624-630, 632, 633, 643, 644, 649, 650, 652-654, 659, 665-670, 831-834, 836, 838, 839, 840 and 843-859, as a group.	28,199,597 square meters equivalent.

[1] Category 369-S: only HTS number 6307.10.2005.

[2] Category 438-W: only HTS numbers 6104.21.0060, 6104.23.0020, 6104.29.2048, 6106.20.1010, 6106.20.1020, 6106.90.1010, 6106.90.1020, 6106.90.2020, 6106.90.3020, 6109.90.1540, 6110.10.2080, 6110.30.1560, 6110.90.0074 and 6114.10.0040.

[3] Category 647-K: only HTS numbers 6103.23.0040, 6103.23.0045, 6103.29.1020, 6103.29.1030, 6103.43.1520, 6103.43.1540, 6103.43.1550, 6103.43.1570, 6103.49.1020, 6103.49.1060, 6103.49.3014, 61112.12.0050, 6112.19.1050, 6112.20.1060 and 6113.00.0045.

[4] Category 648-K: only HTS numbers 6104.23.0032, 6104.23.0034, 6104.29.1030, 6104.29.1040, 6104.29.2038, 6104.63.2010, 6104.63.2025, 6104.63.2030, 6104.63.2060, 6104.69.2030, 6104.69.2060, 6104.69.3026, 6112.12.0060, 6112.19.1060, 6112.20.1070, 6113.00.0050 and 6117.90.0046.

[5] Category 369-O: all HTS numbers except 6307.10.2005 (Category 369—S).

[6] Category 438-O: only HTS numbers 6103.21.0050, 6103.23.0025, 6105.20.1000, 6105.90.1000, 6105.90.3020, 6109.90.1520, 6110.10.2070, 6110.30.1550, 6110.90.0072, 6114.10.0020 and 6117.90.0024.

Imports charged to these category limits for the period January 1, 1990 through December 31, 1990 shall be charged against the levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the limits set forth in this directive.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement, effected by exchange of notes dated July 1 and 11, 1985, as amended, between the Governments of the United States and Malaysia.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D.Tantillo,

Chairman, Committee for the Implementation Textile Agreements.

[FR Doc. 90-28070 Filed 11-29-90; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in the Union of Soviet Socialist Republics

November 26, 1990.

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

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

EFFECTIVE DATE: January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-5810. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

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

The Bilateral Textile Agreement of December 28, 1989 between the Governments of the United States and the Union of Soviet Socialist Republics establishes an import limit for cotton sheeting and cotton printcloth in Categories 313/315, produced or manufactured in the Union of Soviet Socialist Republics and exported during the period January 1, 1991 through December 31, 1991.

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

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 54 FR 50797, published on December 11, 1989). Information regarding the 1991 CORRELATION will be published in the Federal Register at a later date.

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

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

November 26, 1990.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner:

Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Textile Agreement of December 28, 1989, between the Governments of the United States and the Union of Soviet Socialist Republics; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1991, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton sheeting and cotton printcloth in Categories 313/315, produced or manufactured in the Union of Soviet Socialist Republics and exported during the twelve-month period beginning on January 1, 1991 and extending through December 31, 1991, in excess of 24,000,000 square meters of which not more than 4,000,000 square meters shall be in Category 315.

The level set forth above is subject to adjustment in the future according to the provisions of the bilateral agreement of December 28, 1989 between the Governments of the United States and the Union of Soviet Socialist Republics.

Imports charged to this category limit for the period January 1, 1990 through December 31, 1990 shall be charged against the level of restraint to the extent of any unfilled balance In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-28071 Filed 11-29-90; 8:45 am]

BILLING CODE 3510-DR-M

Amendment of Export Visa and Certification Requirements Under the Special Access Program for Certain Products From Costa Rica

November 21, 1990.

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

ACTION: Issuing a directive to the Commissioner of Customs amending export visa and certification requirements.

EFFECTIVE DATE: January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, 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; Sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Governments of the United States and Costa Rica reached agreement, effected by exchange of letters dated September 18, 1990 and September 28, 1990, to amend the existing visa and certification requirements under the Special Access Program to extend coverage to include garment dyeing. Also included will be knit apparel which has been processed by means of bleaching, permapressing or garment dyeing following assembly.

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 54 FR 50797, published on December 11, 1989). Information regarding the 1991 CORRELATION will be published at a later date.

Requirements for participation in the Special Access Program are available in **Federal Register** notices 51 FR 21208, published on June 11, 1986; 52 FR 26057, published on July 10, 1987; 54 FR 50425, published on December 6, 1989; and 55 FR 21047, published on May 22, 1990.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

November 21, 1990.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on May 15, 1990 by the Chairman, Committee for the Implementation of Textile Agreements, establishing visa and certification requirements for certain cotton and man-made fiber textile products, produced or manufactured in Costa Rica.

Effective on January 1, 1991, under the Special Access Program, you are directed to permit entry of woven garments which have been subjected to garment dyeing after assembly. You are directed further to permit entry of knit garments which have been subjected to bleaching, permapressing or garment dyeing after assembly. These products must be re-exported from Costa Rica to the United States on or after January 1, 1991.

These products shall be entered under the Special Access Program, even though they may not be classified under HTS number 9802.00.8010 of the Harmonized Tariff Schedule.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90–28203 Filed 11–29–90; 8:45 am]

BILLING CODE 3510–DR–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to the Procurement List a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: December 31, 1990.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557–1145.

SUPPLEMENTARY INFORMATION: On October 5, 1990, the Committee for Purchase from the Blind and Other Severely Handicapped published notice (55 FR 40905) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning the capability of a qualified workshop to provide the service at a fair market price and the impact of the addition on the current or most recent contractor, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the service listed.

c. The action will result in authorizing small entities to provide the service procured by the Government.

Accordingly, the following service is hereby added to the Procurement List:

Food Service Attendant
Kirtland Air Force Base, New Mexico

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

H.G. Fischer,

Associate Director for Facility Operations.

[FR Doc. 90–28166 Filed 11–29–90; 8:45 am]

BILLING CODE 6820–33–M

Procurement List Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities to be produced and a service to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: December 31, 1990.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (70)(557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to the Procurement List

Commodities

Mast Section

5985–01–072–3066

Patient Utility Kit

6530–01–166–3499

Overalls

8415–01–228–1323
8415–01–228–1324
8415–01–228–1325
8415–01–228–1326
8415–01–228–1327
8415–01–228–1328
8415–01–228–1329
8415–01–228–1330
8415–01–228–1331
8415–01–228–1332

(Remaining 60 percent of the Government's Requirement)

Service

Janitorial/Custodial, U.S. Courthouse, 312 North Spring Street, Los Angeles, California

H.G. Fischer,

Associate Director of Facility Operations.

[FR Doc. 90-28167 Filed 11-29-90; 8:45 am]

BILLING CODE 6820-33-M

Proposed Additions to the Procurement List—Extension of Comment Period

The period for submitting comments on the proposed additions to the Procurement List appearing on page 49101 of FR Doc. 90-27703 in the issue of Monday, November 26, 1990, is extended until December 26, 1990.

H.G. Fischer,

Associate Director for Facility Operations.

[FR Doc. 90-28163 Filed 11-29-90; 8:45 am]

BILLING CODE 6820-33-M

Additions to the Procurement List—Extension of Effective Date

The effective date of the additions to the Procurement List appearing on page 49101 of FR Doc. 90-27704 in the issue of Monday, November 26, 1990, is extended until December 26, 1990.

H.G. Fischer,

Associate Director for Facility Operations.

[FR Doc. 90-28169 Filed 11-29-90; 8:45 am]

BILLING CODE 6820-33-M

Procurement List Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to the Procurement List commodities to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: December 31, 1990.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145

SUPPLEMENTARY INFORMATION: On September 7, 1990, the Committee for Purchase from the Blind and Other Severely Handicapped published notice (55 FR 36847) of proposed addition to the Procurement List.

Comments on the proposed addition to the Procurement List were received from one of the current contractors and from a prior contractor. The current contractor alleged that the currently proposed addition to the Procurement List and a 1988 addition had a serious cumulative adverse impact on its sales. However, the 1988 addition had no impact on this contractor as it was not the current or most recent contractor for the items added at that time. The small portion of the alleged impact which concerns the currently proposed addition does not constitute serious adverse impact.

The prior contractor objected to the loss of the opportunity to bid on the item if it is added to the Procurement List. In a competitive procurement, there is no guarantee that any one bidder will receive a contract. Accordingly, the Committee does not consider loss of the opportunity to bid to constitute serious adverse impact on a bidder who is not the current or most recent contractor for the item proposed for addition to the Procurement List.

The prior contractor also objected to the amount of the Federal paper pad business set aside for provision by nonprofit agencies employing persons who are blind or have other severe disabilities. Because the Federal market constitutes an extremely small portion of the total private and public paper pad market, private firms making paper pads have ample opportunity to compete in other markets and remain viable.

After consideration of the material presented to it concerning the capability of a qualified workshop to produce these commodities at a fair market price, the impact of the addition on the current or most recent contractor, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 52-2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the commodities listed.

c. The action will result in authorizing small entities to produce the commodities procured by the Government.

Accordingly, the following commodities are hereby added to the Procurement List.

Pad, Writing Paper
7530-01-124-5660
(GSA Region 2)
7530-01-124-7632
(GSA Regions 8 and 9)

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

H.G. Fischer,

Associate Director for Facility Operations.

[FR Doc. 90-28170 Filed 11-29-90; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Selection Criteria for Closing and Realigning Military Installations Inside the United States

AGENCY: Department of Defense (DoD).

ACTION: Proposed selection criteria and request for comments.

SUMMARY: The Secretary of Defense, in accordance with section 2903(b), title XXIX, part A of the FY 1991 National Defense Authorization Act, is required to publish the proposed selection criteria to be used by the Department in making recommendations for the closure or realignment of military installations inside the United States.

DATES: Comments should be submitted to the Department of Defense at the address shown below by December 31, 1990 to be considered in the formulation of the final criteria.

ADDRESSES: Interested parties should submit written comments to: the Office of the Assistant Secretary of Defense (Production and Logistics), ATTN: Mr. Douglas B. Hansen, Director, Base Closure and Utilization, OASD (P&L) I/BCU, room 3D-814, The Pentagon, Washington, DC 20301-8000. Please cite this Federal Register announcement in all correspondence.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Whittaker or Ms. Patricia Walker, Base Closure and Utilization, OASD (P&L), (703) 614-5356.

SUPPLEMENTARY INFORMATION:

A. Background

Title XXIX, part A of the National Defense Authorization Act for Fiscal Year 1991 establishes the exclusive procedures under which the Secretary of

Defense may pursue military installations for closure and realignment within the United States. Section 2903(b) of the Act requires the Secretary of Defense to publish the proposed base closure and realignment selection criteria by December 31, 1990. Section 2903(b)(2)(A) requires the Secretary of Defense, following a 30 day public comment period in the **Federal Register**, to publish the final selection criteria no later than February 15, 1991. The final selection criteria are subject to Congressional disapproval by joint resolution until March 15, 1991.

B. Relationship to Previous Criteria

The proposed DoD selection criteria closely mirror the criteria established for the 1988 Defense Secretary's Commission on Base Realignment and Closure. Those criteria were developed jointly by the Department of Defense and the Congress, and were incorporated, by reference, into Public Law 100–526.

The proposed DoD selection criteria differ in two ways from the 1988 criteria. In both instances, the changes are a direct result of the 1988 Commission's recommendations regarding criteria and their application.

First, the Commission stated (page 10 of its report) that "Significant to its decisions was the selection of military value as preeminent among the criteria governing nomination of bases for closure or realignment." The proposed DoD selection criteria reflect this same preeminence of military value.

Second, the Commission stated (page 32 of its report) that "The six-year payback used in the Commission's evaluation is too limiting." The proposed DoD selection criteria include payback as a criterion, but do not limit it to six years.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Public Law 96–511) does not apply.

Proposed Selection Criteria

It is proposed that the following criteria be used by the Department of Defense in determining military installations inside the United States to be closed or realigned:

• In selecting military installations for closure or realignment, the Department of Defense will, giving priority consideration to military value (criteria 1–4 below), consider:

1. The current and future mission requirements and the impact on operational readiness of the Department of Defense

2. The availability and condition of land and facilities at both the existing and potential receiving locations.

3. The potential to accommodate contingency, mobilization, and future force requirements at receiving locations.

4. The cost and manpower implications.

5. The extent and timing of potential cost savings, including whether the total cost savings realized from the closure or realignment of the base will, beginning with the date of the completion of the closure or realignment of the base, exceed the amount expended to close or realign the base.

6. The economic impact on the community in which the base to be closed or realigned is located.

7. The community support at the receiving locations.

8. The environmental impact.

9. The implementation process involved.

Dated: November 26, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–28102 Filed 11–29–90; 8:45 am]

BILLING CODE 3810–01–M

Corps of Engineers, Department of the Army

Intent To Prepare Draft Supplemental Environmental Impact Statement (SEIS), Wisconsin River at Portage, Wisconsin, Flood Damage Reduction Project

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of intent to prepare a draft supplemental environmental impact statement (draft SEIS).

SUMMARY: The St. Paul district, Corps of Engineers, proposes to reduce flood damages in the city of Portage, Wisconsin, on the Wisconsin River, by structural means while safeguarding the environment. A final Environmental Impact Statement (FEIS) was prepared for the project in December 1983. A supplemental EIS (SEIS) will be prepared to address modifications to the selected plan.

FOR FURTHER INFORMATION: Questions concerning the proposed action and the Draft SEIS can be directed to: Mr. Robert J. Whiting, Environmental Resources Branch, U.S. Army Corps of Engineers, 1421 U.S. Post Office and Custom House, St. Paul, Minnesota 55101–1479 (telephone 612–220–0264).

SUPPLEMENTARY INFORMATION: The modifications to the selected plan consist of changes in levee alignment, new levee segments, borrow areas for levee material, and closing the entrance to the Portage Canal. Various alternatives were investigated including no action, floodwalls, levees, rehabilitation of the Portage Canal lock, various levee alignments, and nonstructural measures.

The public involvement program originated in 1989 with various meetings with the city of Portage, local interest groups, State and Federal agencies, and the public to obtain views of local interests on problems, needs, and significant issues in the area. The scoping process has been initiated through these meetings.

Significant issues identified to date for discussion in the Draft SEIS are as follows:

1. Flood damage reduction for the city of Portage.

2. Levee encroachment into the Wisconsin River, wetlands, and woodlands, and the potential need for mitigation.

3. Impacts on the recreation and aesthetic qualities of the area.

4. Closing the entrance to the Portage Canal and potential impacts to this National Register site.

5. Impacts of levee construction on residential properties.

Additional issues of significance will be identified through public and agency meetings. Anyone interested in participating in the scoping process and the development of the Draft SEIS is invited to contact the St. Paul District, Corps of Engineers, as soon as possible.

Our review of the project will be conducted according to the requirements of the National Environmental Policy Act of 1969, National Historic Preservation Act, Council on Environmental Quality regulations, and applicable Corps of Engineers regulations and guidance.

We estimate that the Draft SEIS will be available to the public during the third quarter of Fiscal Year 1991 (April–June 1991).

Dated: October 26, 1990.

Roger L. Baldwin,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 90–28083 Filed 11–29–90; 8:45 am]

BILLING CODE 3710–CY–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. QF89-126-001]

AES Cedar Bay, Inc.; Application for Commission Recertification of Qualifying Status of a Cogeneration Facility

November 23, 1990.

On November 19, 1990, AES Cedar Bay, Inc., c/o Jeffrey V. Swain, Vice President, 1001 N. 19th Street, suite 2000, Arlington, Virginia 22209, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Jacksonville, Florida. The facility will consist of three coal-fired circulating fluidized bed boilers and an extraction/condensing steam turbine generator. Thermal energy recovered from the facility will be used by Seminole Kraft Corporation in paper making processes. The original certification was issued on March 21, 1989, 46 FERC ¶ 62,284. The instant recertification is due to a change in design and configuration, and an increase in the net electric power production capacity from 249 MW to 269 MW. Installation of the facility is expected to commence in March 1991.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-28094 Filed 11-29-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER85-461-012, et al.]

Kansas Gas and Electric Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

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

1. Kansas Gas and Electric Company

[Docket No. ER85-461-012]

November 20, 1990.

Take notice that on November 16, 1990 Kansas Gas and Electric Company ("KG&E") tendered for filing revisions to its earlier filing of October 18, 1990 to correct inadvertent errors on the rate schedule and the amendment to the City of Burlington contract.

Comment date: November 28, 1990, in accordance with Standard Paragraph E at the end of this notice.

2. The Kansas Power and Light Co.

[Docket No. ES91-6-000]

November 21, 1990.

Take notice that on November 14, 1990, The Kansas Power and Light Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking authority to issue not more than $215 million of short-term unsecured promissory notes and commercial paper on or before December 31, 1992, with a final maturity date no later than December 31, 1993.

Comment date: December 7, 1990, in accordance with Standard Paragraph E at the end of this notice.

3. Washington Water Power Co.

[Docket Nos. ER91-3-000, ER91-4-000, ER91-5-000, and ER91-6-000]

November 21, 1990.

Take notice that on November 19, 1990, Washington Water Power Company ("WWP") tendered for filing an amendment to each of its filings in these four unconsolidated dockets. In the November 19, 1990 filing WWP provided additional information concerning its system capabilities, energy costs associated with certain firm purchases and exchanges, and costs of generation.

Comment date: December 5, 1990, in accordance with Standard Paragraph E at the end of this notice.

4. UtiliCorp United Inc.

[Docket No. ES91-7-000]

November 21, 1990.

Take notice that on November 15, 1990, UtiliCorp United Inc. (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking authority to issue up to and including 400,000 shares of Treasury Stock, par value $1.00 per share. Applicant would use the shares to acquire the shares of Green Securities Inc. and thereafter to merge that company with UtiliCorp.

Comment date: December 14, 1990, in accordance with Standard Paragraph E end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-28085 Filed 11-29-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF90-151-001]

Yuba City Cogeneration Partners, L.P., a California Limited Partnership; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

November 23, 1990.

On November 5, 1990, Yuba City Cogeneration Partners, L.P., a California Limited Partnership, of 1818 11th Street, suite 4, Sacramento, California 95814, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Yuba City, California. The facility will consist of a combustion turbine generator and a heat recovery boiler equipped with supplementary firing. Thermal energy recovered from the facility will be used by the Sunsweet Growers, Inc. for processing prunes, apricots, raisins, etc. The maximum net electric power production capacity of the facility will be 49,762 kW. The primary source of

energy will be natural gas. Construction of the facility began in July 1990.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-28095 Filed 11-29-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP91-433-000, et al.]

Tennessee Gas Pipeline Co., et al.; Natural Gas Certificate Filings

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

1. Tennessee Gas Pipeline Company

[Docket No. CP91-433-000]

November 23, 1990.

Take notice that on November 14, 1990, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP91-433-000 an application pursuant to section 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon approximately 22.33 miles of various size pipeline and for a certificate of public convenience and necessity authorizing the construction and operation of approximately 8.08 miles of 8-inch replacement pipeline on its Torrington and Winsted lines located in Hartford and Litchfield Counties, Connecticut and in Hampden County, Massachusetts, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee proposes to: (1) Replace approximately 7.43 miles of 4.5-inch pipeline on its Torrington Lateral in Litchfield County, Connecticut with 8-inch pipeline; (2) replace approximately 0.09 mile of 6-inch pipeline on its Torrington Lateral, Farmington River Crossing in Litchfield County, Connecticut with 8-inch pipeline; (3) replace approximately 0.56 mile of 3.5-inch pipeline on its Winsted Delivery Line, Litchfield County, Connecticut with 8-inch pipeline; and (4) abandon in place approximately 14.25 miles of 4.5-inch pipeline on its Torrington Lateral in Hampden County, Massachusetts and Hartford and Litchfield Counties, Connecticut. Tennessee states that it has determined that it is economically more efficient to install 8-inch pipeline than to simply replace with like diameter pipeline. Also, Tennessee states it does not seek authorization to increase service to any of its customers due to the resultant increase in capacity on the Torrington and Winsted line. Further, Tennessee is not requesting any increase in metering facilities nor an increase in the mainline capacity feeding the laterals. Tennessee indicates that it desires to commence construction of the facilities in June 1991, with an anticipated in-service date of September 1, 1991.

Tennessee states that in April 1989, a 4.5-inch steel, high pressure, lap-welded transmission line on the Torrington Lateral ruptured as a result of a circumferential crack that had occurred on the Torrington Lateral which most likely was the result of a third party's backhoe bucket striking the pipeline. Another circumferential rupture occurred in February 1990, presumably related to damage incurred during original installation of the pipeline, Tennessee stated. In addition, during hydrostatic testing in August 1990, another circumferential rupture occurred on the lateral at a previously damaged spot on the pipeline. As a result of the initial two ruptures, Tennessee reviewed it's system and decided to replace certain segments of the lap-welded pipe in service in New England and committed to the State of Connecticut to hydrotest and subsequently replace the Torrington and Winsted lines. In order to ensure the continued safety and integrity of it's system, Tennessee states it is necessary to replace these facilities. The estimated cost of construction is $7,687,000 with abandonment cost estimated at $293,000. The cost will be initially financed by Tennessee by funds on hand, funds generated internally, borrowing under revolving credit agreements or short term financing which will be rolled into permanent financing.

Comment date: December 14, 1990, in accordance with Standard Paragraph F at the end of this notice.

Natural Gas Pipeline Company of America

2. El Paso Natural Gas Company

[Docket Nos. CP91-458-000, CP91-459-000]

November 23, 1990.

Take notice that Natural Gas Pipeline Company of America, 701 East 22nd Street, Lombard, Illinois 60148, and El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978 (Applicants), filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued in Docket No. CP86-582-000 and Docket No. CP88-433-000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[1]

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

Comment date: January 7, 1991, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket Number (Date Filed)	Shipper Name (Type)	Peak Day, Average Day, Annual MMBtu	Receipt points	Delivery points	Contract Date, Rate Schedule, Service Type	Related Docket, Start Up Date
CP91-458-000 (11-19-90)	Kaztex Energy Management, Inc. (Marketer)	200,000 50,000 18,250,000	Various	Various	ITS Interruptible	ST91-380 9-12-90
CP91-459-000 (11-19-90)	V.H.C. Gas Systems, L.P. (Shipper)	515,000 515,000 187,975,000	Various	Various	T-1 Interruptible	ST91-1714 9-27-90

3. Lone Star Gas Company, a Division of Enserch Corporation, ONEOK, Inc. and Arkla Energy Resources

[Docket No. CP90-2287-000]

November 23, 1990.

Take notice that on September 25, 1990, as supplemented on October 30, 1990, Lone Star Gas Company, a Division of Enserch Corporation (Lone Star), 301 South Harwood Street, Dallas, Texas 75201, ONEOK, Inc. (ONEOK), 100 West Fifth Street, P.O. Box 871, Tulsa, Oklahoma, and Arkla Energy Resources (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, collectively referred to as Applicants, filed in Docket No. CP90-2287-000 a joint application pursuant to sections 7(c) and 7(b) of the Commission's Regulations under the Natural Gas Act for: (1) Permission and approval for the abandonment by sale by Lone Star of certain facilities utilized in the transportation of natural gas in interstate commerce; (2) permission and approval for the abandonment of the transportation service performed on the aforesaid facilities by Lone Star for Coastal States Gas Transmission Company (Coastal); [2] (3) permission and approval to abandon an exchange currently performed on the facilities by Lone Star with Arkla; [3] (4) permission and approval to abandon an exchange previously performed on the facilities by Lone Star with Arkla; [4] and (5) authorization for ONEOK to acquire and operate the subject facilities from Lone Star and to perform the transportation and exchange services formerly performed on the facilities by Lone Star, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Lone Star proposes to abandon by sale and ONEOK proposes to acquire certain pipeline facilities and appurtenances heretofore owned and operated by Lone Star in interstate commerce and which include all of Lone Star's facilities in the State of Oklahoma as well as Lone Star's lines extending southward across the Red River to specified points of demarcation in Hardeman, Wilbarger, Wichita, Clay, Lamar, Cooke, Red River and Grayson Counties, Texas. Lone Star states that the purchase price to be paid by ONEOK to Lone Star for the interstate facilities and related nonjurisdictional facilities shall be an amount equal to $34,000,000 plus the remainder (whether positive or negative) of the estimated aggregate net book value of the assets as of the closing date minus $24,880,000 (the aggregate net book value of the assets as of October 31, 1989). Lone Star states that ONEOK, which currently owns no interstate pipeline facilities, would become a "natural gas company" within the meaning of the Natural Gas Act upon issuance of the authorization requested herein.[5]

Lone Star states that upon issuance of the authorization requested herein, gas from sources committed and dedicated to interstate commerce within the meaning of the Natural Gas Act flowing into the facilities to be abandoned by sale to ONEOK would be purchased by a division of ONEOK.

Lone Star states that it has agreed to an assignment of certain of its rights and obligations under its gas transportation agreement with Coastal to ONEOK on facilities to be sold to ONEOK. Therefore, ONEOK requests authorizations to continue the transportation for Coastal on the facilities to be acquired.

Lone Star states that it currently engages in an exchange of natural gas with Arkla through certain of the facilities to be abandoned by sale to ONEOK and that it has executed an assignment of its rights and obligations under its gas exchange agreement with Arkla to ONEOK. ONEOK requests authorization to continue the exchange with Arkla through the facilities to be acquired from Lone Star.

Lone Star states that it is currently authorized to engage in an additional exchange with Arkla through certain of the facilities to be abandoned by sale to ONEOK. Under this exchange, Arkla received for Lone Star's account gas purchased by Lone Star from Rogers Lacy, et al. (Lacy) in Panola County, Texas, and redelivered thermally equivalent volumes of gas to Lone Star at an interconnection in McClain County, Oklahoma. Lone Star subsequently assigned its right to purchase the Lacy gas to Natural Gas Pipeline Company of America (Natural) until the volume purchased by Natural reaches 6 Bcf when the right to purchase the Lacy gas would then revert back to Lone Star. Lone Star explains that since the likelihood that Natural's purchases from Lacy will not reach 6 Bcf, there is no reason for this exchange authorization to remain in effect. Therefore, Lone Star and Arkla request authorization to abandon the exchange.

Applicants state that the abandonment of the subject facilities and services by sale to ONEOK will result in better utilization and greater flexibility in the operation of the facilities because of the added ability to economically perform open access transportation between the Texas and Oklahoma markets.

Comment date: December 14, 1990, in accordance with Standard Paragraph F at the end of this notice.

4. Southern Natural Gas Company

[Docket Nos. CP91-467-000, CP91-468-000]

November 23, 1990.

Take notice that Southern Natural Gas Company, P.O. Box 2563, Birmingham, Alabama 35202-2563 (Applicant), filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket

[2] Authorization granted in Docket No. CP87-190-000, 39 FERC 61,380 (1987).

[3] Authorization granted in Docket Nos. CP77-273 and CP77-238, 5 FERC 61,079 (1978).

[4] Authorization granted in Docket Nos. CP79-88 and CP79-93 7 FERC 61,061 (1979).

[5] ONEOK and its wholly owned subsidiary, OkTex Pipeline Company (OkTex), have filed a joint application in Docket No. CP90-2286-000 in which, among other things, ONEOK would abandon the facilities acquired from Lone Star into intrastate commerce, except for those facilities which cross the Oklahoma-Texas state line. ONEOK Services, Inc., a wholly owned subsidiary of ONEOK, an intrastate pipeline in Oklahoma, would acquire and operate the intrastate facilities. OkTex would acquire and operate in interstate commerce those facilities crossing the Oklahoma-Texas state line.

certificate issued in Docket No. CP88–316–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[6]

[6] These prior notice requests are not consolidated.

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

Comment date: January 7, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket Number (Date Filed)	Shipper Name (Type)	Peak Day, Average Day, Annual	Receipt Points	Delivery Points	Contract Date, Rate Schedule, Service Type	Related Docket, Start Up Date
CP91–467–000 (11–19–90)	Rangeline Corporation (Marketer)	[2] 30,000 30,000 10,950,000	OTX, OLA, TX, LA, MS, AL	LA	9–20–90 IT Interruptible	ST91–2330 10–16–90
CP91–468–000 (11–19–90)	City of Warner Robins, Georgia (LDC)	[3] 6,061 6,061 2,212,265	OTX, OLA, TX, LA, MS, AL	GA	91–16–90 FT Firm	ST91–2335 9–20–90

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.
[2] Units measured in MMBtu equivalent.
[3] Units measured in Mcf.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearing is required, further notice of such hearing will be duly given.

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

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 90–28086 Filed 11–29–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP91–432–000, et al.]

Tennessee Gas Pipeline Co, et al.; Natural Gas Certificate Filings

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

1. Tennessee Gas Pipeline Company

[Docket No. CP91–432–000]

November 19, 1990.

Take notice that on November 14, 1990, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed an application in Docket No. CP91–432–000 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to increase its firm sales service to East Tennessee Natural Gas Company (East Tennessee) under Tennessee's Rate Schedule CD–1, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that it proposes to increase its firm sales service for East Tennessee under Rate Schedule CD–1 to allow for a change in East Tennessee's maximum daily quantity from 364,968 dt equivalent of natural gas to 409,968 dt equivalent of natural gas and to allow for a change in East Tennessee's annual quantity limitation from 108,293,491 dt equivalent of natural gas to 121,645,915 dt equivalent of natural gas. Tennessee indicates that no new facilities are required to implement the service.

It is indicated that East Tennessee has requested and Tennessee has agreed to seek an in-service date of November 1, 1991, or such later date as the Commission authorizes East Tennessee in Docket No. CP90–1111–000 to revise its gas sales contracts with its customers for increased gas sales service. It is also indicated that Tennessee has provided that in the event a gas inventory charge (GIC) has not been approved by the Commission by November 1, 1991, in a manner acceptable to Tennessee, then either party has the right to terminate the contract between Tennessee and East Tennessee. Tennessee states that if it elects to terminate the contract for the reasons set forth above, then East Tennessee shall be entitled to request

the instant volumetric increase as a transportation service. Tennessee indicates that it anticipates filing for a GIC in the near future.

Comment date: December 10, 1990, in accordance with Standard Paragraph F at the end of this notice.

2. Columbia Gas Transmission Corp. and Alabama-Tennessee Natural Gas Co.

[Docket Nos. CP91-439-000, CP91-440-000, CP91-441-000, CP91-442-000, CP91-443-000, and CP91-444-000, and CP91-445-000]

November 19, 1990.

Take notice that Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, and Alabama-Tennessee Natural Gas Company, P.O. Box 918, Florence, Alabama 35631, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued in Docket No. CP86-240-000 and Docket No. CP89-2201-000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[1]

[1] These prior notice requests are not consolidated.

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

Comment date: January 3, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket number (date filed)	Shipper name (type)	Peak day avrage day annual MMBtu	Receipt points	Delivery points	Contract date rate schedule service type	Related docket, start up date
CP91—439-000 (11-15-90).	Direct Gas Supply Corporation (Marketer).	25,000 20,000 9,125,000	Various	NY, OH	[1] 4-16-90, ITS, Interruptible.	ST90-4931-000 9-8-90.
CP91—440-000 (11-15-90).	Catamount Natural Gas, Inc. (Marketer).	30,000 24,000 10,950,000	Various	NC	9-30-90, ITS, Interruptible.	ST90-4932-000 9-2-90.
CP91—441-000 (11-15-90).	AGF Direct Gas Sales, Inc. (Marketer).	8,000 6,400 2,920,000	OH, KY	MD, VA	9-12-90, ITS, Interruptible.	ST90-5160-000 9-14-90.
CP91—442-000 (11-15-90).	Clinton Gas Marketing, Inc. (Marketer).	5,500 4,400 2,007,500	Various	WV	9-6-90, ITS, Interruptible.	ST90-5159-000 9-14-90.
CP91—443-000 (11-15-90).	Ashland Exploration, Inc. (Producer).	30,000 24,000 10,950,000	Various	Various	9-15-90, ITS, Interruptible.	ST90-4682-000 8-10-90.
CP91—444-000 (11-15-90).	Grandview Hospital (End-user).	400 320 146,000	Various	OH	8-31-90, ITS, Interruptible.	ST90-5296-000 9-2-90.
CP91—445-000 (11-16-90).	Polaris Pipeline Corporation (Marketer).	100,000 100,000 [2] 36,000,000	Various	Various	9-12-90, IT, Interruptible.	ST90-1712-000 9-28-90.

[1] As amended July 27, 1990.
[2] Alabama-Tennessee's quantities are in dekatherms.

3. United Gas Pipe Line Co.

[Docket Nos. CP91-407-000, CP91-408-000, CP91-409-000, CP91-410-000]

November 20, 1990.

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

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

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

Comment date: January 4, 1991, in accordance with Standard Paragraph G at the end of this notice.

[2] These prior notice requests are not consolidated.

Docket number (date filed)	Shipper name (type shipper)	Peak day [1] avg., annual	Points of		Start up date rate schedule	Related dockets [2]
			Receipt	Delivery		
CP91-407-000 (11-13-90)	V.H.C. Gas Systems, L.P. (Marketer).	206,000 206,000 75,190,000	LA, TX, AL	LA, TX, AL, FL, MS	09-17-90, ITS	ST91-568-000.
CP91-408-000 (11-13-90)	Prior Intrastate Corporation (Intrastate P/L).	515,000 515,000 187,975,000	LA, TX, MS, AL	LA, TX, MS, AL, FL	10-04-90, ITS	ST91-866-000.
CP91-409-000 (11-13-90)	Oxy USA Inc. (Producer)	10,815 10,815 3,947,475	OK	OK, LA	09-21-90, ITS	ST91-569-000.
CP91-410-000 (11-13-90)	Enermark Gas Gathering Corporation (Marketer).	103,000 103,000 37,595,000	LA, TX, MS, AL	LA, MS, AL, TX	10-04-90, ITS	ST91-1018-000.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] If an St docket is shown, 120-day transportation service was reported in it.

4. El Paso Natural Gas Co.

[Docket No. CP91-434-000]

November 20, 1990.

Take notice that on November 15, 1990, El Paso Natural Gas company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed a request with the Commission pursuant to §§ 157.205 the Commission's Regulations under the Natural Gas Act (NGA), to construct and operate a sales tap for the delivery of gas to Southwest Gas Corporation (Southwest) in Greenlee County, Arizona, under El Paso's blanket certificate issued in Docket No. CP88-433-000, all as more fully set forth in the request which is open for public inspection.

El Paso proposes to construct and operate the tap, to be known as the Loma Linda Sales Tap for deliveries to Southwest for resale to the Loma Linda and Verde Lee Communities in Greenlee County. It is stated that El Paso is selling gas to Southwest pursuant to a service agreement between El Paso and Southwest dated October 15, 1970. El Paso states that the tap would consist of one 1" tap and valve assembly with appurtenances to be constructed on El Paso's existing Morenci Laterals at a cost of $10,637.

Comment date: January 4, 1991, in accordance with Standard Paragraph G at the end of this notice.

5. United Gas Pipe Line Co.

[Docket Nos. CP91-411-000,[3] CP91-412-000, CP91-413-000, and CP91-414-000]

November 20, 1990.

Take notice that on November 13, 1990, United Gas Pipe Line Company (Applicant), filed in the above referenced dockets, prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection and in the attached appendix.

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

The Applicant also states that it would provide the service for each shipper under an executed transportation agreement, and that the Applicant would charge rates and abide by the terms and conditions of the referenced transportation rate schedule(s).

Comment date: January 4, 1991, in accordance with Standard Paragraph G at the end of this notice.

[3] These prior notice requests are not consolidated.

Docket number (date filed)	Applicant	Shipper name	Peak day[1] avg. annual	Points of		Start up date rate schedule	Related [2] dockets
				Receipt	Delivery		
CP91-411-000 (11-13-90)	United Gas Pipe Line Company, P.O. Box 1478, Houston, TX 77251-1478.	Gulf South Pipeline Co	309,000 309,000 112,785,000	TX, LA, Off LA, MS, Off TX.	AL, TX, LA, Off TX, MS.	10-10-90, ITS	CP88-6-000 ST91-1019-000.
CP91-412-000 (11-13-90)	United Gas Pipe Line Company, P.O. Box 1478, Houston, TX 77251-1478.	Capital Gas Company	4,120 4,120 1,503,800	LA	LA	10-4-90, ITS	CP88-6-000 ST91-1020-000.
CP91-413-000 (11-13-90)	United Gas Pipe Line Company, P.O. Box 1478, Houston, TX 77251-1478.	Quivira Gas Company	206,000 206,000 75,190,000	MS, LA, TX	LA, MS, AL	10-19-90, ITS	CP88-6-000 ST91-1763-000.
CP91-414-000 (11-13-90)	United Gas Pipe Line Company, P.O. Box 1478, Houston, TX 77251-1478.	Laser Marketing Company	618,000 618,000 225,570,000	LA, TX, Off LA	MS, TX, FL, LA, Off LA, MS, AL, Off TX.	10-10-90, ITS	CP88-6-000 ST91-1021-000.

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

6. American Central Gas Co., Inc.

[Docket No. CP91-360-000]

November 20, 1990.

Take notice that on November 7, 1990, American Central Gas Companies, Inc. (American), One Warren Place, 6100 South Yale Avenue, suite 1700, Tulsa, Oklahoma 74136, filed in Docket No. CP91-360-000 a petition under rule 207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for a declaratory order requesting that the Commission disclaim jurisdiction over certain certificated facilities comprising the Sealy Smith and Santa Rosa Systems, principally located in Pecos and Ward Counties, Texas [4] currently owned by El Paso Natural Gas Company (El Paso), which El Paso is concurrently seeking to abandon by conveyance to American. American requests that once such facilities are abandoned by El Paso and acquired and operated by American, the Commission determine that they will constitute non-jurisdictional gathering and processing facilities under section 1(b) of the Natural Gas Act (NGA).

American states that it is currently engaged in the gathering, processing and marketing of natural gas, and owns gathering and processing facilities in the states of Oklahoma, Texas, Louisiana and Mississippi. American further states that it has received an unlimited blanket certificate from the Commission to make sales for resale in interstate commerce, with pregranted abandonment authorization, 42 FERC ¶ 61,394 (1988).

In an effort to expand its operations, American states that it has recently contracted to purchase from El Paso certain natural gas gathering, compression and treating facilities in West Texas known as the Sealy Smith and Santa Rosa gathering systems, including the Sealy Smith dehydration plant and the Santa Rosa compressor station.[5] Because these facilities were originally certificated by the Commission during the 1940's to the early 1980's, American states that El Paso has requested permission and approval to abandon such facilities by conveyance to American in Docket No. CP91-359-000, and American is seeking the instant declaratory order.

According to American, the certificated facilities in question are operationally interdependent, connected gathering systems, stretching from El Paso's Upton County Line southward approximately 60 miles, with one set of east-west gathering lines at the Santa Rosa Plant, and a network of lateral lines behind the Sealy Smith Plant, resulting in an overall network configuration. American states that the system generally flows toward the center, as follows. Starting from the north, the flow of gas in the system runs generally southward to the Sealy Smith Plant, where the gas is initially dehydrated, then south to the Santa Rosa Plant where it is processed along with gas flowing north and west on the Santa Rosa gathering lines. It is stated that the entire commingled stream then moves southwest along the Rojo Caballo line to an interconnection with El Paso upstream of El Paso's Waha Plant, near Mobil's Coyanosa processing plant.[6]

American states that the facilities subject to its petition include (1) The Sealy Smith gathering system, consisting of a 12¾-inch lateral line extending approximately 12 miles north of the Sealy Smith Plant (part of the Pecos County Line) and a series of small well tie-in lines, ranging in diameter from 4½ to 6⅝-inches, which feed into the lateral line, and a lateral line extending eastward from the Sealy Smith Plant approximately three miles, consisting of pipe ranging from 10¾ to 16 inches in diameter; (2) the Santa Rosa gathering system, consisting of approximately 17 miles of lateral lines ranging in diameter from 4 to 8⅝ inches located behind the Santa Rosa Plant; (3) a lateral line consisting of approximately 21 miles of 10¾-inch pipeline extending from the Santa Rosa Compressor Station south (the Fort Stockton Line); (4) the Pecos County Line, consisting of approximately 28 miles of 8⅝-inch pipeline extending from the Santa Rosa Compressor Station north to the Sealy Smith Plant; (5) the Pecos County Loop Line, consisting of approximately 28 miles of 8⅝-inch pipeline extending from the Sealy Smith Plant south to the Santa Rosa Compressor Station; (6) the Rojo Caballo Line, consisting of approximately 9.5 miles of 8⅝-inch pipeline extending in southwesterly direction from the Santa Rosa processing plant to an interconnection with El Paso near Mobil's Coyanosa processing plant; (7) the Santa Rosa Compressor Station, consisting of three compressor units totalling 450 horsepower (hp); (8) the Payton Compressor Station, adjacent to the Santa Rosa processing plant, consisting of 2 compressor units totalling 1,210 hp; and (9) the Sealy Smith Field Plant consisting of 4 compressor units totalling 4,400 hp and a package dehydration unit.

American states that by agreement dated July 10, 1990, it contracted to purchase the above described facilities from El Paso with the intention of owning and operating such facilities as non-jurisdictional gathering facilities. American submits that its purchase from El Paso also includes gathering facilities which make up parts of the Santa Rosa and Sealy Smith Systems but which were never certificated.

American submits that an examination of the Santa Rosa and Sealy Smith Systems discloses that their primary function is to gather and process natural gas, a non-jurisdictional activity under the Natural Gas Act. Further, American states that, as El Paso indicates in its application to abandon the facilities, the throughput of these systems is no longer primarily dedicated to El Paso's system supply, but is instead sold to others. American states that only 16 percent of the supply behind these systems is currently dedicated to El Paso, while the remaining 84 percent is owned by others. Thus, according to American, the utilization of the facilities has changed dramatically since their construction. It is stated that these systems can no longer be viewed simply as an extension of interstate pipeline supply facilities into a production area. Rather, American states that they are more appropriately characterized as localized gathering and processing systems which can provide residue gas to markets extending beyond the traditional reach of the El Paso system.

Following the abandonment of these facilities by El Paso, American states that it intends to operate the Santa Rosa and Sealy Smith Systems as an integrated gathering and processing systems much like the facilities

[4] El Paso states that the facilities are predominantly located in Pecos and Ward Counties, Texas; however, minor facilities extend into Crane, Ector and Winkler Counties, Texas.

[5] American states that it has also purchased the non-jurisdictional Santa Rosa Plant and related facilities located in Pecos County, Texas from Pecos Company and Meridian Oil Hydrocarbons, Inc. Inasmuch as these facilities have never been deemed jurisdictional, American avers that their status is not part of the petition for declaratory order, and references to the Santa Rosa Plant herein should be considered purely for explanatory purposes.

[6] American states that a small volume of gas is moved from the Santa Rosa Plant north along the Pecos County Line to serve 13 field sales customers and to supply fuel to the Sealy Smith Plant.

American currently owns and operates in other producing regions. American states it will provide gathering and processing services for El Paso's remaining system gas supplies behind these systems and for the 13 field customers, which El Paso will continue to serve. Additionally, American states that it has contacted producers in the area and is actively engaged in negotiating contracts for gathering and processing services.

It is stated that producers and shippers alike will benefit from American's ownership of the facilities by having an additional non-jurisdictional competitor offering gathering and processing services for their production. Including American's services, it is stated that producers and end-users will have at least three different processing plants, four interstate pipelines (including El Paso) and five intrastate pipelines to choose from for gathering, processing and transmission services. American states that there are existing or potential interconnections with other pipelines on the Rojo Caballo Line, the lateral line north of the Sealy Smith Plant and the Ft. Stockton Line. Further, it is stated that from the Rojo Caballo Line gas can be delivered to El Paso and transported approximately 10 miles to El Paso's Waha Plant, where there are interconnections with seven pipelines. According to American, the existing competition will help ensure that the rates charged for gathering and processing services in the area will be competitive. American states that it will also be motivated to increase throughput on these systems to maximize the return on its investment, and that it, not jurisdictional ratepayers will be at risk for underutilization of the facilities once they are acquired from El Paso.

American states that it hereby commits to make the Sealy Smith and Santa Rosa Systems available to all interested producers on a first-come, first-served basis, with no undue preference being given to any party with respect to access to these systems. It further states that the rates charged will be negotiated with producers on an individual basis, but American will give no undue preference to any similarly situated parties with respect to the rates charged for service.

Comment date: December 11, 1990, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

7. El Paso Natural Gas Co.

[Docket No. CP91-359-000]

November 20, 1990.

Take notice that on November 7, 1990, El Paso Natural Gas Compnay (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP91-359-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon from interstate service by sale to American Central Gas Companies, Inc. (American), certain certificated facilities including compression, treating plant and pipeline facilities (which include transmission, field feeder and gathering pipelines), with appurtenances, principally located in Pecos and Ward Counties, Texas [7] and hereinafter referred to as the "Sealy Smith and Santa Rosa Systems", and the related service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

El Paso states that as its pipeline system and service requirements grew in the late 1940's and early 1950's, it continued its search for additional supplies of gas to connect to its interstate system. As a result of such efforts, El Paso states that it was authorized in Docket No. G-1051, *et al.*, 7 FPC 908 (1948), to construct and operate certain facilities to transport (i) An additional 100,000 Mcf per day (Mcfd) of natural gas from supply sources situated in the Permian Basin to the Arizona-California border near Blythe, California; and (ii) an additional 80,000 Mcfd of natural gas from supply sources situated in the Permian Basin to delivery points in the States of Arizona, New Mexico and Texas. According to El Paso, the supply sources in the Permian Basin included new natural gas volumes received from the Sealy Smith and Santa Rosa Fields.

In order to facilitate the receipt of the new gas volumes from the Sealy Smith and Yarbrough Allen Fields, El Paso states that it constructed the Sealy Smith System in 1950. El Paso states that the system initially consisted of a small gathering system, three natural gas compressors, one purification and dehydration plant and one gasoline absorption plant. Subsequent to the approval of the application in Docket No. G-1051, El Paso states that it sought authorizations from the Commission, from time to time, to construct and operate additional compression and pipeline facilities at the Sealy Smith Field Plant and in the Sealy Smith System so El Paso could receive, process and compress additional volumes of natural gas to satisfy its growing system requirements. El Paso states that the expansions to the Sealy Smith System also included the construction of certain minor, non-jurisdictional gathering pipeline additions.

El Paso avers that with the development of the Payton and Pecos Valley Fields, it received authorization to construct and operate the Santa Rosa Field Compressor Station at the Pecos Company's (successor-in-interest to Slick Oil Company) Santa Rosa Gasoline Plant, 9 FPC 493 (1950). The Santa Rosa Field Compressor Station consisted of three 150 horsepower (hp) compressor units that were used in conjunction with Pecos's Company's natural gas processing facilities at that site. To permit the receipt of additional supplies made available subsequent to the construction of the Santa Rosa Field Compressor Station, El Paso states that is constructed certain minor, nonjurisdictional gathering system facilities, which additions now constitute the Santa Rosa System. Finally, due to pressure declines in the Payton Field located in Pecos and Ward Counties, Texas, as well as El Paso's contractual obligations to deliver gas to the Pecos Company's Santa Rosa Gasoline Plant, El Paso states that it constructed and operated the Payton Compressor station, which was comprised of one 660 hp compressor unit. El Paso states that an additional 550 hp unit was constructed in 1973. El Paso states that it abandoned the processing facilities at the Sealy Smith Field Plant in 1978, 4 FERC ¶ 61,169, because the amount and content of the gas volumes delivered to that plant for processing had declined to the point that such gas could be processed at Pecos Company's Santa Rosa Gasoline Plant.

According to El Paso, natural gas received from the Sealy Smith and Yarbrough Allen gathering systems is collected, treated and compressed first at El Paso's Sealy Smith Field Compressor Station, and thereafter transported through El Paso's Pecos County Loop Line to its Santa Rosa Field Compressor Station. At the Santa Rosa Field Compressor Station, natural gas received from the Santa Rosa gathering system joins natural gas received from the Sealy Smith Field Compressor Station for ultimate transportation through El Paso's Rojo Caballo Line to its Mobil-Coyanosa Plant to its Waha Plant Line for delivery to El Paso's Waha Plant. El Paso further states that a small volume of natural gas

[7] El Paso states that the facilities are predominantly located in Pecos and Ward Counties, Texas; however, minor facilities extend into Crane, Ector and Winkler Counties, Texas.

(approximately 400 Mcfd) is transported from the Santa Rosa Plant to the Sealy Smith Field Compressor Station through a segment of El Paso's Pecos County Line to serve 13 sales taps along that line and to supply plant fuel to the Sealy Smith Field Compressor Station. El Paso avers that it will continue to render sales for resale service to Southern Union Gas Company, Union Gas Company, Warpec Pipe Line Inc. and the City of Grandfalls, Texas.

El Paso states that it is continuing its transition from being primarily a merchant to being a major gas transporter.

Similarly, El Paso states that many of the producers with gas attached to the Sealy Smith and Santa Rosa Systems no longer make their sales to El Paso and now sell directly to others with El Paso providing the gathering and transportation services. According to El Paso, currently only 1,900 Mcfd, or approximately 16 percent of the residue gas available from the Sealy Smith and Santa Rosa Systems, is dedicated to its purchases for system supply. El Paso states that the remaining 9,900 Mcfd, or about 84 percent of such residue gas, is owned by others and is transported by El Paso to various delivery points on its system.

Due to the precipitous decline in gas from the fields behind the systems, El Paso states that the unit cost for gathering and processing its system supply gas through the Sealy Smith and Santa Rosa Systems has increased dramatically.

According to El Paso, it no longer requires the assured access to the remaining gas supply provided by the system due to the present and projected low demand for its system supply gas. Moreover, El Paso states that it's market environment no longer justifies retention of the Sealy Smith and Santa Rosa Systems. Considering these conditions, El Paso believes that its continued operation of these gathering systems would frustrate its goal of optimizing system operations. Accordingly, El Paso decided to sell the Sealy Smith and Santa Rosa Systems to American pursuant to an Agreement of Sale Concerning the Sealy Smith Plant, the Santa Rosa Compressor Site and the Sealy Smith and Santa Rosa Gathering Systems dated July 10, 1990.

It is stated that American intends to operate the Sealy Smith and Santa Rosa Systems as integrated non-jurisdictional gathering and processing systems. The operation of the facilities as such will, according to El Paso, greatly benefit producers in the production area of the Sealy Smith/Yarbrough and Santa Rosa/Payton Fields (hereinafter referred to as the Sealy Smith Field), and El Paso's transportation customers for the gas produced from the area. Producers in the area will benefit by having an additional non-jurisdictional competitor offering gathering and processing services for their production. Including American's services, El Paso states that producers in the Sealy Smith Field will have at least three different processing plants, four interstate pipelines (El Paso, Transwestern Pipeline Company, Natural Gas Pipeline Company of America and Northern Natural Gas Company) and five intrastate pipelines (Lone Star Gas Company, Oasis Pipe Line Company, Red River Pipeline Company, Valero Transmission Corporation and Westar Transmission Company) to choose from for gathering, processing and transmission services. El Paso states that is mainline transportation customers will benefit from the increased competition for alternative gathering and processing services and from greater supply diversity.

After abandonment of the systems, El Paso states that it will have minor purchase obligations of approximately 1,900 Mcfd remaining for gas located in the production area. This total includes company owned production (from one well) of 108 Mcfd of natural gas subject to the Natural Gas Act (NGA). El Paso states that the related gas purchase contracts have various expiration dates, ranging from July 1980 to December 1994. El Paso anticipates a significant decline in the quantity of gas dedicated to its system supply from the Sealy Smith and Santa Rosa Systems. According to El Paso, the sale of the system will not prevent it from honoring its remaining contractual obligations in the area because American has agreed to provide gathering and processing services for El Paso's remaining gas in the production area. El Paso states that American also is endeavoring to enter into contracts for gathering and processing services to all other producers in the production area.

Following the transfer of facilities, El Paso states that American will deliver gas to it from the Sealy Smith and Santa Rosa Plants at a meter to be constructed at the intersection of the Rojo Caballo Line and the Mobil-Coyanosa Plant to El Paso's Waha Plant Line.[8] El Paso proposes to use its Mobil-Coyanosa Plant to Waha Plant Line to transport pipeline quality gas from the Sealy Smith and Santa Rosa Systems to its Waha Compressor Station or to its California Mainlines.

El Paso states that it will abandon no gas supply as a result of the abandonment of the Sealy Smith and Santa Rosa Systems; therefore, its ability to render existing sales for resale service to its customers will not be impaired. Furthermore, El Paso states that open access obligations for transportation service will not be affected by the proposed transfer of facilities. Additionally, it is stated that the abandonment will require no changes in El Paso's FERC Gas Tariff and no significant change in its rates will result therefrom. El Paso states that the sale will result in a book loss to Applicant and a minor reduction in rate base included in future general rate case proceedings.

El Paso states that there will be no adverse environmental effects from the proposed abandonment. Accordingly, El Paso states that it believes the proposed action does not constitute a major federal action significantly effecting the quality of the human environment and thus not subject to the requirements of the National Environmental Policy Act of 1969. In El Paso's judgement, an environmental analysis for the instant proposal is not necessary.

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

8. Algonquin Gas Transmission Co.

[Docket No. CP91-401-000]

November 20, 1990.

Take notice that on November 14, 1990,[9] Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP91-401-000 a request pursuant to §§ 157.205, 157.211, and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211, and 284.223) for authorization to operate a sales meter station and to perform a transportation service for Ocean State Power (Ocean State), under Algonquin's blanket certificate issued in Docket Nos. CP87-317-000 and CP89-948-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which

[8] El Paso states that it will construct the meter station under its blanket construction authorization in Docket No. CP82-435-000, pursuant to § 157.208(a) of the Commission's Regulations.

[9] The request was tendered for filing on November 13, 1990; however, the fee required by § 381.208 of the Commission's Rules (18 CFR 381.207) was not paid until November 14, 1990. § 381.103 of the Commission's Rules provides that the filing date is the date on which the fee is paid.

is on file with the Commission and open to public inspection.

Specifically, Algonquin requests authority to operate a meter station originally constructed under section 311 of the Natural Gas Policy Act of 1978 as a facility subject to the jurisdiction of the Commission under section 7 of the Natural Gas Act. It is indicated that the facilities include three 12-inch meter runs, pipeline taps located off Algonquin's mainline and loop, associated data acquisition equipment, and two buildings to houls metering and data acquisition equipment, and cost approximately $700,000. Algonquin also proposes to transport up to 100,000 million Btu of natural gas on an interruptible basis for Ocean State. It is indicated that Algonquin would receive the gas at specified points located in New Jersey and Massachusetts and redeliver the gas, less fuel and unaccounted for line loss, to Ocean State at an existing point located at Burrillville, Rhode Island. Algonquin estimates peak day, average day and annual volumes of 100,000 million Btu, 10,000 million Btu, and 3,650,000 million Btu, respectively.

Algonquin states that it would charge rates and abide by the terms and conditions of its Rate Schedule AIT–1.

Comment date: January 4, 1991, in accordance with Standard Paragraph G at the end of this notice.

9. Tennessee Gas Pipeline Co.

[Docket No. CP91–350–000]

November 21, 1990.

Take notice that on November 7, 1990, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252–2511, filed an abbreviated application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to authorize a firm transportation service to Colonial Gas Company (Colonial) of 10,000 dekatherms per day and the abandonment of certain sales service to Colonial under Tennessee's Rate Schedule CD–6, effective November 1, 1991, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Pursuant to a November 1, 1989 Gas Sales Agreement, Colonial may elect to convert up to 20 percent of its original sales entitlement. The conversion option is subject to Tennessee's receipt of authority to abandon the sales service and to provide firm transportation service. Tennessee's request to render a firm transportation service for Colonial herein includes rates for that service that generate revenues at least equal to the revenues produced by the non-gas demand and commodity charges under Tennessee's Rate Schedule CD–6. No new facilities need be constructed to implement the proposed transportation service.

Comment date: December 12, 1990, in accordance with Standard Paragraph F at the end of this notice.

10. Stingray Pipeline Co.

[Docket No. CP91–392–000]

November 21, 1990.

Take notice that on November 13, 1990, Stingray Pipeline Company (Stingray), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP91–392–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a firm transportation service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Stingray states that by Opinion No. 693 issued May 6, 1974 in Docket No. CP73–27, 51 FPC 1446, the Commission authorized Stingray to transport 200,000 Mcf of natural gas per day under Rate Schedule T–2 on a firm basis for United Gas Pipe Line Company (United). Stingray further explains that by orders issued July 25, 1984 in Docket No. RP84–57, 28 FERC ¶61,111 and June 6, 1989 in Docket No. CP89–1108, 47 FERC ¶62,229, it was authorized to reduce the contract quantity level to 56,000 Mcf of natural gas per day. Stingray explains that the gas is transported from the offshore West and East Cameron areas and redelivered to a terminus near Holly Beach in Cameron Parish, Louisiana.

Stingray states that by letter dated March 30, 1990, United informed Stingray of its election to reduce the contract quantity to zero, effective April 1, 1991. Therefore, Stingray requests permission and approval to abandon service to United under Rate Schedule T–2, effective April 1, 1991.

Comment date: December 12, 1990, in accordance with Standard Paragraph F at the end of this notice.

11. Williams Natural Gas Co.

Docket Nos. [CP91–430–000, and CP91–431–000]

November 21, 1990.

Take notice that on November 15, 1990, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Dockets [CP91–430–000, and CP91–431–000],[10] requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act, to provide transportation for Universal Resources Corp. d/b/a Questar Energy Company (Universal) and MacKellar Oil Company (MacKellar) under WNG's blanket certificate issued in Docket No. CP86–631–000, all as more fully set forth in the requests on file with the Commission and open to public inspection.

WNG states that it would transport on an interruptible bases, up to maximum of 2,000 dth of natural gas per day for MacKellar from various receipt points in Colorado, Kansas, Missouri, Oklahoma, Texas and Wyoming to various delivery points on WNG's system located in Oklahoma. WNG anticipates transporting 2,000 dth on an average day and 730,000 dth on an annual basis.

WNG states that it would transport on an interruptible basis up to maximum of 5,000 dth of natural gas per day for Universal from various receipt points in Colorado, Kansas, Missouri, Oklahoma, Texas and Wyoming to various delivery points on WNG's system located in Kansas, Missouri and Texas. WNG anticipates transporting 2,000 dth on an average day and 730,000 dth on an annual basis for MacKellar; and 5,000 dth and 1,825,000 dth on an annual basis for Universal. WNG indicates that services commenced for both Universal and Mackellar October 1, 1990, as reported in Docket Nos. ST91–2924 and ST91–2925 respectively, pursuant to § 284.223 of the Regulations.

Comment date: January 7, 1991, in accordance with Standard Paragraph G at the end of this notice.

12. Frontier Gas Storage Co.

[Docket No. CP85–221–003]

November 21, 1990.

Take notice that on November 9, 1990, Frontier Gas Storage Company (Frontier), in compliance with the provisions of the Commission's Order of February 13, 1985, in *Williston Basin Interstate Pipeline* (Willinston), Docket No. CP82–487–000, *et al.*, filed an executed Service Agreement under Rate Schedule LVS–1 providing for the possible sale of certain of Frontier's gas storage inventory on an "as metered" basis, all as more fully set forth in the application which is open to public inspection.

Under Subpart (b) of Ordering Paragraph (5) of the Commission's February 13, 1985 Order, Frontier is "authorized to commence this sale of its inventory under such an executed service agreement fourteen days after the filing of the agreement with the Commission and may continue making

[10] These dockets are not consolidated.

such sale unless the Commission issues an order either requiring Frontier to stop selling and setting the matter for hearing or permitting the sale to continue and establishing other procedures for resolving the matter."

The Service Agreement, dated October 26, 1990, contemplates the sale of gas between Frontier "seller" and Interenergy Corporation (Interenergy) "buyer" under Frontier's Rate Schedule LVS–1. Interenergy agrees to purchase a daily quantity of gas of up to 10,000 MMBtu which is currently stored in Williston's Baker and Elk Basin storage fields. The Service Agreement also stipulates that Williston and Interenergy will enter into an agreement under Williston's Rate Schedule IT–1, for the interruptible transportation and delivery of the gas that is sold by Frontier to Interenergy at five existing delivery points on Williston's system, as more specifically defined in Exhibit A of the Service Agreement. Interenergy has agreed to pay frontier a rate of no less than $1.75 per MMBtu plus applicable interruptible transportation charges under Williston's IT–1 Rate Schedule. This agreement shall continue in force and effect for a term expiring on November 15, 1991.

Any person desiring to be heard or to make any protest with reference to this filing should, within ten days of the publication of this notice in the Federal Register.

13. ANR Pipeline Co.

[Docket No. CP91–453–000]

November 21, 1990.

Take notice that on November 16, 1990, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP91–453–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Xebex Gas Company, a marketer, under the blanket certificate issued in Docket No. CP88–532–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

ANR states that, pursuant to an agreement dated, under its Rate Schedule ITS, it proposes to transport up to 84,854 Dt per day equivalent of natural gas. ANR indicates that the gas would be received in various receipt points on its system, transported and redelivered to various delivery points. ANR further indicates that it would transport 84,501 Dt on an average day and 30,842,865 Dt annually.

ANR advises that service under § 284.223(a) commenced September 21, 1990, as reported in Docket No. ST91–862.

Comment date: January 7, 1991, in accordance with Standard Paragraph G at the end of this notice.

14. Questar Pipeline Co., et al.

[Docket Nos. CP91–435–000, CP91–437–000, and CP91–438–000]

November 21, 1990.

Take notice that Applicants filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued to Applicants pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[11]

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

Comment date: January 7, 1991, in accordance with Standard Paragraph G at the end of this notice.

[11] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91–435–000 (11–15–90)	Universal Resources Corporation [1].	14,000 14,000 2,968,000	UT, WY, CO	UT, WY, CO	10–30–90, T–1, Firm.	ST91–3148, 11–1–90
CP91–437–000 (11–15–90)	USX Corporation	10,000 10,000 2,045,000	PA	PA	5–2–90, FTS, Firm	ST91–2857, 11–1–90
CP91–438–000 (11–15–90)	Enron Gas Marketing, Inc.	350 350 127,750	CO, KS, MO, OK, TX, WY.	MO	10–1–90, FTS–2, Firm.	ST91–2926 10–1–90

[1] The application states that Universal Resources Corporation is doing business as Questar Energy Company.

Applicant's address	Blanket docket
Equitrans, Inc., 3500 Park Lane, Pittsburgh, Pennsylvania 15275.	CP86–553–000
Questar Pipeline Company, 79 South State Street, Salt Lake City, Utah 84111.	CP88–650–000
Williams Natural Gas Company, P.O. Box 3288, Tulsa, Oklahoma 74101.	CP86–631–000

15. Viking Gas Transmission Co.

[Docket Nos. CP91–397–000 CP91–398–000 CP91–399–000 CP91–400–000]

November 21, 1990.

Take notice that on November 13, 1990, Viking Gas Transmission Company, P.O. Box 2511, Houston, Texas 77252, filed in the respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP90–273–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[12]

A summary of each transportation service which includes the shippers

[12] These prior notice requests are not consolidated.

identity, the peak day, average day and annual volumes, the receipt point(s), the delivery point(s), the applicable rate schedule, and the docket number and service commencement date of the 120-day automatic authorization under 284.223 of the Commission's Regulations is provided in the attached appendix.

Comment date: January 7, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Applicant	Shipper name	Peak day,[1] average annual	Points of		Start up date, rate schedule	Related [2] dockets
				Receipt	Delivery		
CP91-397-000 (11-13-90)	Viking Gas Transmission Company.	Tenngasco Corporation.	480,000 480,000 175,200,000	MN, ND, WI	MN, ND, WI	10-1-90, IT-2	CP90-273-000, ST91-2359-000.
CP91-398-000 (11-13-90)	Viking Gas Transmission Company.	LEDCO, Inc	300,000 300,000 109,500,000	MN, ND, WI	MN, ND, WI	10-1-90, IT-2	CP90-273-000, ST91-2358-000.
CP91-399-000 (11-13-90)	Viking Gas Transmission Company.	NGC Transportation, Inc.	363,542 363,542 132,692,000	MN, ND, WI	MN, ND, WI	10-1-90, IT-2	CP90-273-000, ST91-2360-000.
CP91-400-000 (11-13-90)	Viking Gas Transmission Company.	Tarpon Gas Marketing, Ltd.	150,000 150,000 54,750,000	MN, ND, WI	MN, ND, WI	10-1-90, IT-2	CP90-273-000, ST91-2348-000.

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

16. Transcontinental Gas Pipe Line Corp.

[Docket No. CP91-348-000]

November 21, 1990.

Take notice that on November 6, 1990, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP91-348-000 a request pursuant to §§ 157.205 and 157.208 of the Commission's Regulations under the Natural Gas Act proposing to construct and operate facilities under the authorization issued in Docket No. CP82-426-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice request which is on file with the Commission and open to public inspection.

Transco proposes to complete the construction of and to operate (1) Approximately 6.17 miles of 16-inch pipeline extending from South Marsh Island Block 130 to the South Marsh Island Block 146/147, (2) a dual 10-inch meter and regulation station at South Marsh Island 146/147, and (3) an underwater tap valve assembly in the vicinity of the South Marsh Island Block 130 platform, all offshore Louisiana.

Transco states that the proposed facilities are required to attach gas.

Comment date: January 7, 1991, in accordance with Standard Paragraph G at the end of this notice.

17. Tennessee Gas Pipeline Co.

[Docket No. CP91-436-000]

November 21, 1990.

Take notice that on November 14, 1990, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP91-436-000, a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act, to construct an additional point which will be bi-directional for both receipt and delivery of natural gas on an interruptible basis for V.H.C. Systems, L.P. (V>H>C>), a marketer, under Tennessee's blanket certificate issued in Docket No. CP82-413-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee proposes to establish the bi-directional point at its M.P. 706-1+9.1 mile in Panola County, Texas, at an interconnection with Valero Transmission. The volumes estimated to be transported is 100,000 dth of natural gas per day; the service will be provided to V.H.C. under Tennessee's Rate Schedule IT.

Comment date: January 7, 1991, in accordance with Standard Paragraph G at the end of this notice.

18. El Paso Natural Gas Co.

[Docket No. CP91-456-000]

November 21, 1990.

Take notice that on November 19, 1990, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas, 79978, filed a request with the Commission pursuant to § 157.205 the Commission's Regulations under the Natural Gas Act (NGA), to upgrade an existing meter station in order to permit additional deliveries to Southern Union Gas Company (SUG) for resale to the community of Sedona, Arizona, under El Paso's blanket certificate issued in Docket No. CP88-433-000, all as more fully set forth in the request which is open for public inspection.

El Paso proposes to replace the two existing 2-inch meter runs at the Sedona Meter Station with one 4-inch meter run with appurtenances. It is stated El Paso was requested by SUG to upgrade the meter station in a written request dated September 25, 1990. It is explained that the additional gas would be used to serve the residential and commercial requirements of Sedona, Arizona, and environs. It is asserted that peak day deliveries at the subject delivery point would total 3,900 Mcf of natural gas and 453,989 Mcf on an annual basis. The cost of the proposed upgrading is estimated at $36,001. It is stated that the additional deliveries would have a negligible effect on El Paso's total peak day and annual deliveries.

Comment date: January 7, 1991, in accordance with Standard Paragraph G at the end of the notice.

19. Williams Natural Gas Co.

[Docket No. CP91-452-000]

November 21, 1990.

Take notice that on November 16, 1990, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed a request with the Commission in Docket No. CP91-452-000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for permission and approval to abandon its natural gas sale to Mid-West Gas Company (Mid-West) in Osage and Pawnee Counties, Oklahoma, under WNG's blanket certificate issued in Docket No. CP82-479-000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

WNG states that Mid-West requested WNG to terminate their existing natural gas sales contract authorized in Docket No. CP65-194 (33 FPC 998), because Mid-West has sold its facilities to LeAnn Gas Company (LeAnn). These facilities would remain in place to allow

LeAnn access to natural gas for transportation.

Comment date: January 7, 1991, in accordance with Standard Paragraph G at the end of this notice.

20. Williston Basin Interstate Pipeline Co.

[Docket Nos. CP91–447–000, CP91–448–000, CP91–449–000, CP91–450–000, CP91–451–000]

November 21, 1990.

Take notice that on November 9, 1990, Williston Basin Interstate Pipeline Company (Applicant), suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, filed in the above referenced dockets, prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP88–1118–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[13]

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

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

Comment date: January 7, 1991, in accordance with Standard Paragraph G at the end of this notice.

[13] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name	Peak day,[2] [5] average, annual	Points of—		Start up date, rate schedule, service type	Related [1] [4] docket, contract date
			Receipt	Delivery		
CP91–447–000 (11–16–90)	Koch Hydrocarbon Company.	183,365 79,275 66,928,225	MT, ND, SD, WY	MT, ND, SD, WY	10–1–90, IT–1, Interruptible.	ST91–2723–000, 10–1–90 [3]
CP91–448–000 (11–16–90)	Merillat Industries, Inc.	1,500 500 547,500	MT, ND, SD, WY	SD	10–1–90, IT–1, Interruptible.	ST91–2721–000, 7–16–90
CP91–449–000 (11–16–90)	Pacific Enterprises Oil Company (USA).	15,000 10,000 5,475,000	WY	WY	10–4–90, IT–1, Interruptible.	ST91–2727–000, 10–1–90
CP91–450–000 (11–16–90)	Rainbow Gas Company	189,812 4,100 69,281,380	MT, ND, SD, WY	MT, ND, SD, WY	10–1–90, IT–1, Interruptible.	ST91–2722–000, 8–24–90 [6]
CP91–451–000 (11–16–90)	Texaco Gas Marketing, Inc.	87,000 80,000 31,755,000	MT, ND, WY	ND, SD, WY	10–1–90, IT–1, Interruptible.	ST91–2726–000, 9–21–90[7]

[1] If an ST docket is shown, 120-day transportation service was reported in it.
[2] Quantities are shown in Dekatherms.
[3] Amended 10–9–90.
[4] If an ST docket is shown, 120-day transportation service was reported in it.
[5] Quantities are shown in Dekatherms.
[6] Amended 10–29–90.
[7] Amended 10–2–90.

21. United Gas Pipe Line Co.

[Docket Nos. CP–91–478–000, CP91–479–000, CP91–480–000, CP91–481–000, CP91–482–000, CP91–483–000]

November 21, 1990.

Take notice that on November 20, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP88–6–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[14]

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

Comment date: January 7, 1991, in accordance with Standard Paragraph G at the end of this notice.

[14] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day average day annual MMBtu	Receipt points	Delivery points	Contract date rate schedule service type	Related docket, start up date
CP91–478–000 (11–20–90)	Phoenix Gas Pipeline Company (Intrastate PL).	79 79 28,835	TX	TX	10–4–90,[1] FTS, Firm.	ST91–2845–000, 10–4–90.
CP91–479–000 (11–20–90)	Phoenix Gas Pipeline Company (Intrastate PL).	56 56 20,440	TX	TX	10–4–90,[2] FTS, Firm.	ST91–2844–000, 10–4–90.

Docket No. (date filed)	Shipper name (type)	Peak day average day annual MMBtu	Receipt points	Delivery points	Contract date rate schedule service type	Related docket, start up date
CP91-480-000 (11-20-90)	Phoenix Gas Pipeline Company (Intrastate PL).	162 162 59,130	TX	TX	10-4-90,[3] FTS, Firm.	ST91-2846-000, 10-4-90.
CP91-481-000 (11-20-90)	Phoenix Gas Pipeline Company (Intrastate PL).	83 83 30,295	TX	TX	10-4-90,[4] FTS, Firm.	ST91-2847-000, 10-4-90.
CP91-482-000 (11-20-90)	Phoenix Gas Pipeline Company (Intrastate PL).	79 79 28,835	TX	TX	10-4-90,[5] FTS, Firm.	ST91-2849-000, 10-4-90.9
CP91-483-000 (11-20-90)	Phoenix Gas Pipeline Company (Intrastate PL).	437 437 159,505	TX	TX	10-4-90,[6] FTS, Firm.	ST91-2848-000, 10-4-90.

[1] Contract No. 6460.
[2] Contract No. 6462.
[3] Contract No. 6463.
[4] Contract No. 6461.
[5] Contract No. 6459.
[6] Contract No. 6458.

22. United Gas Pipe Line Co.

[Docket No. CP91-429-000]

November 21, 1990.

Take notice that on November 14, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed an application with the Commission in Docket No. CP91-429-000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to construct and operate a one-inch farm tap and related facilities for the delivery of natural gas to the town of Citronelle, Mobile County, Alabama, Utility Board under United's blanket certificate issued in Docket No. CP82-430-000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

United states that South Alabama Utilities would reimburse it for installing the one-inch farm tap on United's 12-inch Lirette-Mobile main line at an estimated cost of $4,002. United also proposes natural gas deliveries of 12 Mcf on peak days and 4,380 Mcf annually via the proposed farm tap to the town of Citronelle Utility Board for residential use. United states that these deliveries would not result in an increase in the town of Citronelle's aggregate base requirements or contractual Maximum Daily Quantity. United states that it has sufficient capacity to render the proposed service without detriment or disadvantage to its other existing customers.

Comment date: January 7, 1991, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (28 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 90-28087 Filed 11-29-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP73-184-007 and CI73-485-006]

Colorado Interstate Gas Co.

Report of Refunds

November 23, 1990.

Take notice that Colorado Interstate Gas Company on October 15, 1990, tendered for filing with the Federal Energy Regulatory Commission (Commission) its Report of Refunds, made in accordance with ordering paragraph (C) of the Commission's Order Approving Settlement with Modifications issued on August 1, 1989.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the commission's rules of Practice and Procedure (18 CFR 385.211 and 385.214 (1989). All such protests should be filed on or before November 30, 1990. Protests

will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to the 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-28088 Filed 11-29-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-31-000]

Natural Gas Pipeline Co. of America; Changes in FERC Gas Tariff

November 23, 1990.

Take notice that on November 20, 1990, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1 (Tariff) the below listed tariff sheets to be effective December 9, 1990:

Original Sheet No. 182
Original Sheet No. 183
Original Sheet No. 184
Original Sheet No. 185
Sheet Nos. 186 through 189

Natural states that the purposes of this filing are: (1) To reflect a revised allocation procedure, as required by Commission Order No. 528, for the flow-through by Natural of transition costs assessed to it by Natural's upstream suppliers; (2) to track Colorado Interstate Gas Company's (CIG) recovery of interest on take-of-pay buyout, buydown, or other contract reformation costs (Transition costs) allocated to natural at Docket No. RP90-95-000; (3) to track CIG's recovery of interest on Northwest Pipeline Corporation (Northwest) Transition Costs that were passed through to Natural from CIG; and (4) to reflect accrued interest for the months of June 1990 through November 1990 for Natural's amortization of CIG and Northwest Transition Costs in accordance with semiannual interest adjustment provision of its FERC Gas Tariff. This filing will supersede and subsume the filing to track interest made November 1, 1990 in Docket No TM91-2-26-000.

Natural requests any waivers of the Commission's Regulations which may be necessary to permit the tendered tariff sheets to take effective December 9, 1990. Natural states that copies of the filing have been mailed to Natural's jurisdictional sales customers interested state regulatory agencies, and all parties set out on the official service list at Docket Nos. RP89-131-000, *et al.* and RP89-188-000, *et al.*

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before November 30, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-28096 Filed 11-29-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM91-7-28-000]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

November 23, 1990.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on November 19, 1990 tendered for filing the tariff sheets to its FERC Gas Tariff, Original Volume No. 2 listed on the appendix attached to the filing.

These revised tariff sheets reflect changes to Rate Schedules TS-2 and TS-6 of Panhandle's FERC Gas Tariff, Original Volume No. 2 to reflect (1) ANR Pipeline Company's (ANR) effective transportation charges in ANR's Docket Nos. RP86-169-000, *et al.*, RP89-161-000, *et al.*, CP89-2210-001, TA90-1-48-001, RP86-105 and RP87-25, (2) ANR's effective take-or-pay surcharges in ANR's Docket Nos. RP89-45-007, RP89-127-003, RP89-193-003, TM89-2-48-000, RP90-18-000, RP89-161-000, RP90-46-000, TM90-3-48-000, and CP89-2210-004, and (3) Panhandle's and ANR's approved Annual Charge Adjustments (ACA) effective October 1, 1987, October 1, 1988, October 1, 1989, October 1, 1990, and November 1, 1990.

Panhandle proposes that the tariff sheets listed on the Appendix become effective October 1, 1987, March 1, 1988, July 1, 1988, October 1, 1988, May 1, 1989, July 10, 1989, October 1, 1989, November 1, 1989, November 25, 1989, December 27, 1989, February 1, 1990, May 1, 1990, October 1, 1990, and November 1, 1990, respectively. Panhandle requests waiver of Section 154.22 of the Commission's Regulations.

Panhandle states that copies of this filing have been sent to ANR, to the various Panhandle storage customers under Rate Schedules TS-2 and TS-6, and to the respective 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 §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before November 30, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-28089 Filed 11-29-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP80-55-014 and RP85-167-068]

Sea Robin Pipeline Co., Filing of Pipeline Refund Report

November 23, 1990.

Take notice that Sea Robin Pipeline Company (Sea Robin) on November 9, 1990 tendered for filing its proposal to (1) Reverse refunds, with interest, previously paid for the period June 1, 1980 through June 30, 1985 and (2) impose charges to collect the difference between rates established by Commission Opinion Nos. 227-A and 227-B and the restated rates previously developed and approved in Docket No. RP85-167-000 for the period July 1, 1985 through June 30, 1988. Sea Robin states its proposal is in compliance with the Commission's Order Granting Rehearing issued September 21, 1989.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests should be filed on or before November 30, 1990. Protests will be considered by the Commission but will not serve to make protestant parties to the proceeding. Copies of this

filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

FR Doc. 90-28091 Filed 11-29-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-67-040, et al.]

Texas Eastern Transmission Corp.; Filing of Pipeline Refund Report

November 23, 1990.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on November 14, 1990 submitted for filing a Refund Report for the period September 1, 1988 through August 31, 1990 in compliance with the Commission's Order on Contested Offer of Settlement issued February 23, 1990 and Order Granting Rehearing issued April 25, 1990 in the subject proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests should be filed on or before November 30, 1990. Protests will be considered by the Commission but will not serve to make protestant parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-28092 Filed 11-29-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-4-001]

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

November 23, 1990.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on November 19, 1990 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the following tariff sheets;

Sub Third Revised Sheet No. 439
Original Sheet No. 439A
Sub Fifth Revised Sheet No. 467
Sub Original Sheet No. 467A
Sub Original Sheet No. 467B

Texas Eastern states that on October 31, 1990 the Federal Energy Regulatory Commission issued its Order Accepting and Suspending Tariff Sheets Subject to Refund and Conditions and Consolidating Dockets for Hearing in Docket No. RP91-4-000, *et al.* In that order the Commission requires Texas Eastern to revise its no-bump procedures and to clarify certain aspects of its "no-bump" filing. Texas Eastern submits that the filing letter which clarifies certain aspects of its original "no bump" filing and the revised tariff sheets are in compliance with the Commission's October 31, 1990 order.

The proposed effective date of the tariff sheets listed above is November 1, 1990.

Texas Eastern states that copies of the filing were serve on Texas Eastern's jurisdictional customers, interested state commissions, all customers under Rate Schedules FT-1 and IT-1 and all parties in Docket No. RP91-4-000, *et al.*

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990). All such protests should be filed on or before November 30, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-28090 Filed 11-29-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-487-033, et al. (Phase II)]

Williston Basin Interstate Pipeline Co.; Filing of Pipeline Refund Report

November 23, 1990.

Take notice that Williston Basin Pipeline Company (Williston) on October 18, 1990 submitted for filing a Refund Report and supporting workpapers for the locked-in period January 1, 1985 through May 1, 1986, in compliance with the Commission's Order Accepting Compliance Filing issued October 3, 1990 in the subject proceedings. Williston filed the tariff sheets which form the basis for the refund on June 11, 1990 and August 14, 1990 in Docket Nos. CP82-487-031 and CP82-487-032, respectively. The sheets were accepted by Letter Order issued August 1, 1990 and by the above referenced October 3, 1990 Order, respectively.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests should be filed on or before November 30, 1990. Protests will be considered by the Commission but will not serve to make protestant parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

FR Doc. 90-28093 Filed 11-29-90; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 90-79-NG]

Corpus Christi Gas Marketing, Inc.; Order Granting Blanket Authorization To Export Natural Gas

AGENCY: Department of Energy; Office of Fossil Energy.

ACTION: Notice of an order granting blanket authorization to export natural gas to Mexico.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Corpus Christi Gas Marketing, Inc. blanket authorization to export up to a total of 145 Bcf of natural gas over a two-year period beginning on the date of the first export.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket room, 3F-056, Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. the docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 23, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90-28195 Filed 11-29-90; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 90-91-NG]

Fuel Services Group, Inc.; Application to Import Natural Gas from Canada

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on October 23, 1990, of an application filed by Fuel Services Group, Inc. (FSG), for blanket authority to import up to 14.6 Bcf of Canadian natural gas over a two-year period beginning on the date of the first delivery. FSG intends to utilize existing pipeline facilities for the transportation of the proposed imports.

The application was filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.s.t., December 31, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Larine A. Moore, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478.

Lot Cooke, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–0503.

SUPPLEMENTARY INFORMATION: FSG is a Ohio corporation with its principal place of business in Worthington, Ohio. FSG maintains that the blanket authorization requested would allow it to import competitively priced natural gas from a variety of Canadian suppliers for resale to U.S. consumers, primarily in the states of Michigan, Minnesota, Wisconsin, Illinois and Ohio. FSG asserts that purchases generally will be made on a month-to-month basis under 30-day spot market supply contracts, and will not exceed a period of more than two years. Also, the specific terms of each import transaction would be negotiated by the parties and will be subject to any restrictions imposed by the Canadian National Energy Board and DOE.

In support of its application, FSG states that any transaction negotiated under the authority requested would be competitive with domestic gas supply alternatives, and would be sufficiently flexible to remain competitive over the term of the transaction.

The decision on the application for import authority will be made consistent with DOE's natural gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines for the requested import authority. The applicant asserts that imports made under this requested arrangement will be competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

All parties should be aware that any authorization granted would be conditioned on the filing of quarterly reports indicating the details of each sales transaction.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices on intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, a notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of FSG's application is available for inspection and copying in the Office of Fuels Programs Docket room, 3F–056, at the above address. 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., November 23, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–28196 Filed 11–29–90; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 89–77–LNG]

Pan National Gas Sales, Inc.; Order Granting Authorization to Import Liquified Natural Gas From Algeria

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice for an order grantir g authorization to import liquefied natural gas from algeria.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Pan

National Gas Sales, Inc. (Pan National), a 15-year authorization to import up to 30,400,000 MMBtu per year, plus an additional 40,000 MMBtu per day during the first five years, of Algerian liquified natural gas (LNG) to be imported at Lake Charles, Louisiana. Pan National will sell the LNG to Citrus Trading Corp. which will resell the LNG to Florida Power and Light Company for use in electric generation.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket room, room 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

Issued in Washington, DC, November 23, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–28197 Filed 11–29–90; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 90–71–NG]

Petro-Canada Hydrocarbons Inc.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Petro-Canada Hydrocarbons Inc. (PCH) blanket authorization in FE Docket No. 90–71–NG to import up to 150 Bcf of Canadian natural gas for short-term and spot market sales over a two-year period beginning on March 4, 1991, through March 3, 1993.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket room, 3F–056, Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 23, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–28198 Filed 11–29–90; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–3865–7]

Environmental Impact Statements: Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382–5073 or (202) 382–5075.

Availability of Environmental Impact Statements filed November 19, 1990 through November 23, 1990 pursuant to 40 CFR 1506.9.

EIS No. 900425, DRAFT EIS, SCS, WV, Lower Mud River Watershed Protection and Flood Plan, Implementation, Section 404 Permit, City of Milton, Cabell, Lincoln and Putnam, WV, Due: January 14, 1991, Contact: Rollin N. Swank (304) 291–4151.

EIS No. 900426, DRAFT EIS, FHW, UT, US–89/Logan Canyon Highway, Improvements, Right Fork 9 miles East of Logan to Garden City, Funding, 404 Permit and Special Use Permit, Wasatch-Cache National Forest, Cache and Rich Counties, UT, Due January 14, 1991, Contact: Duncan Silver (801) 524–5143.

EIS No. 900427, FINAL EIS, COE, NY, Limestone Creek Flood Damage Reduction Plan, Implementation, Manlius, Onondaga County, NY, Due: December 31, 1990, Contact: Tod Smith (716) 876–5454.

EIS No. 900428, DRAFT SUPPLEMENT, AFS, Rocky Mountain Regional Guide/Plan, Silvicultural Standards and Guidelines, for Land and Resource Management Planning, CO, SD, WY, NB, AND KS, Due: February 28, 1991, Contact: David A. Anderson (303) 236–9656.

EIS No. 900429, FINAL EIS, COE, NY, Limestone Creek Local Flood Protection, Implementation, Fayetteville, Onondaga County, NY, Due: December 31, 1990, Contact: Tod Smith (716) 829–4173.

EIS No. 900430, DRAFT EIS, COE, PR, Upper Rio Grande De Loiza Basin Flood Control Plan, Implementation, PR, Due: January 14, 1991, Contact: Dr. Jonathan D. Moulding (904) 791–2286.

EIS No. 900431, DRAFT SUPPLEMENT, USA, UT, Dugway Proving Ground Biological Aerosol Test Facility (BATF) New Alernative, Consolidated Life Sciences Test Facility Construction and Operation (LSTF), Baker Laboratory, Tooele County, UT, Due: January 24, 1991, Contact: Lewis D. Walker (703) 695–7824.

EIS No. 900432, DRAFT EIS, AFS, AK, Shelter Cove and George Inlet Areas Timber Sale, Implementation, Tongass National Forest, Ketchikan Ranger District, AK, Due: January 21, 1991, Contact: Steven J. Segovia (907) 225–2148.

Dated: November 27, 1990.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 90–28201 Filed 11–29–90; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–3865–8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared November 12, 1990 through November 16, 1990 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 13, 1990 (55 FR 13949)

Draft EISs

ERP No. D–AFS–L65135–ID

Rating LO, Stanley Basin Cattle and Horse Allotment Management Plan, Implementation, Sawtooth and Challis National Forests, Custer County, ID.

Summary. EPA has no objections to the proposed project.

Final EISs

ERP No. F–FHW–K40169–HI

Kahekili Highway/US–83 Widening, Likelike Highway/US–63 to Kamehameha Highway and Interchange Construction at Likelike Highway/US–63, Funding, Island of Oahu, City and County of Honolulu, HI.

Summary. Review of the final EIS has been completed and the project found to be satisfactory.

Dated: November 27, 1990.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 90–28202 Filed 11–29–90; 8:45 am]

BILLING CODE 6560–50–M

[OPP–30000/20E; FRL 3840–3]

Cadmium Chloride: Proposed Decision to Terminate Special Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed decision to terminate Special Review.

SUMMARY: On August 1, 1990 EPA published a section 6(f) Notice announcing its receipt of W.A. Cleary's request to voluntarily cancel Caddy Liquid Cadmium Turf Fungicide, the last remaining cadmium chloride product registration. Cancellation became effective on August 11, 1990. Because all other registrations of cadmium chloride have been previously cancelled, this voluntary cancellation leaves no other cadmium chloride registration. The Agency, therefore does not find it necessary to continue the Special Review of this pesticide. This Notice proposes to terminate the Cadmium Chloride Special Review.

DATE: Comments must be received on or before December 31, 1990.

ADDRESSES: Written comments should bear the identifying notation "OPP–30000/20E." Submit comments by mail to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Deliver comments in person to: Rm 246, CM # 2, 1921 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Lou Kerestesy, Review Manager, Special Review Branch, Special Review and Reregistration Division (H7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Third floor, Westfield Bldg. 2805 Jefferson Davis Highway, Arlington, VA, (703) 308–8032.

SUPPLEMENTARY INFORMATION: This Notice proposes to terminate the Cadmium Chloride Special Review.

I. Introduction

Cadmium compounds were registered for fungicidal use on ornamental turf, professional turf, and home lawns. On golf course tees and greens, cadmium chloride was used primarily to control gray snow mold, red thread, dollar spot, and copper spot.

On October 26, 1977, EPA initiated a Special Review pursuant to 40 CFR 154.7(a) for all pesticides containing cadmium compounds (42 FR 56574). The Agency had determined that all cadmium chloride uses met or exceeded chronic carcinogenic and mutagenic risk criteria, and that certain uses also met or exceeded developmental and fetotoxic criteria.

On October 10, 1986, the Agency issued its Preliminary Determination to Cancel (PD 2/3) all pesticide products containing cadmium compounds (51 FR 36524). The Agency proposed to cancel all cadmium uses based on the determination that such use would result in unreasonable adverse effects to applicators. Although it was determined that the data did not support risk concerns for mutagenicity, fetotoxicity, or developmental effects, the risk concern for carcinogenicity remained and a risk concern for kidney effects was added.

The Agency was made aware by public comments, received in response to the PD 2/3, that its exposure assessment of cadmium chloride use on golf course tees and greens had been based on an incorrect assumption about the application method. Commenters stated that cadmium chloride was applied to the majority of golf course tees and greens by cart-drawn boom spray equipment (mini-booms), not by hand-held spray guns, as the Agency had assumed. EPA concluded that it could not adequately assess applicator exposure by mini-boom sprayers with the data in its surrogate data base, and a Data Call-in Notice was issued in July 1987 requiring an applicator exposure study for mini-boom sprayers.

On August 19, 1987, EPA issued a Final Determination (PD 4) and Notice of Intent to Cancel (NOIC) announcing its decision to cancel all products containing cadmium compounds registered for use on home lawns and golf course fairways (52 FR 31076). Based on the weight-of-evidence, the Agency concluded that the risks associated with cadmium compounds used on home lawns and golf course fairways outweighed the minor benefits. Given the number of available, effective alternatives, and the small economic impact expected to result from cancellation, the Agency determined that cancellation was the appropriate action.

The PD 4 and the NOIC stated that EPA would allow continued use of cadmium chloride on golf course tees and greens provided that labels were amended to classify cadmium chloride as a "Restricted Use" pesticide, to restrict the application method to mini-booms only, and to require that protective clothing be worn during mixing, loading, and application. Cadmium chloride was the only cadmium compound registered on this site. The Agency also stated that further regulatory action would be taken if results from the mini-boom study showed that applicator risk remained unreasonable. The cancellation and restrictions went into effect on September 18, 1987, by operation of law, because no registrant requested a hearing.

The mini-boom applicator exposure study was submitted in May 1989, (Ref. 1). This study measured dermal and inhalation exposure to a mixer/loader/applicator wearing the label-required long sleeve shirt, long pants, and chemical-resistant gloves, who mixed, loaded, and applied cadmium compounds at a rate of 1.0 fluid ounce per 1000 square feet (the maximum label application rate). EPA reviewed the study and found that, although exposure from mini-boom sprayers was less than exposure from hand-held spray guns, the risk to applicators remained unacceptable.

On June 13, 1990, EPA met with the representatives of the W.A. Cleary Chemical Corporation to discuss EPA's review of the mini-boom study, its risk/benefit analysis, and the company's cadmium chloride reregistration activities (Ref. 2). EPA stated its concerns regarding applicator risk, noting that kidney risks remained unacceptable. EPA and the registrant also discussed the registrant's responsibilities to fulfill reregistration requirements, the Agency's plans for proceeding with the Special Review, and the possibility of voluntary cancellation. The registrant, in connection with pursuing a voluntary cancellation, sought an existing stocks provision to accommodate their 2– to 3–year product supply; however, this was considered unacceptable to EPA. Although an existing stocks provision was not agreed to at the meeting, a variety of provisions were discussed.

On July 9, 1990, EPA received W.A. Cleary's formal request for voluntary cancellation of its last remaining cadmium chloride product registration, Caddy Liquid Cadmium Turf Fungicide (EPA No. 1001–10). In its request, W.A. Cleary sought the following existing stocks provisions:

1. That W.A. Cleary be permitted to sell its product to distributors or release it for shipment until July 31, 1991.

2. That distributors or retailers be permitted to sell or distribute the product to golf courses until December 31, 1991.

3. That use on golf courses be permitted until the supply of product in the possession of the golf course is exhausted.

On August 1, 1990, EPA published a notice in the **Federal Register**, under section 6(f), which announced the Agency's receipt of W.A. Cleary's request for voluntary cancellation, and which specified the existing stocks provisions governing the cancellation of cadmium chloride (55 FR 31227). EPA accepted W.A. Cleary's request for

voluntary cancellation and granted its proposed existing stocks provisions because, had the Special Review continued and the product not been voluntarily cancelled, cadmium chloride products would have been on the market for a period of time longer than that provided for by the existing stocks provision. EPA had determined that the use of cadmium chloride for the additional use season permitted under the existing stocks provision would not pose an unreasonable risk to applicators. On August 11, 1990, after a 10–day public comment period, the voluntary cancellation became effective.

II. Legal Background

In order to obtain a registration for a pesticide under FIFRA, an applicant must demonstrate that the pesticide satisfies the statutory standard for registration. The standard requires, among other things, that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment," (FIFRA section 3(5)(C)). The term "unreasonable adverse effect on the environment" refers to "any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide," (FIFRA section 2(bb)). This standard requires a finding that the benefits of each use of the pesticide outweigh the risks of use, when the pesticide is used in compliance with the terms and conditions of registration or in accordance with commonly recognized practices.

The burden of proving that a pesticide satisfies the statutory standard is on the proponents of registration and continues as long as the registration remains in effect. Under FIFRA section 6, the Administrator may cancel the registration of a pesticide or require modification of the terms and conditions of a registration if he determines that the pesticide product causes unreasonable adverse effects to man or the environment. EPA created the Special Review process to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide an informal public procedure to gather and evaluate information about the risks and benefits of these uses.

A Special Review may be initiated if a pesticide meets or exceeds the risk criteria set out in the regulations at 40 CFR part 154. EPA announces that a Special Review is initiated by issuing a notice in the **Federal Register**. Registrants and other interested persons are invited to review the data upon which the review is based and to submit data and information to rebut EPA's conclusions by showing that EPA's initial determination was in error, or by showing that use of the pesticide is not likely to result in any significant risk to human health or the environment. In addition to submitting rebuttal evidence, commenters may submit relevant information to aid in the determination of whether the economic, social and environmental benefits of the use of the pesticide outweigh the risks. After reviewing the comments received and other relevant material obtained during the Special Review process, EPA makes a decision on the future status of registrations of the pesticide.

The Special Review process may be concluded in various ways depending upon the outcome of EPA's risk/benefit assessment. If EPA concludes that all of its risk concerns have been adequately rebutted, the pesticide registration will be maintained unchanged. If, however, all risk concerns are not rebutted, EPA will proceed to a full risk/benefit assessment. In determining whether the use of a pesticide poses risks which are greater than the benefits, EPA considers possible changes to the terms and conditions of registration which can reduce risks and the impacts of such modifications on the benefits of use. If EPA determines that such changes reduce risks to the level where the benefits outweigh the risks, it may require that such changes be made in the terms and conditions of the registration. Alternatively, EPA may determine that no changes in the terms and conditions of a registration will adequately assure that use of the pesticide will not pose any unreasonable adverse effects. If EPA makes such a determination, it may seek cancellation, and, if necessary, suspension. In either case, EPA must issue a Notice of Intent to Cancel the registration. If the Notice of Intent to Cancel requires changes in the terms and conditions of registration, cancellation may be avoided by making the specified changes set forth in the Notice, if possible. Adversely affected persons may also request a hearing on the suspension or cancellation of a specified registration and use. If they do so in a legally effective manner, that registration and use will be continued pending a decision at the close of an administrative hearing, unless the registration is suspended pending the outcome of the cancellation hearing. Similarly, adversely affected applicants for registration or interested persons with the concurrence of the applicant may request a hearing to contest denial of the application.

As stated above, the sole registrant of products containing cadmium chloride, W.A. Cleary Chemical Corporation, has voluntarily cancelled its last registered cadmium chloride product. Voluntary cancellation was chosen by the registrant for economic considerations and in light of the Agency's concern over risks revealed in an exposure study submitted in May 1989. EPA published the registrant's request for voluntary cancellation on August 1, 1990, and final cancellation of this product became effective on August 11, 1990.

III. Summary of Risk Determinations

EPA has evaluated both animal laboratory and human epidemiological studies to determine cadmium's potential toxicity, and has determined that cadmium compounds have been shown to be carcinogenic and cause kidney effects. Full discussion of the basis for these determinations was provided in the PD 2/3, issued on October 10, 1986 (51 FR 36524). The following is a summary of the risk assessments for carcinogenic and kidney effects.

A. Carcinogenicity

EPA evaluated numerous studies in which various cadmium compounds were administered by inhalation, oral, and parenteral dosing to laboratory animal species. Human epidemiological studies of factory workers chronically exposed by inhalation and dermal routes were also reviewed. Key animal studies showed a lowest-observed-effect-level (LOEL) of 12.5 μg cadmium chloride/m^3 for lung tumors in a chronic inhalation rat study (Ref. 3). A rat chronic injection study showed a LOEL of 3.6 mg/kg cadmium for testicular and pancreatic islet tumors (Ref. 4). Epidemiological studies of factory workers chronically exposed to cadmium oxide and cadmium dust have shown statistically significant dose related increases in the incidence of lung tumors (Ref. 5). Based on these findings, the Agency has classified cadmium as a Group B1 (probable human) carcinogen by the inhalation route.

An applicator exposure study submitted by the W. A. Cleary Chemical Corporation in May 1989, was used by the Agency in its exposure assessment. This study measured dermal and inhalation exposure to a mixer/loader/applicator (MLA) wearing the label-required long sleeve shirt, long pants, and chemical-resistant gloves, who mixed, loaded, and applied cadmium compounds using a mini-boom sprayer at a rate of 1.0 fluid ounce per 1000

square feet. Dermal exposure was estimated to be 6.1 μg/kg/day, and inhalation exposure 0.42 μg/kg/day, for persons applying one cadmium treatment to four acres of tees and greens (Ref. 6).

The carcinogenic risk to cadmium applicators was based exclusively on inhalation exposure, because data from toxicological studies indicate the formation of lung tumors following inhalation only. It was assumed that inhalation absorption was 40 percent. Risks were calculated for a 70 kg applicator with a respiratory rate of 12 L/min; exposure was assumed to occur for 35 years of a 70 year lifetime. The Thun et al. study (1985) of cadmium smelter workers was used to develop the human cancer potency factor, or Q_1^* of 6.1 $(mg/kg/day)^{-1}$. Assuming 10 applications/yr, EPA calculated the carcinogenic risk to applicators to be 1×10^{-5}.

B. Kidney Effects

The kidney effects of cadmium have been studied in both experimental laboratory animals and occupationally-exposed humans. Acute effects observed in experimental animals exposed to cadmium include formation of fatty bodies and degeneration of renal tubules. Chronic human study effects observed include proteinuria (excess protein in the urine), glucosuria (excess glucose in the urine), and decreased renal function (Ref. 7). Data from a large number of animal studies, and from autopsies and biopsies of 50 persons exposed to cadmium provided evidence of irreversible, morphological changes in the kidney (Ref. 8). Based on these data, Friberg, et al. estimated a lowest-observed-effect-level (LOEL) at an ambient air concentration of 2 $\mu g/m^3$, which EPA converted to 2×10^{-6} mg/L in order to calculate the level at which toxicity is observed. By factoring in exposure, body weight, and respiratory rate, an inhalation LOEL of 0.18 mg/kg/yr was calculated.

EPA calculated an inhalation Effect Ratio (ER) of 43 and a dermal ER of 120 based on a quantitative assessment of kidney effects, the 1974 Friberg et al. study (Ref. 8), and an assumption of 10 applications/year. (EPA usually uses a Margin of Exposure to represent the ratio of the No-Observed-Effect-Level (NOEL) to exposure. When a NOEL is not available, as with cadmium chloride, EPA generally uses the Lowest-Observed-Effect-Level (LOEL). The ratio of the LOEL to exposure is called an Effect Ratio.) Because both dermal and inhalation exposures lead to the same kidney effects, it is more appropriate to combine these exposures when calculating an ER than it is to calculate them separately. A combined ER of 32 was calculated, therefore, using both routes of exposure (Ref. 9). EPA also considered cadmium's persistence in the body as a qualitative factor in its risk assessment. Because cadmium chloride has a half-life in the body of 10–33 years, and because it is usually applied by professionals rather than by temporary employees, the body burden of applicators continually exposed to cadmium chloride will increase yearly. Even though initial exposure levels may be below threshold levels, continuous exposure may eventually reach the point at which toxic effects could occur.

IV. Agency's Decision Regarding Special Review

The only registrant of a cadmium chloride pesticide product has voluntarily cancelled its registration. Since there are no remaining registrations for cadmium chloride compounds, and the sale of existing stocks has been limited, the Agency feels that under these conditions, the continuation of the Cadmium Chloride Special Review is not necessary. With this Notice, the Agency is proposing to terminate the Special Review of cadmium chloride.

V. Public Comment Opportunity

The Agency is providing a 30–day period to comment on this Notice. Comments must be submitted by December 31, 1990. All comments and information should be submitted in triplicate to the address given in this Notice under ADDRESS. The comments and information should bear the identifying notation, "OPP–30000/20E"

VI. Availability of Public Docket

The Agency has established a public docket for the termination of the Cadmium Chloride Special Review. This public docket will include this Notice; any other Notices pertinent to the Cadmium Chloride Special Review, and to the Agency's decision regarding the termination of the Cadmium Chloride Special Review; documents not considered Confidential Business Information; and copies of written comments or other materials submitted to the Agency in response to the initiation of Special Review; and a current index of materials in the public docket.

VII. References

The references in this **Federal Register** Notice are as follows:

(1) Exposure of Mixer/Loader/Applicators to Caddy Liquid Cadmium Turf Fungicide Applied to Golf Course Turf by Groundboom Equipment. May 10, 1989. Test conducted by Orius Associates Inc., for the W.A. Cleary Chemical Corporation. Public Docket No. D–12157.

(2) Meeting between W.A. Cleary and EPA on June 13, 1990, to discuss EPA's activities regarding W.A. Cleary's reregistration of cadmium chloride. Public Docket No. D–11866A.

(3) Takenaka, S., H. Oldiges, H. Konig, D. Hochrainer, G. Oberdoerster. 1983. Carcinogenicity of Cadmium Aerosols in Winstar Rats. *Journal of the National Cancer Institute*, 70:367–373.

(4) Poirer, L.A., K.S. Kasprzak, L.K. Hoover, M.L. Wenk. 1983. Effects of Calcium and Magnesium Acetates on the Carcinogenicity of Cadmium Chloride in Winstar Rats. *Cancer Research*, 43:4575–4581.

(5) Thun, M. J., T. M. Schnorr, A.B. Smith, W.E. Halperin. 1985. Mortality Among a Cohort of U.S. Cadmium Production Workers: An Update. *Journal of the National Cancer Institute*. 74(2):325–333.

(6) Lunchick, Curt. Cadmium Chloride Exposure Assessment Revision. HED/OPP/USEPA. Project # 9–1910, Public Docket No. D–12157.

(7) National Institute for Occupational Safety and Health. August 1976. Criteria for a Recommended Standard on Occupational Exposure to Cadmium. HEW Publication (NIOSH) 76–92. U.S. Department of Health, Education, and Welfare. pp. 76–192.

(8) Friberg, L., M. Piscator, G.F. Nordberg, T. Kjellstrom, 1974. Cadmium In the Environment, 2d ed. CRC Press Inc., Boca Raton, Florida, Public Docket No. D–05783, Att. 23.

(9) Kutney, Linda. Revised Oncogenic Risk Assessment and Effect Ratios for Kidney Effects Due to Cadmium Chloride Exposure. HED/OPP/USEPA. Public Docket No. D–12157.

All references with Public Docket numbers are available for inspection in Rm. 246, CM # 2, 1921 Jefferson-Davis Highway, Arlington, VA. 22202, from 9 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Dated: November 16,1990.

Linda J. Fisher,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 90–28023 Filed 11–29–90; 8:45 am]

BILLING CODE 6560–50–F

[PP OG3367/T600; FRL 3798–5]

Establishment of an Exemption from Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established an exemption from the requirement of a tolerance for residues of the insecticide volatile floral attractants: cinnamaldehyde, 3 phenyl propanol,

cinnamyl alcohol, 4 methoxypheny ethanol, indole, 4 methoxy cinnamaldehyde and 1,2,4 trimethoxy benzene and for the kairomone, *Cucurbita foetidissima* root powder in or on the raw agricultural commodity field corn for control of adult corn rootworms.

DATES: This temporary exemption from the requirement of a tolerance expires September 1, 1991.

FOR FURTHER INFORMATION CONTACT: By mail: Phil Hutton, Product Manager (PM) 17, Registration Division (H–7505C) Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Office location and telephone number: Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–2690).

SUPPLEMENTARY INFORMATION: BioControl Limited, 719 Second Street, Suite 12, Davis, CA 95616, has requested in pesticide petition PP OG3867 the establishment of an exemption from the requirement of a tolerance for residues of the insecticide volatile floral attractants: cinnamaldehyde, 3 phenyl propanol, cinnamyl alcohol, 4 methoxyphenyl ethanol, indole, 4 methoxy cinnamaldehyde and 1,2,4 trimethoxy benzene and for the kairomone, *Cucurbita foetidissima* root powder in or on the raw agricultural commodity field corn for control of adult corn rootworms.

This temporary exemption from the requirement of a tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 53575–EUP–2, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 95–396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the exemption from the requirement of a tolerance will protect the public health. Therefore, the temporary exemption from the requirement of a tolerance has been established on the condition that the pesticides be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredients to be use must not exceed the quantity authorized by the experimental use permit.

2. BioControl must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption from the requirement of a tolerance expires September 1, 1991. Residues remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticides are legally applied during the term of, and in accordance with, the provisions of the experimental use premit and temporary exemption from the requirement of a tolerance. This temporary exemption from the requirement of a tolerance may be revoked if the experimental use premit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

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

Authority: 21 U.S.C. 346a(j).

Dated: October 2, 1990.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 90–28022; Filed 11–29–90; 8:45 am]

BILLING CODE 6560–50–F

[OPP–42066; FRL–3664–6]

Cheyenne River Sioux Tribe; Intent to Approve the Tribal Plans for the Certification of Pesticide Applicators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to approve Tribal Plan.

SUMMARY: The Chairman of the Cheyenne River Sioux Tribe has submitted to EPA through the Department of Interior a plan for the certification of applicators of restricted use pesticides. Notice is given of the intention of the Regional Administrator, EPA, Region VIII, to approve this plan. A summary of the plan appears below. Interested persons are invited to comment.

DATES: Written comments must be submitted on or before December 31, 1990.

ADDRESSES: Address comments identified by the docket control number OPP–42066 to: Dallas Miller, Air and Toxics Division (8AT–TS), Region VIII, Environmental Protection Agency, 999 18th St., Suite 500, Denver, CO 80202–2405.

See the **SUPPLEMENTARY INFORMATION** unit for addresses where the plan and comments are available for public inspection.

FOR FURTHER INFORMATION CONTACT: Dallas Miller (303–293–1743).

SUPPLEMENTARY INFORMATION: In accordance with the provisions of section 11(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136b) and 40 CFR part 171, the Chairman of the Cheyenne River Sioux Tribe has submitted a Tribal plan for the certification of applicators of restricted use pesticides to EPA through the Department of Interior for approval.

I. Summary of Plan

The Chairman of the Cheyenne River Sioux Tribe has designated the Cheyenne River Land and Natural Committee as the lead agency for the administration of the pesticide applicator certification program.

Legal authority for the certification program is contained in the Cheyenne River Tribal Pesticides Code. A copy of the Code is attached to the Plan.

The Plan lists the personnel available to carry out the certification program. Also, the plan lists the South Dakota Department of Agriculture and the South Dakota Cooperative Extension Service as Cooperating Agencies. Funding to operate the certification plan will be provided by the Cheyenne River Sioux Tribe and through Cooperative Agreement Awards from EPA.

The Land and Natural Resources Committee will submit an annual report to EPA by October 30 of each year and other reports requested by the Administrator of EPA. The annual report will cover the period from October 1 through September 30.

The Cheyenne River Sioux Tribe's plan utilizes the South Dakota State Certification program to determine applicator competence. Applicators who have obtained a pesticide applicator credential through the South Dakota Department of Agriculture will be eligible to receive a Cheyenne River Sioux Tribal applicator certification.

The Cheyenne River certification document will list the category(ies) and expiration date that appears on the South Dakota certification credential. It is estimated that 400 private applicators and 40 commercial applicators will require Cheyenne River certification.

The commercial applicator categories listed in the plan are the same as those listed in the South Dakota plan. Cheyenne River's categories are:

1. Agriculture Plant Pest Control.
   a. Insecticides (including Miticides and Nematocides).
   b. Herbicides.
   c. Fungicides.
2. Agriculture Animal Pest Control.
3. Forest Pest Control.
4. Ornamental and Turf Pest Control.
5. Seed Treatment.
6. Aquatic Pest Control.
7. Right-of-Way Pest Control.
8. Industrial, Institutional, Structural and Health Related Pest Control.
9. Public Health Pest Control.
10. Regulatory Pest Control.
11. Demonstration and Research Pest Control.
12. Rodent and Bird Pest Control.
13. Predator Pest Control.
14. Grain Fumigation Pest Control.
15. Wood Preservative Pest Control.

The general standards of competency will be the same as those listed in 40 CFR 171.4(b) and 171.6. The specific standards of competency for each category or subcategory are the same as the standards listed in 40 CFR 171.4(c).

The recertification period for commercial applicators will be every 2 years and every 4 years for private applicators. These recertification periods are the same as those listed in the South Dakota State Applicator Certification Plan. Cheyenne River will revoke the tribal certification of any individual whose South Dakota State certification is revoked. Since the Cheyenne River plan utilizes the South Dakota State certification procedures, the Tribe will not offer reciprocity to out-of-state applicators.

The Tribe will coordinate certification activities with the South Dakota Department of Agriculture. Tribal applicator training needs will be coordinated with the South Dakota State Extension Service. Enforcement pesticide samples will be analyzed by Station Biochemistry Laboratories in Brookings, South Dakota.

II. Public Comments

Copies of the Plan, the Tribal Pesticides Code, and all written comments are available for review at the following locations during normal business hours.

1. Cheyenne River Sioux Tribe, Pesticide Enforcement Office, P.O. Box 590, Eagle Butte, SD 57625, Telephone: (605) 964–6558.
2. Toxic Substances Branch, Air and Toxics Division, Region VIII, Environmental Protection Agency, 999 - 18th St., Suite 500, Denver, CO 80202, Telephone: (303) 293–1730.
3. Field Operations Division (H7506C), Office of Pesticide Programs, Room 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, Telephone: (703) 557–3262.

Interested persons are invited to submit written comments on the proposed Tribal plan.

Dated: November 16, 1990.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

[FR Doc. 90–28155; Filed 11-29-90; 8:45 am]

BILLING CODE 6560-50-F

[OPP-42065; FRL-3664-5]

Rosebud Sioux Tribe; Intent to Approve the Tribal Plans for the Certification of Pesticide Applicators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to approve Tribal Plan.

SUMMARY: The President of the Rosebud Sioux Tribe has submitted to EPA through the Department of Interior a plan for the certification of applicators of restricted use pesticides. Notice is given of the intention of the Regional Administrator, EPA, Region VIII, to approve this plan. A summary of the plan appears below. Interested persons are invited to comment.

DATES: Written comments must be submitted on or before December 31, 1990.

ADDRESSES: Address comments identified by the docket control number OPP–42065 to: Dallas Miller, Air and Toxics Division (8AT–TS), Region VIII, Environmental Protection Agency, 999 18th St., Suite 500, Denver, CO 80202–2405.

See the **SUPPLEMENTARY INFORMATION** unit for addresses where the plan and comments are available for public inspection.

FOR FURTHER INFORMATION CONTACT: Dallas Miller (303–293–1743).

SUPPLEMENTARY INFORMATION: In accordance with the provisions of section 11(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136b) and 40 CFR part 171, the President of the Rosebud Sioux Tribe has submitted a Tribal plan for the certification of applicators of restricted use pesticides to EPA through the Department of Interior for approval.

I. Summary of Plan

The President of the Rosebud Sioux Tribe has designated the Rosebud Land and Natural Resources Committee as the lead agency for the administration of the pesticide applicator certification program.

Legal authority for the certification program is contained in the Rosebud Tribal Pesticides Code. A copy of the Code is attached to the Plan.

The Plan lists the personnel available to carry out the certification program. Also, the plan lists the South Dakota Department of Agriculture and the South Dakota Cooperative Extension Service as Cooperating Agencies. Funding to operate the certification plan will be provided by the Rosebud Sioux Tribe and through Cooperative Agreement Awards from EPA.

The Land and Natural Resources Committee will submit an annual report to EPA by October 30 of each year and other reports requested by the Administrator of EPA. The annual report will cover the period from October 1 through September 30.

The Rosebud Sioux Tribe's plan utilizes the South Dakota State Certification program to determine applicator competence. Applicators who have obtained a pesticide applicator credential through the South Dakota Department of Agriculture will be eligible to receive a Rosebud Sioux Tribal applicator certification. The Rosebud certification document will list the category(ies) and expiration date that appear on the South Dakota certification credential. It is estimated that between 1,000 and 2,000 private applicators and between 100 and 200 commercial applicators will require Rosebud Certification.

The commercial applicator categories listed in the plan are the same as those listed in the South Dakota plan. Rosebud's categories are:

1. Agriculture Plant Pest Control.
   a. Insecticides (including Miticides and Nematocides).
   b. Herbicides.
   c. Fungicides.
2. Agriculture Animal Pest Control.
3. Forest Pest Control.
4. Ornamental and Turf Pest Control.
5. Seed Treatment.
6. Aquatic Pest Control.
7. Right-of-Way Pest Control.
8. Industrial, Institutional, Structural, and Health Related Pest Control.
9. Public Health Pest Control.
10. Regulatory Pest Control.
11. Demonstration and Research Pest Control.

12. Rodent and Bird Pest Control.
13. Predator Pest Control.
14. Grain Fumigation Pest Control.
15. Wood Preservative Pest Control.

The general standards of competency will be the same as those listed in 40 CFR 171.4(b) and 171.6. The specific standards of competency for each category or subcategory are the same as the standards listed in 40 CFR 171.4(c).

The recertification period for commercial applicators will be every 2 years and every 4 years for private applicators. These recertification periods are the same as those listed in the South Dakota State Applicator Certification Plan. Rosebud will revoke the tribal certification of any individual whose South Dakota State certification is revoked. Since the Rosebud plan utilizes the South Dakota State certification procedures, the Tribe will not offer reciprocity to out-of-state applicators.

The Tribe will coordinate certification activities with the South Dakota Department of Agriculture. Tribal applicator training needs will be coordinated with the South Dakota State Extension Service. Enforcement pesticide samples will be analyzed by Station Biochemistry Laboratories in Brookings, South Dakota.

II. Public Comments

Copies of the Plan, the Tribal Pesticides Code, and all written comments are available for review at the following locations during normal business hours.

1. Rosebud Sioux Tribe, Department of Natural Resources, Rosebud, SD 57570, Telephone: (605) 747–2559.
2. Toxic Substances Branch, Air and Toxics Division, Region VIII, Environmental Protection Agency, 999 - 18th St., Suite 500, Denver, CO 80202, Telephone: (303) 293–1730.
3. Field Operations Division (H7506C), Office of Pesticide Programs, Room 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, Telephone: (703) 557–3262.

Interested persons are invited to submit written comments on the proposed Tribal plan.

Dated: November 16, 1990.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

[FR Doc. 90–28155 Filed 11–29–90; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

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

November 23, 1990

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, International Transcription Service, (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037. 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) 395–3785.

OMB Number: 3060–0176.

Title: Section 73.150, Experimental Authorizations.

Action: Extension.

Respondents: Business or other for-profit.

Frequency of Response: On occasion (including small businesses).

Estimated Annual Burden: 18 responses; 3.1 hours average burden per response; 56 hours total annual burden.

Needs and Uses: Section 73.1510 requires that a licensee of an AM, FM and TV broadcast station file an informal application with the FCC to request an experimental authorization to conduct technical experimentation directed toward improvement of the technical phases of operation and service. This request shall describe the nature and purpose of experimentation to be conducted, the nature of the experimental signal to be transmitted, and the proposed schedule of hours and duration of the experimentation. The data is used by FCC staff to maintain complete technical information about a broadcast station and to ensure that such experimentation will not cause interference to other stations.

OMB Number: 3060–0178.

Title: Section 73.1560, Operating Power and Model Tolerances.

Action: Extension.

Respondents: Business on other for-profit (including small businesses).

Frequency of Response: On occasion.

Estimated Annual Burden: 247 responses; 1 hour average burden per response; 247 hours total annual burden.

Needs and Uses: Section 73.1560(d) require that licenses of AM, FM or TV stations file a notification with the FCC in Washington, DC when operation at reduced power will exceed ten consecutive days and upon restoration of normal operations. If causes beyond the control of the licensee prevent restoration of authorized power within a 30-day period, an informal written request must be made for any additional time as may be necessary to restore normal operations. The data will be used by FCC staff to maintain accurate and complete technical information about a station's operation. In the event that a complaint is received from the public regarding a station's operation, this information is necessary to provide an accurate response.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90–28212 Filed 11–29–90; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–011241–008.

Title: USA-North Europe Rate Agreement.

Parties:

Atlantic Container Line AB, P&O Container Limited, Sea-Land Service, Inc.,
Compagnie Generale Maritime (CGM), Hapag Lloyd AG, Nedlloyd Lijnen BV, A.P. Moller-Maersk Line.

Synopsis: The proposed modification would eliminate a unanimous voting requirement for the assignment of certain Conference/Rate Agreement officials or employees to participate in

service contract negotiations. It would also make other nonsubstantive changes.

Agreement No.: 202–011242–010.

Title: North Europe-USA Rate Agreement.

Parties:

Atlantic Container Line AB, P&O Containers Limited, Sea-Land Service, Inc., A.P. Moller-Maersk Line, Compagnie Generale Maritime (CGM), Hapag Lloyd AG, Nedlloyd Lijnen, BV.

Synopsis: The proposed modification would eliminate a unanimous voting requirement for the assignment of certain Conference/Rate Agreement officials or employees to participate in service contract negotiations. It would also make other nonsubstantive changes.

Dated: November 26, 1990.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 90–28112 Filed 11–29–90; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Apple Bancorp, Inc., et al.; Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing 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.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 20, 1990.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Apple Bancorp, Inc.*, New York, New York; to engage *de nova* in making commercial loans pursuant to section 225.25(b)(1) of the Board's Regulation Y.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *South Carolina National Corporation*, Columbia, South Carolina; to engage *de novo* through its subsidiary, Old Republic Bancorp, Inc., and its subsidiary, Old Republic Savings Bank, Inc., an organizing thrift institutions, both of Rocky Mount, North Carolina, in owning and operating a state-chartered savings and loan association pursuant to § 225.25(b)(9) of the Board's Regulation Y. These activities will be conducted in the State of North Carolina.

Board of Governors of the Federal Reserve System, November 26, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–28128 Filed 11–29–90; 8:45 am]

BILLING CODE 6210–01–M

Barclays PLC and Barclays Bank PLC, et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have 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.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing 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.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application of the offices of the Board of Governors not later than December 20, 1990.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays PLC and Barclays Bank PLC*, London, England; to acquire Interpayment Services Ltd., Poole, Dorset, England, and thereby acquire certain assets of BA Cheque Corporation, San Francisco, California, and thereby engage in the business of issuing and selling travelers cheques pursuant to § 225.25(b)(12) of the Board's Regulation Y.

2. *Citicorp*, New York, New York; to acquire Brookfield Bancshares Corporation and its subsidiary, Brookfield Federal Bank for Savings, both of Brookfield, Illinois, and thereby engage in operating a savings association pursuant to § 225.25(b)(9); and the sale of credit-related life and disability insurance pursuant to § 225.25(b)(8))i) of the Board's Regulation Y. These activities will be conducted in the State of Illinois.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *BB&T Financial Corporation*, Wilson, North Carolina; to acquire

Home Savings and Loan Association, Inc., Durham, North Carolina, and thereby engage in the traditional deposit taking and loan making activities of a savings and loan association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 26, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–28129 Filed 11–29–90; 8:45 am]

BILLING CODE 6210–01–M

Charles D. Campbell, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 14, 1990.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Charles D. Campbell*, Yellville, Arkansas, and Karen K. Campbell, Yellville, Arkansas; to acquire an additional 21 percent of the voting shares of Mountain Bancshares, Inc., Yellville, Arkansas, for a total of 33.38 percent, and thereby indirectly acquire Bank of Yellville, Yellville, Arkansas.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *O.R. Brancel Revocable Trust*, Pierre, South Dakota; to acquire 80 percent of the voting shares of Faith Bank Holding Company, Inc., Pierre, South Dakota.

Board of Governors of the Federal Reserve System, November 26, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–28130 Filed 11–29–90; 8:45 am]

BILLING CODE 6210–01–M

Kislak Financial Corp.; 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 225.24) 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 December 20, 1990.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Kislak Financial Corporation*, Miami Lakes, Florida; to become a bank holding company by acquiring 99.7 percent of the voting shares of Kislak National Bank, North Miami, Florida.

Board of Governors of the Federal Reserve System, November 26, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–28131 Filed 11–30–90; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

American Cyanamid Co.; Withdrawal of Approval of NADA's

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of two new animal drug applications (NADA's) held by American Cyanamid Co. The withdrawals are at the request of the sponsor.

EFFECTIVE DATE: December 31, 1990.

FOR FURTHER INFORMATION CONTACT: Richard P. Lehmann, Center for Veterinary Medicine (HFV–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3134.

SUPPLEMENTARY INFORMATION: American Cyanamid Co., Agricultural Research Division, Box 400, Princeton, NJ 08540, has requested that the following approved NADA's be withdrawn:

NADA 140–821 for the combination of CYGRO (maduramicin ammonium, 4.54 to 5.45 grams per ton (g/ton)) and roxarsone (22.7 to 45.4 g/ton) for the prevention of coccidiosis caused by *Eimeria acervulina*, *E. tenella*, *E. brunetti*, *E. maxima*, *E. necatrix*, and *E. mivati*; and for increased rate of weight gain and improved feed efficiency in broiler chicken.

NADA 140–823 for the combination of CYGRO (maduramicin ammonium, 4.54 to 5.45 g/ton) and bacitracin methylene disalicylate (4 to 50 g/ton) for the prevention of coccidiosis caused by *Eimeria acervulina*, *E. tenella*, E. brunetti, *E. maxima*, *E. necatrix*, and *E. mivati*; and for increased rate of weight gain and improved feed efficiency in broiler chicken.

Therefore, under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), and in accordance with 21 CFR 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA's 140–821 and 140–823 and all supplements and amendments thereto is hereby withdrawn, effective December 31, 1990.

Under provision of 21 CFR 514.115(e), applications providing for the manufacture of animal feeds bearing or containing the combination of CYGRO with roxarsone or bacitracin methylene disalicylate and approved pursuant to section 512(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(m)(2)) are deemed withdrawn on the effective date of withdrawal of the NADA's.

In a final rule published elsewhere in this issue of the **Federal Register**, FDA is amending 21 CFR 558.340 by removing paragraphs (c)(3) and (c)(4) to reflect withdrawals of approval of these NADA's.

Dated: November 21, 1990.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 90-28216 Filed 11-29-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90P-0374]

Eggnog Deviating from Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Turner Dairies, Inc., to market test a product designated as "light eggnog" that deviates from the U.S. standard of identify for eggnog (21 CFR 131.170). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: The permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 28, 1991.

FOR FURTHER INFORMATION CONTACT: Howard A. Anderson, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0349.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Turner Dairies, Inc., Route 4, box 292, Covington, TN 38019.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identify for eggnog in 21 CFR 131.170 in that: (1) The fat content of the product is reduced from 6 percent to 2 percent, and (2) sufficient vitamin A palmitate is added in a suitable carrier to ensure that a 4-fluid-ounce (118.5-milliliter) serving of the product contains 8 percent of the U.S. Recommendated Daily Allowance for vitamin A. The product meets all requirements of the standard with the exception of these deviations. The purpose of the variation is to offer the cosumer a product that is nutritionally equivalent to eggnog but contains fewer calories and less fat.

For the purpose of this permit, the name of the product is "light eggnog." The principal display panel of the label must include the statements "reduced calories" and "reduced fat" following the name. In addition, the label must bear the comparative statements "1/3 less calories" and "75% less fat than regular eggnog".

The product complies with the reduced calorie labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is at least a 50-percent reduction in the fat content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

This permit provides for the temporary marketing of 215,000 quarts (203,454 liters) of the test product. The product will be manufactured at Turner Dairies, Inc., Route 4, box 292, Covington, TN 38019, and distributed in Arkansas, Illinois, Kentucky, Mississippi, Missouri, and Tennessee.

Each of the ingredients used in the food must be declared on the label as requrired by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 28, 1991.

Dated: November 23, 1990.

Douglas L. Archer,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-28132 Filed 11-29-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90P-0368]

Eggnog Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Land-O-Sun Dairies, Inc., to market test a product designated as "light eggnog" that deviates from the U.S. standard of identity for eggnog (21 CFR 131.170). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 28, 1991.

FOR FURTHER INFORMATION CONTACT: Joanne Travers, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-485-0106.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Land-O-Sun Dairies, Inc., 2900 Bristol Highway, Johnson City, TN 37662.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identity for eggnog in 21 CFR 131.170 in that: (1) The fat content of the product is reduced from 6 percent to 2 percent, and (2) sufficient vitamin A palmitate is added to ensure that a 4-fluid-ounce (118.5-milliliter) serving of the product contains 6 percent of the U.S. Recommended Daily Allowance for vitamin A, and (3) the test product will contain aspartame rather than nutritive carbohydrate sweeteners. The product meets all requirements of the standard with the exception of these deviations. The purpose of the variation is to offer consumers a product that is nutritionally equivalent to eggnog but contains fewer calories and less fat.

For the purpose of this permit, the name of the product is "light eggnog." The principal display panel of the label must include the statements "reduced calories" and "reduced fat" following the name. In addition, the label must bear the comparative statements "60% fewer calories" and "⅔ less fat than regular eggnog".

The product complies with the reduced calories labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is at least a 50-percent reduction in the fat content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

This permit provides for the temporary marketing of 225,000 quarts (212,918 liters) of the test product. The product will be manufactured at Land-O-Sun Dairies, Inc., 5700 22d St. North, St. Petersburg, FL 33714; Land-O-Sun Dairies, Inc., 3774 Interstate Rd., Riviera, Fl 33404; Atlanta Dairies, Inc., 777 Memorial Dr. SE., Atlanta, GA 30316; Land-O-Sun Dairies, Inc., Albany Ave. Ext., Waycross, GA 31501; Land-O-Sun Dairies, Inc., 3300 The Plaza, Charlotte, NC 28205; Land-O-Sun Dairies, Inc.,

Konnarock Rd.; Kingsport, TN 37662; Land–O–Sun Dairies, Inc., 2320 Turnpike Rd., Portsmouth, VA 23705; and Land–O–Sun Dairies, Inc., 610 East State St., O'Fallon, IL 62269; and distributed in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

Each of the ingredients used in the food must be stated on the label as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 28, 1991.

Dated: November 21, 1990.

Douglas L. Archer,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90–28217 Filed 11–29–90; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 90P–0375]

Sour Cream Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Mayfield Dairy Farms, Inc., to market test a product designated as "light sour cream" that deviates from the U.S. standard of identity for sour cream (21 CFR 131.160). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: This permit is effective for 15 months, beginning on the date the food is introducing or caused to be introduced into interstate commerce, but not later than February 28, 1991.

FOR FURTHER INFORMATION CONTACT: Shellee A. Davis, Center for Food Safety and Applied Nutrition (HFF–414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0343.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Mayfield Dairy Farms, Inc., 813 East Madison Ave., P.O. Box 310, Athens, TN 37303.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identity for sour cream in 21 CFR 131.160 in that: (1) The fat content of the product is reduced from 18 percent to 9 percent, and (2) sufficient vitamin A palmitate is added in a suitable carrier to ensure that a 2-tablespoon (28.35-gram) serving of the product contains 4 percent of the U.S. Recommended Daily Allowance for vitamin A. The product meets all requirements of the standard with the exception of these deviations. The purpose of the variation is to offer the consumer a product that is nutritionally equivalent to sour cream but contains fewer calories and less fat.

For the purpose of this permit, the name of the product is "light sour cream." The principal display panel of the label must include the statements "reduced calories" and "reduced fat" following the name. In addition, the label must bear the comparative statements "⅓ less calories" and "½ less fat of regular sour cream".

The product complies with the reduced calorie labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is at least a 50-percent in the fat content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

This permit provides for the temporary marketing of 330,000 pounds (149,688 kilograms) of the test product. The product will be manufactured at Mayfield Dairy Farms, Inc., 806 East Madison Ave., Athens, TN 37303, and distributed in Georgia and Tennessee.

Each of the ingredients used in the food must be declared on the label as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 28, 1991.

Dated: November 21, 1990.

Douglas L. Archer,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90–28133 Filed 11–29–90; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Filing Of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public law 92–463, the Annual Report for the following Health Resources and Service Administration's Federal Advisory Committee has been filed with the Library of Congress:

Maternal and Child Health Research Grants Review Committee Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, room 1026, Thomas Jefferson building, Second Street and Independence Avenue, SE., Washington, DC, or weekdays between 9 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Law Library, HHS North Building, room G–619, 330 Independence Avenue, SW., Washington, DC, telephone (202) 245–6791. Copies may be obtained from: Gontran Lamberty, Dr. Ph.H., Executive Secretary, Maternal and Child Health Research Grants Review Committee, room 9–08, Parklawn Building, 5600 Fishers lane, Rockville, Maryland 20857, Telephone (301) 443–2190.

Dated: November 26, 1990.

Jackie E. Baum,

Advisory Committee Management officer, HRSA.

[FR Doc. 90–28134 Filed 11–29–90; 8:45 am]

BILLING CODE 4160–15–M

Office of Human Development Services

Federal Allotments to States for Social Services Expenditures Pursuant to the Title XX—Block Grants to States for Social Services; Promulgation for Fiscal Year 1992

AGENCY: Office of Human Development Services (HDS) Department of Health and Human Services (HHS).

ACTION: Notification of State allotments under Title XX—Block Grants to States for Social Services for Fiscal Year 1992.

SUMMARY: This issuance sets forth the individual allotments to States for Fiscal Year 1992, pursuant to title XX of the Social Security Act (Act). The allotments to the States published herein are based upon the authorization set forth in section 2003 of the Act and are contingent upon Congressional appropriations for the fiscal year. If Congress enacts and the President approves an amount different from the authorization, the allotments will be adjusted proportionately.

FOR FURTHER INFORMATION CONTACT: HDS Regional Administrators.

SUPPLEMENTARY INFORMATION: Section 2003 of the Act authorizes $2.8 billion for Fiscal Year 1992 and provides that it be allocated as follows:

(1) Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana

Islands each receives an amount which bears the same ratio to $2.8 billion as its allocation for Fiscal Year 1981 bore to $2.9 billion.

(2) American Samoa receives an amount which bears the same ratio to the amount allotted to the Northern Mariana Islands as the population of American Samoa bears to the population of the Northern Mariana Islands determined on the basis of the most recent data available at the time such allotment is determined.

(3) The remainder of the $2.8 billion is allotted to each State in the same proportion as that State's population is to the population of all States, based upon the most recent data available from the Department of Commerce.

For Fiscal Year 1992, the allotments are based upon the Bureau of Census population statistics contained in its publications "Current Population Reports" (Series P–25, No. 1058 issued March 1990) and "Estimates of the Population of Puerto Rico and the Outlying Areas: 1980 to 1988" (Series P–25, No. 1049 issued October 1989), which is the most recent satisfactory data available from the Department of Commerce at this time as to the population of each State and each Territory.

EFFECTIVE DATE: The allotments shall be effective October 1, 1991.

Fiscal Year 1992 Federal Allotments to States for Title XX

Total	$2,800,000,000
Alabama	46,187,930
Alaska	5,910,889
American Samoa	179,896
Arizona	39,884,478
Arkansas	26,985,954
California	325,973,728
Colorado	37,192,612
Connecticut	36,328,972
Delaware	7,548,440
Dist. of Col	6,774,529
Florida	142,119,296
Georgia	72,186,867
Guam	482,759
Hawaii	12,472,311
Idaho	11,373,133
Illinois	130,757,380
Indiana	62,731,688
Iowa	31,853,745
Kansas	28,186,078
Kentucky	41,802,432
Louisiana	49,148,982
Maine	13,706,083
Maryland	52,648,408
Massachusetts	66,309,627
Michigan	104,006,964
Minnesota	48,823,715
Mississippi	29,397,417
Missouri	57,863,898
Montana	9,040,183
Nebraska	18,069,149
Nevada	12,461,095
New Hampshire	12,416,231
New Jersey	86,767,807
New Mexico	17,138,212
New York	201,329,127
North Carolina	73,689,825
North Dakota	7,402,631
No. Mariana Islands	96,552
Ohio	122,334,083
Oklahoma	36,160,730
Oregon	31,629,423
Pennsylvania	135,041,933
Puerto Rico	14,482,759
Rhode Island	11,193,675
South Carolina	39,390,969
South Dakota	8,019,517
Tennessee	55,407,570
Texas	190,561,664
Utah	19,145,895
Vermont	6,359,533
Virgin Islands	482,759
Virginia	68,395,823
Washington	53,399,887
West Virginia	20,828,311
Wisconsin	54,588,795
Wyoming	5,327,651

Dated: November 26, 1990.

William A. Schambra,

Director, Office of Policy, Planning and Legislation.

Approved: November 26, 1990.

Donna N. Givens,

Deputy Assistant Secretary for Human Development Services.

[FR Doc. 90–28153 Filed 11–29–90; 8:45 am]

BILLING CODE 4130–01–M

Public Health Service

Indian Health Service; Statement of Organization, Functions, and Delegations of Authority

Part H (Public Health Service) chapter HG, Indian Health Service, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (51 FR 47053–46, December 11, 1987, as most recently amended at 55 FR 34764–66, August 24, 1990) is further amended to establish a new Division of Supply Management and to abolish selected functions in the Division of Administrative Services within the office of Administration and Management, Office of the Director, Indian Health Service (IHS).

Indian Health Service

Chapter HG, section HG–20, Functions, is amended as follows:

Under the heading *Office of Administration and Management (HGA2)*, after the statement for the *Division of Contracts and Grants Policy (HGA250*, add the following title and statement:

Division of Supply Management (HGA27). (1) Administers and operates Agency Supply Service Centers as required to support Indian Health Service (IHS) health facilities; (2) interprets regulation and develops policy and guidelines for all IHS supply organizations; (3) manages all Service Supply Fund financial operations mandated under Public Law 79–124, Federal Security Appropriations Act; (4) provides technical guidance and training to all levels in the IHS supply system; (5) monitors the supply system performance; (6) provides internal control and security for all categories of controlled substances handled under the license and control of the Drug Enforcement Agency; (7) conducts on-site reviews at all IHS supply operations and ensures deficiency corrections for compliance with existing regulations, supply policies, and effective supply practices; (8) ensures that health facilities receive the best supply support at the lowest cost; (9) represents IHS on government and non-government committees, task forces, and other work groups associated with Agency-wide supply and procurement; and (10) determines requirements for Agency-wide procurement supply contracts.

Under the heading *Division of Administrative Services (HGA22)* delete item (1) and insert the following:

"(1) Plans, develops and coordinates office services, records and other administrative services, to support the IHS Headquarters and field programs."

Dated: October 23, 1990.

Everett R. Rhoades,

Assistant Surgeon General, Director, Indian Health Service.

[FR Doc. 90–28135 Filed 11–29–90; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–90–1917; FR–2934–N–01]

Federal Property Suitable as Facilities To Assist Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized and underutilized Federal property determined by HUD to be

suitable for possible use for facilities to assist the homeless.

EFFECTIVE DATE: November 30, 1990.

ADDRESSES: For further information, contact James Forsberg, Department of Housing and Urban Development, room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–4300; TDD number for the hearing- and speech-impaired (202) 708–2565. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on weekly a basis, identifying unutilized and underutilized Federal buildings and real property determined by HUD to be suitable for use for facilities to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable this week.

Dated: November 21, 1990.

Paul Roitman Bardack,

Deputy Assistant Secretary for Economic Development.

[FR Doc. 90–27968 Filed 11–29–90; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Environmental Impact Statement (EIS) for Proposed Lease to Construct a Hazardous Waste Incinerator and Landfill on Kaw Tribal Lands, Formerly Part of Chilocco School Reserve, Kay County, OK

AGENCY: Bureau of Indian Affairs (BIA), Interior.

ACTION: Notice of public scoping meetings; correction.

SUMMARY: This notice corrects dates given for public scoping meetings in the **Federal Register** Volume 55, No. 223, Monday, November 19, 1990, page 48210, column 1 under "**DATES.**" This action is necessary to correct dates of scoping meetings.

DATES: The date for the November 28, 1990 meeting in New Kirk, Oklahoma is corrected to read December 17, 1990.

The date for the November 29, 1990 meeting in Arkansas City, Kansas is corrected to read December 18, 1990.

The sites and hours of these meetings remain unchanged.

FOR FURTHER INFORMATION CONTACT: Mike Reed, Environmental Coordinator, Bureau of Indian Affairs, Anadarko Area Office, P.O. Box 368, Anadarko, Oklahoma 73005, telephone (405) 247–6673.

Dated: November 27, 1990.

Perry J. Baker,

Acting Deputy to the Assistant Secretary—Indian Affairs (Trust and Economic Development).

[FR Doc. 90–28192 Filed 11–29–90; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[AK–967–4230–15, AA 503794]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sections 12(c), 14(h)(8), and 22(f) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1611(c), 1613(h)(8), 1621(f) and the 1982 CNI Settlement Agreement of January 10, 1983, entered into pursuant to ANCSA and sections 1302(h) and 1430(a) of the Alaska National Interest Lands Conservation Act of December 2, 1980, Public Law 96–487, 94 Stat. 2371, 2475, 2531, will be issued to Chugach Alaska Corporation for approximately 14,779 acres. The lands involved are in the vicinity of Tps 2 and 3 S., R 1 E., Copper River Meridian, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Valdez Vanguard. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal Government or regional corporation, shall have until December 31, 1990, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Terry R. Hassett,

Chief, Branch of KCS Adjudication.

[FR Doc. 90–28097 Filed 11–29–90; 8:45 am]

BILLING CODE 4310–JA–M

California: Area Closure, Palm Springs-South Coast Resource Area, California Desert District

AGENCY: Bureau of Land Management, California Desert District Office, Interior.

ACTION: Emergency area closure on public lands.

SUMMARY: Notice is hereby given that all public lands in the S½, N½, of section 20. and the SW¼, NE¼, NW¼ S½, of section 22. and all of section 28. T.3S., R.4E., SBB&M Will be closed to all unauthorized entry including all vehicles, hiking, hunting and fishing activities. This closure shall become effective from the date of publication, and remain in effect until further notice.

This area is located approximately three (3) miles north of Palm Springs California.

The purpose of this closure is to prevent public access to the percolation ponds and wind parks on these lands, which I have determined poses a significant threat to public safety. Authority of this closure is 43 CFR 8364.4(a).

FOR FURTHER INFORMATION CONTACT: Russell L. Kaldenberg, Palm Springs-South Coast Resource Area Manager, 400 South Farrell Dr., Palm Springs, CA 92262.

Dated: November 14, 1990.

Russell L. Kaldenberg,

Area Manager.

[FR Doc. 90–28177 Filed 11–29–90; 8:45 am]

BILLING CODE 4310–40–M

[NV–050–91–4333–12]

Temporary Closure of Public Lands in Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of temporary closure of Public Lands in Clark County, Nevada.

SUMMARY: Notice is hereby given, under the authority of 43 CFR subpart 8364, that certain Public Lands in Nevada that were used previously as courses and starting, pitting, spectating, and finishing areas for the Barstow to Las Vegas (B–V) Motorcycle Race, will be closed from November 21 through December 2, 1990 to all vehicle use. This closure begins on Public Lands at Stateline, Nevada in the Whiskey Pete's Casino vicinity. From this location the closure will cover Roach Dry Lake, Beer Bottle Pass, Sheep Mountain and Jean Dry Lake areas. Order: Effective at 0001 hours (12:01 a.m., PST), Wednesday, November 21,

1990 through 2400 hours (Midnight, PST), Sunday, December 2, 1990, all Public Lands used for course routes, starting, pitting, spectating, and finishing areas for the Barstow to Las Vegas motorcycle race will be closed to vehicles. The legal land descriptions for the course route and finish areas affected by this closure are as follows: All sections within T. 27 S., R. 59 E.; T. 26 S., R. 59 E.; T. 25 S., R. 59 E.; T. 26 S., R. 60 E.; T. 25 S., R. 60 E. A map is on file depicting this closure at the Las Vegas District Office located at 4765 Vegas Drive, Las Vegas, Nevada.

No person may use, drive, move, transport, let stand, park, or have charge or control over any type of motorized vehicle within the closure area. Exemptions to this order are granted to employees of valid right-of-way holders in the course of normal duties associated with maintenance of the right-of-way. All other exemptions to this order are by written authorization of the Las Vegas District Manager.

Background

The purpose of this temporary closure is to protect all Public Land resources on or adjacent to the Barstow to Las Vegas race courses and associated areas from the impacts of unauthorized vehicle use. Resources most critical to these areas are the desert tortoise and its habitat. The desert tortoise is listed as a threatened species under the Federal Endangered Species Act and is afforded increased protection under the terms of the Act. The environmental assessment prepared for this closure action has shown there will be no significant impacts to recreational use or the natural environment as a result of this closure.

EFFECTIVE DATE: This closure will be in effect from 0001 hours (12:01 a.m., PST), Wednesday, November 21, 1990 through 2400 hours (Midnight, PST), Sunday, December 2, 1990.

Dated: November 20, 1990.

Ben Collins,

District Manager, Las Vegas, Nevada.

[FR Doc. 90-28098 Filed 11-29-90; 8:45 am]

BILLING CODE 4310-HC-M

[ID-010-00-4130-04-241A]

Boise District Advisory Council; Meeting

AGENCY: Boise District, Bureau of Land Management, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: The Boise District Advisory Council will meet December 13 to discuss regional water quality issues and their implications for public land management in southwest Idaho. The meeting is open to the public and a comment period will be held at 1 p.m.

DATES: The meeting will begin at 8:30 a.m. on Thursday, December 13 in the downstairs conference room of the Boise District office.

ADDRESSES: The Boise District Office is located at 3948 Development Avenue, Boise, Idaho, 83705.

FOR FURTHER INFORMATION CONTACT: Barry Rose, Boise District, BLM, 208-384-3393.

Dated: November 20, 1990.

Barry C. Cushing,

Acting District Manager.

[FR Doc. 90-28099 Filed 11-29-90; 8:45 am]

BILLING CODE 4310-GG-M

[ES-970-01-4120-11-241A; MSES 25447-A]

Proposed Reinstatement of Terminated Oil and Gas Lease; Mississippi

AGENCY: Bureau of Land Management, Interior.

ACTION: Reinstatement of terminated oil and gas lease MSES 25477-A.

SUMMARY: Terminated oil and gas lease MSES 25447-A located in Smith County, Mississippi, containing 40.00 acres more or less.

FOR FURTHER INFORMATION CONTACT: Mr. James Collazo on (703) 461-1507.

SUPPLEMENTARY INFORMATION: Federal oil and gas lease MSES 25447-A terminated automatically by operation of law on June 1, 1990 (30 U.S.C. 188). A petition for reinstatement of this lease was filed by Mr. Robert Newman (lessee) under section 31D of the Minerals Leasing Act of 1920, as amended by the Federal Oil and Gas Royalty Management Act of 1982 (96 Stat. 2447).

The lessee has met all of the following requirements for reinstatement of the subject lease:

(a)	$500	Reimbursement of Departmental Administrative Costs.
(b)	200	Back Rental Payments.
(c)	125	Publication Costs.

The proposed reinstatement of this lease would be under the same terms and conditions as the original lease, except the rental will be increased to $5.00 per acre per year, and royalty increased to 16⅔ percent beginning the effective date of the above-mentioned lease.

Carson W. Culp, Jr.,

Acting State Director.

[FR Doc. 90-28080 Filed 11-29-90; 8:45 am]

BILLING CODE 4310-84-M

[ID-010-01-4212-13; IDI-27025]

Realty Actions; Sales, Leases, Etc.; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action IDI-27025; exchange of public and private lands in Ada County, Idaho.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716):

Boise Meridian, Idaho

T. 2 N., R. 3 E.,
SEC. 34: S½SE¼.

Containing 80 acres, more or less.

In exchange for the above described public lands, the BLM proposes to acquire the following described private lands from Dennis Baker:

Boise Meridian, Idaho

T. 2 N., R. 4 E.,
SEC. 8: NE¼NW¼, W½W½, SE¼SW¼, SW¼SE¼.

Containing 280 acres, more or less.

The purpose of this exchange is to dispose of a scattered and isolated parcel of public land that possesses very little resource value and that is difficult and uneconomic to manage in exchange for a larger parcel of private land that contains crucial big game winter range. The public interest will be well served by the completion of this exchange.

The values of the lands to be exchanged are approximately equal. Full equalization of values will be accomplished prior to closing through either acreage adjustment or cash payment in an amount not to exceed 25 percent of the value of the lands to be transferred out of Federal ownership.

DATES: For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager at the address shown below.

ADDRESSES: Comments should be sent to the District Manager, Bureau of Land Management, Boise District, 3948 Development Avenue, Boise, Idaho

83705. Objections to this proposal will be reviewed by the State Director, who may sustain, modify, or vacate this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: John Sullivan, Bureau Resource Area Realty Specialist at (208) 384–3338. The Environmental Assessment/Land Report is available for review at the above address.

SUPPLEMENTARY INFORMATION: Publication of this notice in the Federal Register segregates the public lands form operation of the public land laws and mining laws, but not the mineral leasing laws. The segregative effect will end upon issuance of patent or two (2) years from the date of this publication, whichever occurs first.

Lands to be transferred from the United States will be subject to the following reservations, terms, and conditions:

1. Excepting and Reserving to the United States a right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

2. Subject to those rights for grazing purposes granted to Arlen DeMeyer by Slater Flat Grazing Permit No. 111618 pursuant to section 3 of the Act of June 28, 1934 (43 U.S.C. 315, et seq.). The rights of Arlen DeMeyer to graze domestic livestock on the real estate according to the conditions and terms of the grazing permit shall cease on December 31, 1992.

Dated: November 19, 1990.

Barry C. Cushing,

Acting District Manager.

[FR Doc. 90–28100 Filed 11–29–90; 8:45 am]

BILLING CODE 4310–GG–M

[OR–943–01–4212–11; GP1–045; OR–21956]

Proposed Continuation of Withdrawal; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Interior, Bureau of Reclamation, proposes that the land withdrawal for the Owyhee project continue for an additional 50 years and requests that the lands involved remain closed to surface entry and mining.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM, Oregon State Office, P.O. Box 2965 Portland, Oregon 97208, 503–280–7171.

The Bureau of Reclamation proposes that the existing land withdrawal made by the Secretarial Order dated March 17, 1916, as amended by the Secretarial Order dated November 5, 1919, be continued for a period of 50 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714.

The 584.40 acres involved are located in Secs. 34 and 35, T. 21 S., R. 45 E., and Secs. 3, 4, and 10, T. 22 S., R. 45 E., W.M., in Malheur County, approximately 11 miles southwest of Adrian.

The purpose of the withdrawal is to protect the Owyhee dam and reservoir project. The withdrawal currently segregates the lands from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. The Bureau of Reclamation requests no changes in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: November 14, 1990.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 90–28101 Filed 11–29–90; 8:45 am]

BILLING CODE 4310–33–M

Bureau of Reclamation

[INT–DES–90–30]

Shasta Outflow Temperature Control

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability and notice of public hearings on planning report/draft environmental impact statement (PR/DEIS)

SUMMARY: Pursuant to section 101(2)(C) of the National Environmental Policy Act of 1969 (NEPA), as amended, the Department of the Interior, Bureau of Reclamation (Reclamation) has prepared a planning report/draft environmental impact statement on the Shasta Outflow Temperature Control investigation. The PR/DEIS describes and presents the environmental effects of three alternatives, including no action, for utilizing the cold water resources of Shasta Lake to improve temperatures in the upper Sacramento River. Improved water temperatures would benefit chinook salmon, particularly the winter run.

DATES: A 90-day public review period commences with the publication of this notice. Within the review period, written comments on the PR/DEIS may be submitted to the Regional Director, Mid-Pacific Region, Bureau of Reclamation at the address provided below.

Public hearings on the PR/DEIS will be held on the following dates at the locations indicated.

Hearing 1: Tuesday, January 15, 1991, 1 p.m. to 5 p.m., the Ambassador Room, Executive Lodge, 2030 Arden Way, Sacramento, California

Hearing 2: Wednesday, January 16, 1991, 7 p.m. to 10 p.m., the Executive Room, Red Lion Inn, 1830 Hilltop Drive, Redding, California.

ADDRESSES: Copies of the PR/DEIS may be requested at the following addresses:

Regional Director, Bureau of Reclamation, Mid-Pacific Regional Office, 2800 Cottage Way, Attention: MP–750, Sacramento, CA 95825–1898; telephone: (916) 208–4662.

Denver Office Bureau of Reclamation, Library, Room 167, Building 67, Denver Federal Center, Denver, CO 80225; telephone: (303) 236–6963.

Libraries

California State University, 2000 Jed Smith Dr., Sacramento, CA 95819.

Sacramento County Public Library, 536 Downtown Plaza, Sacramento, CA 95814.

Shasta County Public Library, 1855 Shasta, Redding, CA 96001.

Tehama County Public Library, 645 Madison, Red Bluff, CA 96075.

University of California, Water Resources Center, Berkeley Archives Collection, Berkeley, CA 94704.

FOR FURTHER INFORMATION CONTACT: Douglas Kleinsmith (Project Environmental Specialist, Bureau of Reclamation, Mid-Pacific Region), (916) 978–5121; or Dr. Wayne Deason (Manager, Environmental Services Staff,

Bureau of Reclamation, Denver Federal Center), (303) 236–9336.

SUPPLEMENTARY INFORMATION: The upper Sacramento River is the largest and most important salmonid stream in California providing more spawning habitat for chinook salmon than any other river in California.

The spawning population of chinook salmon and steelhead trout in the upper Sacramento River has declined steadily since the 1960's.

The most precipitous decline in salmon populations has been recorded in the winter-run chinook salmon. Since counts were initiated in 1967, the annual winter run has declined from a high of 117,808 in 1969 to approximately 2,000 in 1987 and 1988. The California Department of Fish and Game has estimated the winter run in 1989 to be about 500 fish. As a result, in May 1989, the Sacramento River basin winter-run chinook salmon was designated as a "threatened species" under the Federal Endangered Species Act and classified as "endangered" by the State of California.

One of the major factors in limiting winter-run population levels is inadequate water temperatures to sustain egg survival below Shasta Dam. Especially in drought years, or after a series of "dry" years, there has not been enough cool water available from existing reservoir outlets to sustain apropriate temperatures throughout the egg incubation period. Since 1987, Reclamation has bypassed water through low-level outlets around its power turbines to provide cool water, thus resulting in about $9 million of replacement energy costs.

The PR/DEIS analyzes two alternatives which would provide a permanent solution to the temperature control problem in the upper Sacramento River. One alternative is a conventional multilevel intake (shutter) device that allows selective withdrawal of water. This shutter device provides for releases through the powerplant while accommodating temperature, water-quality, and water-supply requirements. Construction of the device would allow for withdrawals from various reservoir depths, either singly or in combination, to control the temperature, turbidity, and/or dissolved oxygen content of the releases. The second alternative is bypassing the Shasta powerplant which would be an operational scheme designed to optimize the use of the cold water resource in Shasta Lake without any structural changes. Significantly more releases would be made from the river outlet works than are presently being made with the interim bypass operation. More power would also be forgone than at present.

The no action alternative identifies the impacts of continuing current operations.

Hearing Process Information

Organizations and individuals wishing to present statements at the hearings should contact Reclamation's Mid-Pacific Regional Office at the above address to announce their intention to participate. Requests for scheduled presentations will be accepted through 4 p.m. on January 10, 1991, and may also be made at each hearing. Requests should indicate at which hearing the speaker wishes to appear. Speakers will be called upon to present their comments in the order in which requests were received. Advance requests will be called before requests made at the hearings. Oral comments will be limited to 10 minutes per individual. Speakers not present when called will lose their position in the scheduled order and will be recalled at the end of the schedule. Written comments from those unable to attend or those wishing to supplement their oral presentations at the hearings should be received by Reclamation's Mid-Pacific Regional Office at the above address by March 1, 1991. All comments received during the 90-day public comment period will be addressed in the planning report/final environmental impact statement.

Dated: November 27, 1990.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 90–28171 Filed 11–29–90; 8:45 am]

BILLING CODE 4310–09–M

National Park Service

Environmental Statements: Walker and Catoosa Counties, GA

AGENCY: National Park Service, U.S. Department of the Interior.

ACTION: Record of decision for the final Environmental Impact Statement for the Relocation of U.S. 27, Walker and Catoosa Counties, Georgia.

Introduction

Public Law 100–211 authorized and directed the National Park Service (NPS) to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park (CHCH) in Georgia to a location mostly outside the western boundary of the park. As a result of the legislative mandate, the NPS and the Georgia Department of Transportation, as joint lead agencies, began preparation of a Draft Environmental Impact Statement (DEIS) to implement the legislation.

Scoping meetings were held to identify issues and alternatives to be evaluated in the DEIS. The DEIS was made available to the public and a public hearing was held. After evaluation of comments, Alternative A–4 was identified as the preferred alternative and a Final Environmental Impact Statement (FEIS) was sent to those who had received copies of the DEIS and to all who requested copies of the FEIS.

The purposes of this Record of Decision are to document the selection of Alternative A–4 for the relocation of U.S. 27 in the area covered by the legislation affecting CHCH in Georgia, identify all alternatives considered, and commit to mitigation of adverse environmental impacts.

Alternatives Considered

Three construction alternatives and a No-Build alternative were considered in the DEIS and the FEIS.

Alternative A–4 (Selected Alternatives)

The selected alternative is Alternative A–4 which consists of the relocation of U.S. 27 on the west side of the CHCH in Walker and Catoosa Counties, Georgia. The preferred alternative would begin just north of the intersection with County Road (CR) 144 and would extend northwestward on new location for a distance of approximately 5.1 miles. The alignment would extend on new location and cross Tubb Road/CR 342 at-grade. The alignment would continue northwestwardly crossing Wilder Road/CR 710 near the intersection of Wilder and Osburn Road/CR 442. From this point, the alignment would remain in a northwestward direction, intersecting at-grade with Lytle Road/CR 255 and then Davis Road.

At Davis Road, the alignment would shift to a northward direction and would continue northward to just past Long Hollow Road. The proposed intersection with Long Hollow Road would be at-grade. From the intersection of Long Hollow Road, the preferred alternative would continue directly northward crossing the Central of Georgia Railroad and would extend within the park along the western boundary for approximately 4,200 feet. At that point, the preferred alternative would turn northwestward through the park crossing McFarland Gap Road, CR 298 and CR 289.

The preferred alternative would intersect most local streets at-grade. Overpasses are proposed at the two

crossings of the Central of Georgia Railroad and at the crossing of Old State Route (SR) 2 (McFarland Gap Road). Access would be provided to McFarland Gap Road via an access road. Additionally, a short relocation of Long Hollow Road is proposed to provide a more efficient intersection with the proposed project. On the preferred alternative, a portion of Dewberry Road would be relocated. A ramp overpass will be constructed to maintain existing traffic patterns. Also, Little Road/CR 297 would be relocated to pass under the bypass to avoid redirecting current traffic patterns, both vehicular and pedestrian, and to preserve community continuity. Lastly, a short segment of Park City Drive would be relocated approximately 1,200 feet to the east of the current intersection with SR 2 to provide adequate clearance for the interchange and ramps of the proposed project and SR 2.

The proposed bypass typical section would be four 12-foot travel lanes, two in each direction, separated by a 44-foot wide grassed median. A minimum of 200 feet of right-of-way would be required for any of the alternatives. Topography will control the right-of-way width. Additionally, SR 2 would be widened one lane in each direction from the proposed interchange to the existing intersection with U.S. 27. Also, the existing U.S. 27/SR 2 intersection would be upgraded to provide required turn lanes from SR 2 eastbound to U.S. 27 northbound.

Also included in the proposed project are improvements to McFarland Gap Road to meet current safety standards. These improvements include upgrading McFarland Gap Road to two 12-foot travel lanes from the park boundary through the intersection of the proposed bypass. McFarland Gap Road already has 24 feet of pavement through the park. A minimum of 8-foot shoulders would be provided where cut sections are not required. Timber-faced guardrail would be used in areas where 10-foot shoulders cannot be accommodated. To improve sight distance at curves, selective tree removal would be done. An east bound center turn lane and a west bound right turn lane would be added on McFarland Gap Road at the intersection of Park City Drive. The culvert nearest the west park boundary on

McFarland Gap Road would be extended on the north side to provide for adequate shoulder width. Signs would be posted near the intersection of the project and McFarland Gap Road indicating the direction to the Fort Oglethorpe business district via McFarland Gap Road. No improvements to McFarland Gap Road would be necessary within the Fort Oglethorpe Historic District boundary.

Alternative A–5

Alternative A–5 is common in alignment with Alternative A–4 from existing U.S. 27 to a point approximately 150 feet north of the proposed crossing of Long Hollow Road. Leaving the common section, Alternative A–5 would continue directly northward crossing the Central of Georgia Railroad and would be extended outside and adjacent to the western park boundary for approximately 4,200 feet. At that point, Alternative A–5 would turn northeastward extending through the park along the same alignment as Alternative A–4 to join SR 2.

Alternative A–6

Alternative A–6 is common in alignment with Alternatives A–4 and A–5 from existing U.S. 27 to a point approximately 150 feet north of the proposed crossing of Long Hollow Road. Following the common section, Alternative A–6 would be common with Alternative A–5 following just outside and adjacent to the western park boundary but would continue directly northward to just north of the western corner of the park. At that point, Alternative A–6 would turn northeastward and would cross McFarland Gap Road. Prior to joining SR 2, Alternative A–6 would again be common with Alternative A–5.

No Build Alternative

The No Build Alternative would not require any displacement of businesses or residences, and would not adversely impact the economics of businesses located just north of the park on U.S. 27, south of SR 2. However, the park would continue to be adversely impacted by through traffic. Long range economic benefits to the community should be beneficial.

Other Alternatives Considered and Rejected

A summary of these alternatives is located in section II.C. of the FEIS. Detailed analyses of these alternatives were discussed in the DEIS for the proposed project which was approved November 21, 1979, by the Federal Highway Administration (FHA) but never finalized. During present project development (under the congressional mandate) several alternatives were analyzed and have been eliminated. Discussion of these alternatives and the reasons for their elimination is also in section II.C. of the FEIS.

Environmental Impacts and Mitigation

The proposal will impact CHCH. However, it is the opinion of the NPS that the benefits of removing the existing U.S. 27 from the center of the park, thus reducing traffic in the most historic part of the park to a fraction of what it presently is, is compensation for the loss of park land. Also, taking park land will significantly reduce community disruption by reducing the number of displacement of residences and businesses in the community.

The park is listed on the National Register of Historic Places and a Memorandum of Agreement has been signed by all parties concerned. All steps to mitigate adverse impacts included in this memorandum will be implemented.

There are disproportionate adverse impacts on the minority population within the project area. However, the project is in compliance with title VI of the Civil Rights Act of 1964 and related regulations. The selected alternative has the highest percent of minorities, but this is because the alignment utilizes park land and has the lowest overall displacements. The number of minorities displaced by the selected Alternative is equal to or less than Alternatives A–5 and A–6.

On Alternative A–4, 36 owner occupied residential units and 3 tenant occupied residential units would be displaced. On Alternative A–5, 67 owner occupied single family residences and 3 tenant occupied residences would be displaced. On Alternative A–6, 80 owner occupied single family residences and 2 tenant occupied residences would be displaced. Relocation assistance will be provided under the provisions of the Uniform Relocation Assistance and Real Properties Acquisition Act of 1970, Public Law 91–646. The program offers prompt and equitable assistance to those who would be displaced as a result of the project.

The business community in Fort Oglethorpe on the bypassed portion contends that severe economic effects to the businesses and to Catoosa County would result from the project terminating at SR 2 rather than at McFarland Gap Road and U.S. 27. To minimize effects to the business community, improvements will be made to McFarland Gap Road and the bypass will be signed directing traffic to the business district via McFarland Gap Road. In addition, the NPS is committed to assisting the community to assure that the economic benefits of tourism to the park are fully realized by the community.

During the year of construction, 28 residences would be impacted by substantial increases in traffic noise. Abatement measures were considered for the sites predicted to be impacted but none was found to be reasonable and feasible.

Dated: October 31, 1990.

Robert M. Baker,

Regional Director, Southeast Region.

[FR Doc. 90-28068 Filed 11-29-90; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 17, 1990. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by December 17, 1990.

Carol D. Shull,

Chief of Registration, National Register.

ARKANSAS

Pulaski County

Hillcrest Historic District, Bonded by Woodrow, Jackson & Markham Sts. & M. Lookout Rd., Little Rock, 90001920

Matthews, Justin, Jr., House, 257 Skyline Dr., North Little Rock, 90001933

CONNECTICUT

Litchfield County

Coffing, John C., House, US 44 W of Lime Rock Rd., Salisbury, 90001922

New London County

Montauk Avenue Historic District, Roughly bounded by Ocean, Willets & Riverview Aves. & Faire Harbor, New London, 90001910

Tolland County

Willington Common Historic District, Properties around Willington Common & E on Tolland Tnpk. past Old Farms Rd., Willington, 90001911

INDIANA

Clay County

Poland Presbyterian Church and Cemetery, IN 42 near Co. Rd. 56S, Poland, 90001932

Fulton County

Utter—Gerig Round Barn, Nea jct. of Co. Rds. 825 E. & 100 N., Akron vicinity, 90001927

Monroe County

Courthouse Square Historic District, Roughly bounded by 7th, Walnut & 4th Sts. & College Ave., Bloomington, 90001931

St. Joseph County

Ellis—Schindler House, 900 Lincolnway W., Mishawaka, 90001926

Vanderburgh County

Igleheart, Edgar A., House, 5500 Lincoln Ave., Evansville, 90001930

Wabash County

Manchester College Historic District, 604 College Ave., North Manchester, 90001929

MAINE

Kennebec County

Dutton—Small House, Bog Rd. W of Taber Hill Rd., Vassalboro vicinity, 90001907

Quimby, Dr. Samuel, House, North Rd. E of jct. with Church Rd., Mount Vernon vicinity, 90001903

Knox County

Tillson Farm Barn, Warrenton Rd. SE of jct. with Commercial St., Glen Cove vicinity, 90001902

Penobscot County

Cushman, Abial, Store, Main St. E of ME 168, Lee, 90001906

Sagadahoc County

Carr, Robert P., House, Main St., Bowdoinham, 90001904

York County

Grist Mill Bridge, Little River Rd. across the Little R., Lebanon vicinity, 90001905

MARYLAND

Caroline County

Main Archeological Survey Site 53.36, Address Restricted, Winslow vicinity, 90001901

NEW MEXICO

Sante Fe County

Wheelwright Museum of the American Indian, 704 Camino Lejo, Santa Fe, 90001917

NORTH CAROLINA

Buncombe County

Grove Park Historic District (Boundary Increase), Roughly, Kimberly Ave. from Maywood St. to N of Evelyn Pl., including Grove Park Inn Country Club, Asheville, 90001918

Macon County

Highlands Inn, Jct. of Main & Fourth Sts., Highlands, 90001916

Randolph County

Marley House, N side of US 64 .1 mi. W of jct. with SR 2475, Staley vicinity, 90001919

OHIO

Franklin County

Ohio State Office Building, 65 S Front St., Columbus, 90001908

Ottawa County

Green Island Light (Light Stations of Ohio MPS), Green Island in Lake Erie, Put-in-Bay vicinity, 90001909

PENNSYLVANIA

Chester County

Hockley Mill Farm, Warwick Furnace Rd., SE of Knnauertown (Warwick Township), Glen Moore, 90001921

TEXAS

Bell County

Austin, F.K. and Mary, House (Belton MPS), 702 M. Penelope St., Belton, 90001891

Baggett, Ele, House (Belton MPS), 1019 N. Main St., Belton, 90001882

Baggett, Silas and Ellen, House (Belton MPS), 1018 N. Main St., Belton, 90001881

Baylor Female College Historic District (Belton MPS), Bounded by King, College & W. Ninth Sts., Belton, 90001869

Beamer, William, House (Belton MPS), 1202 S. Beal St., Belton, 90001875

Belton Academy (Belton MPS), 404 E. Ninth St., Belton, 90001937

Belton Commercial Historic District (Belton MPS), Roughly bounded by Nolan Valley Rd., Penelope St. & Molan Cr., Belton, 90001868

Belton Farmers' Gin Coop (Belton MPS), 219 S. East Ave., Building 4, Belton, 90001870

Belton Standpipe (Belton MPS), NW of jct. of TX 317 & I-35, Belton, 90001900

Belton Yarn Mill (Belton MPS), 805 E. Fourth St., Belton 90001899

Birdwell, T. Hamp and Beulah, House (Belton MPS), 503 N. Wall, Belton, 90001896

Burford, R.F. and Lena, House (Belton MPS), 920 N. Penelope St., Belton, 90001893

Cornelison House (Belton MPS), 1102 N. Pearl St., Belton, 90001886

Elliott, Joel, House (Belton MPS), 716 N. College St., Belton, 90001876

Farr, Dr. R.S., House (Belton MPS), 801 E. Central Ave., Belton, 90001935

Ferguson, James A., House (Belton MPS), 1123 N. Beal St., Belton, 90001874

Ferguson, James E. and Miriam, House (Belton MPS), 604 N. Penelope St., Belton, 90001889

First Christian Church Parsonage (Belton MPS), 608 N. Penelope St., Belton, 90001890

Frazier, Dr. Jacob Moore, House (Belton MPS), 618 N. Wall, Belton, 90001897

Gray Rental Houses (Belton MPS), 702—708 N. Pearl St., Belton, 90001934

Hammersmith, John, P., House (Belton MPS), 520 S. Main St., Belton, 90001883

Harris, Capt. Andrew Jackson, House (Belton MPS), 1001 W. Tenth St., Belton, 90001871

House at 402 N. East St. (Belton MPS), 402 N. East St., Belton, 90001878

House at 730 M. Beal St. (Belton MPS), 730 N. Beal St., Belton, 90001936

Hudson, Dr. Taylor, House (Belton MPS), 324 N. Main St., Belton, 90001879

James House (Belton MPS), 805 N. Beal St., Belton, 90001873

Kinchion, L. B., House (Belton MPS), 702 S. Pearl St., Belton, 90001887

Lee, Walter J., House (Belton MPS), 804 N. College St., Belton, 90001877

McWhirter, George and Martha, House (Belton MPS), 400 N. Pearl St., Belton, 90001884

Means, V. R., House (Belton MPS), 609 E. 14th St., Belton, 90001938

Miller, J. Z., House (Belton MPS), 804 N. Penelope St., Belton, 90001892
Missouri, Kansas & Texas Railroad Bridge at the Leon River (Belton MPS), Across the Leon R. at Taylor's Valley Rd., Belton, 90001898
Morey House (Belton MPS), 328 N. Main St., Belton, 90001880
Mount Zion United Methodist Church (Belton MPS), 218 Alexander St., Belton, 90001872
Naismith, Robert, House (Belton MPS), 440 N. Penelope St., Belton, 90001888
Potts, Arthur, House (Belton MPS), 445 N. Wall, Belton, 90001895
Venable, W. J., House (Belton MPS), 426 N. Wall, Belton, 90001894
Ware, H. A. and Helena, House (Belton MPS), 401 N. Pearl St., Belton, 90001885

VIRGINA

Frederick County

Willow Shade, Jct. of Frederick Co. Rd. & US 50, Winchester vicinity, 90001925

Hanover County

Trinity Church, Jct. of VA 738 & VA 658, Beaverdan vicinity, 90001923

Powhatan County

Emmanuel Episcopal Church, Emmanual Church Rd. S of US 60, Powhatan vicinity, 90001924

WASHINGTON

Chelan County

Chelan Butte Lookout (USDA Forest Service Fire Lookouts on Wenatchee NF MPS), Summit of Chelan Butte, Chelan vicinity, 90001912
Sugarloaf Peak Lookout (USDA Forest Service Fire Lookouts on Wenatchee NF MPS), Summit of Sugarloaf Peak, Leavenworth vicinity, 90001914
Tyee Mountain Lookout (USDA Forest Service Fire Lookouts on Wenatchee NF MPS), Summit of Tyee Mountain, Entiat vicinity, 90001913

Douglas County

Badger Mountain Lookout (USDA Forest Service Fire Lookouts on Wenatchee NF MPS), Near summit of Badger Mountain, East Wenatchee vicinity, 90001915

[FR Doc. 90-28069 Filed 11-29-90; 8:45 am]
BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related form may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the proposal should be made directly to the bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project (1029-0047), Washington, DC 20503, telephone 202-395-7340.

Title: Permanent Program Performance Standards—Surface Mining Activities, 30 CFR part 816.
OMB approval number: 1029-0047.
Abstract: Section 515 of the Surface Mining Control and Reclamation Act of 1977 provides that permittees conducting surface coal mining operations shall meet all applicable performance standards of the Act. The information collected is used by the regulatory authority in monitoring and inspecting surface coal mining activities to ensure that they are conducted in compliance with the requirements of the Act.
Bureau form number: None.
Frequency: On occasion, quarterly, and annually.
Description of respondents: Surface coal mining operators.
Estimated completion time: 29 hours.
Annual responses: 43,074.
Annual burden hours: 1,286,217.
Bureau clearance officer: Richard L. Wolfe, 202-343-5143.

John P. Mosesso,
Chief, Division of Technical Services.
[FR Doc. 90-28076 Filed 11-29-90; 8:45 am]
BILLING CODE 4310-05-M

Information Collection Submitted to the Office of Management and Budget for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related form may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the proposal should be made directly to the bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project (1029-0048), Washington, DC 20503, telephone 202-395-7340.

Title: Permanent Program Performance Standards—Underground Mining Activities, 30 CFR part 817.
OMB approval number: 1029-0048.
Abstract: Section 515 of the Surface Mining Control and Reclamation Act of 1977 provides that permittees conducting underground coal mining operations shall meet all applicable performance standards of the Act. The information collected is used by the regulatory authority in monitoring and inspecting underground coal mining activities to ensure that they are conducted in compliance with the requirements of the Act.
Bureau form number: None.
Frequency: On occasion, quarterly, and annually.
Description of respondents: Underground coal mining operators.
Estimated completion time: 24.8 hours.
Annual responses: 10,607.
Annual burden hours: 263,580.
Bureau clearance officer: Richard L. Wolfe, 202-343-5143.

Dated: November 22, 1990.
John P. Mosesso,
Chief, Division of Technical Services.
[FR Doc. 90-28077 Filed 11-29-90; 8:45 am]
BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Release of Waybill Data for Use By David A. Reitz for The Port of Thunder Bay, Ontario

The Commission has received a request from David A. Reitz for permission to use certain data from the Commission's 1989 ICC Waybill Sample for a study of the viability of general cargo service on the Great Lakes.

A copy of the request may be obtained from the ICC Office of Economics.

The Waybill Sample contains confidential railroad and shipper data; therefore, if any parties object to this request, they should file their objections (an original and 2 copies) with the Director of the Commission's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data (Ex Parte 385 (Sub-No. 2)) are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 275-6864.

Sidney L. Strickland, Jr.,
Secretary.
[FR Doc. 90-28180 Filed 11-29-90; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Settlement Stipulation

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on November 2, 1990, a proposed Stipulation and

Agreement to Settle in *In re: Argo Petroleum Corp.*, was lodged with the Bankruptcy Court for the Central District of California. The settlement is in connection with claims of the Environmental Protection Agency in Argo Petroleum's chapter 11 bankruptcy proceedings.

The proposed settlement stipulation resolves civil claims of the United States regarding the liability of Argo Petroleum for disposal of hazardous substances at the Operating Industries, Inc. landfill, located in Monterey Park, California. The settlement provides that Agro Petroleum will pay the United States $240,000 in settlement for potential past and future civil claims, excluding claims for damages to, injury to or destruction of natural resources, regarding the Operating Industries, Inc. site.

The Department of Justice will receive comments relating to the proposed settlement stipulation for a period of 30 days from the date of this publication. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *In re: Argo Petroleum Corp.*, D.J. Ref. 90–11–2–156A.

The proposed settlement stipulation may be examined at the office of United States Attorney, 312 North Spring Street, Los Angeles, California 90012, and at the Region IX office of the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105. A copy of the proposed settlement stipulation may also be examined at the Environmental Enforcement Section Document Center 1333 F Street, NW., suite 600, Washington, DC 20004. A copy of the proposed settlement stipulation may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $4.00 for copying costs ($0.25 per page) payable to "Consent Decree Library."

George W. Van Cleve,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90–28073 Filed 11–29–90; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on November 14, 1990, a proposed Consent Decree in *United States* v. *City of Portsmouth*, Civil No. 89–234–D, was lodged with the United States District Court for the District of New Hampshire resolving the matter. The proposed Consent Decree concerns the failure of the City to comply with its National Pollutant Discharge Elimination System permit and failure to implement a plan to monitor combined sewer overflows in violation of the Clean Water Act.

Under the terms of the Consent Decree, the defendant will complete construction of an upgraded and expanded primary treatment plant and achieve compliance with the limits in its National Pollutant Discharge Elimination System permit. The City also will pay a civil penalty of $100,000 and take action to eliminate combined sewer overflows.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to United States v. City of Portsmouth, D.J. Ref. 90–5–1–1–3331.

The proposed Consent Decree may be examined at the Region 1 Office of the Environmental Protection Agency, One Congress Street, Boston, Massachusetts. Copies of the Consent Decree may be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600, Washington, DC 20044, (202)347–7829. A copy of the proposed Consent Decree may be obtained in person or by mail from the Document Center. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $6.50 (25 cents per page reproduction cost) made payable to Consent Decree Library.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90–28074 Filed 11–29–90; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 10, 1990.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 10, 1990.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 19th day of November 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petion number	Articles produced
A.C. Nielsen Co. (Workers)	El Paso, TX	11/19/90	11/06/90	25,086	Coupon Redemption.
Brockway Inc.-NY (Workers)	Montgomery, AL	11/19/90	11/03/90	25,087	Glass Containers.
Checker Motors Co. LP (Workers)	Kalamazoo, MI	11/19/90	11/07/90	25,088	Tailgates.
Chrysler Corp. (Workers)	Warren MI	11/19/90	11/18/90	25,089	Auto Parts.
Eagle Pass Processing (Workers)	Eagle Pass, TX	11/19/90	11/09/90	25,090	Jeans.
EPC Ind. (Workers)	Muskegon, MI	11/19/90	11/06/90	25,091	Painted Parts.
Foamex Lt. (Recticel Foam Prod.) (Workers)	Leroy, NY	11/19/90	11/01/90	25,092	Auto Parts.
General Tire, Inc. (URW)	Waco, TX	11/19/90	11/07/90	25,093	Rubber.
Irving Tanning Co. (Workers)	Hartland, ME	11/19/90	11/09/90	25,094	Leather.
Key Hollow Corp. (Workers)	W. Bridgewater, MA	11/19/90	11/06/90	25,095	Sportswear.
Lee Company (Workers)	Hartville, MO	11/19/90	11/05/90	25,096	Jeans.
LL Bean Inc. (Workers)	Lisbon Falls, ME	11/19/90	11/25/90	25,097	Shoes & Slippers.
LL Bean Inc. (Workers)	Brunswick, ME	11/19/90	11/25/90	25,098	Shoes.
National-Standard Co. (Workers)	Rome, NY	11/19/90	11/06/90	25,099	Cables.
Northern Continental (Workers)	Pittsburgh, PA	11/19/90	11/04/90	25,100	Coal.
Philips Components, Prod. Div. (Workers)	Slatersville, RI	11/19/90	11/05/90	25,101	Electronics.
Pine State Knitwear Co. (Workers)	Bluefield, W.Va	11/19/90	10/22/90	25,102	Sweaters.
Port of Galveston (Workers)	Galveston, TX	11/19/90	10/30/90	25,103	Moving Equip.
St. Paul Sportswear Co. (Workers)	St. Paul, VA	11/19/90	10/22/90	25,104	Shirts.
Straits Forest Prod., Inc. (Workers)	Pt. Angeles, WA	11/19/90	11/02/90	25,105	Lumber.
Teledyne Monarch Rub. (Div. of Ind. (Workers)	Hartville, OH	11/19/90	11/05/90	25,106	Auto Parts.
Windfall Lumber Co. (Workers)	Pt. Angeles, WA	11/19/90	11/05/90	25,107	Cedar Fencing.
Wright & McGill, Co. (Workers)	Denver, CO	11/19/90	10/27/90	25,108	Fish Hooks.
ZRM Industries (ACTWU)	Pottsville, PA	11/19/90	11/08/90	25,109	Lighting.

[FR Doc. 90-28181 Filed 11-29-90; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-24,666]

Halstead Industries, Inc. Zelienople, PA; Negative Determination on Reconsideration

On November 6, 1990, the Department issued an Affirmative Determination Regarding Application for Reconsideration for former workers of Halstead Industries, Inc., Zelienople, Pennsylvania. This notice wil soon be published in the Federal Register.

Local No. 7032 of the United Steelworkers Union claimed that a foreign firm is importing copper tubing at a plant in North Carolina which it operates jointly with Halstead Industries and selling the tubing to Halstead's customers.

The Department's denial was based on the fact that the increased import criterion of the Group Eligibility Requirements of the Trade Act was not met. U.S. imports of copper and brass declined absolutely in quantity in 1988 compared to 1987 and in 1989 compared to 1988. The Zelienople plant closed in September 1990 mainly because of a deteriorating market caused by a slowdown in housing starts. All production was transferred to other domestic corporate facilities.

Findings on reconsideration show that Halstead uses part of its Pine Hall plant in North Carolina in a joint venture with a foreign firm to produce tubing for refrigeration—"level wound coils" which have an enhanced internal surface for fast cooling. The coils are not for water tubing; the product produced at Zelienople but for tubing which carries gas—freon. Neither the supply stock "mother tube" nor the finished product "level wound coils" were ever produced at Zelienople. Other findings on reconsideration show that Kobe Copper cannot manufacture copper water tubing nor has Kobe Copper ever sold copper water tubing.

Other findings on reconsideration show that Kobe Copper has never supplied copper products to former customers of Zelienople.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance to former workers of Halstead Industries, Inc., Zelienople, Pennsylvania.

Signed at Washington, DC this 20th day of November 1990.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 90-28182 Filed 11-29-90; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-24,576]

Lafarge Cement Corp., Metaline Falls, WA; Affirmative Determination Regarding Application for Reconsideration

By a letter dated September 12, 1990 and supplemented later with additional material, the Washington State Labor Council, AFL-CIO, requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for former workers of Lafarge Cement Corporation, Metaline Falls, Washington. The Negative Determination was issued on August 16, 1990 and published in the Federal Register on August 29, 1990 (55 FR 35378).

The union submitted material indicating that the Lafarge Cement Corporation in Metaline Falls is importing cement from Canada. The Metaline Falls facility closed in June 1990.

Conclusion

After careful review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 20th day of November, 1990.

Barbara Ann Farmer,

Director, office of Program Management, UIS.

[FR Doc. 90-28183 Filed 11-29-90; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-24,576]

Lafarge Cement Corp., Metaline Falls, WA; Revised Determination on Reconsideration

On November 20, 1990, the Department issued an Affirmative

Determination Regarding Application for Reconsideration for former workers of Lafarge Corporation, Metaline Falls, Washington. The affirmed notice will soon be published in the **Federal Register.**

The Metaline Falls plant produced several types of masonry and gray portland cements. Lafarge Corporation announced on March 26, 1990, that it would close its Metaline Falls plant. The Metaline Falls plant ceased operations on June 23, 1990.

Findings on reconsideration show that the Lafarge Corporation is importing cement from its wholly owned Canadian subsidiary, Lafarge Canada, Inc., Exshaw, Alberta. Company imports of cement increased in 1990 compared to 1989.

Conclusion

After careful review of the additional facts obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with the cement produced at Lafarge Corporation, Metaline Falls, Washington contributed importantly to the decline in sales or production and to the total or partial separation of workers at Lafarge Corporation, Metaline Falls, Washington. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of Lafarge Corporation, Metaline Falls, Washington, who became totally or partially separated from employment on or after January 1, 1990, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 23rd day of November 1990.

Barbara Ann Farmer,

Director, Office of Program Management, UIS.

[FR Doc. 90-28184 Filed 11-29-90; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period November 1990.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-24,799; Medford Corp., Medord OR

TA-W-24,764; Avery Corp., Soabar Products Group, Philadelphia, PA

TA-W-24,769; American Fibrit, Inc, Armstrong Rd Plant, Battle Creek, MI

TA-W-24,811; Agnew Lumber Co., Centralia, WA

TA-W-24,669; Libbey Owens Ford, Rossford, OH

TA-W-24,770; American Fibrit, Inc., Wayne Rd Plant, Battle Creek, MI

TA-W-24,747; Inland Tool & Manufacturing, Detroit, MI

TA-W-24,833; New Brunswick Scientific Co., Inc., Edison, NJ

TA-W-24,756; Midwest Foundry Co., Coldwater, MO

TA-W-24,775; Dico, Inc., Dresden, TN

TA-W-24,741; Grand Haven, Brass Foundry, Grand Haven, MI

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-24,847; Future Logging Co., Springfield, OR

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974. Separations at the firm.

TA-W-24,826; General Motors Corp., CPC Lakewood, Lakewood, GA

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-24,819; First Wisconsin Computer Center, Clintonville, WI

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-24,808; Wamco Lab, Casper, WY

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-24,845; We Cut It Cedar, Aberdeen, WA

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-24,880; Pincock Allen & Holt, Inc., Lakewood, CO

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-24,846; Erico Fastening Systems, Moorestown, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-24,733; Concurrent Computer Corp., Oceanport, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-24,733A; Concurrent Computer Corp., Tinton Falls, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

Affirmative Determinations

TA-W-24,711; FR Knitting Mills, Inc., Fall River, MA

A certification was issued covering all workers separated on or after August 2, 1989.

TA-W-24,830; Lori Charles Sportswear, Luzerne, PA

A certification was issued covering all workers separated on or after August 31, 1989.

TA-W-24,841; Taylor Drilling, Inc., Chehalis, WA

A certification was issued covering all workers separated on or after August 27, 1989.

TA-W-24,793; Cemco Products, Inc., (AKA American Bath corp.), Horizon City, TX

A certification was issued covering all workers separated on or after August 22, 1989.

TA-W-24,820; Foster Grant Corp., Leominster, MA

A certification was issued covering all workers separated on or after August 30, 1989.

TA–W–24,821; Foster Grant Corp., Tucson, AZ

A certification was issued covering all workers separated on or after August 30, 1989.

TA–W–24,792; Boutique Knit Mills, Woodside, NY

A certification was issued covering all workers separated on or after August 23, 1989.

TA–W–24,827; Howe Richardson, Inc., Clifton, NJ

A certification was issued covering all workers separated on or after August 24, 1989.

TA–W–24,729; American Trim Products, New York, NY

A certification was issued covering all workers separated on or after July 12, 1989.

TA–W–24,729A; American Trim Products, Great Neck, NY

A certification was issued covering all workers separated on or after July 12, 1989.

TA–W–24,804; Simonds Industries, Inc., Newcomerstown, OH

A certification was issued covering all workers separated on or after July 24, 1989.

TA–W–24,816; Carlingswitch, Inc., Brownsville, TX

A certification was issued covering all workers separated on or after August 31, 1989.

TA–W–24,782; Lexington Sportswear Co., Lexington, SC

A certification was issued covering all workers separated on or after August 14, 1989.

TA–W–24,774; Deeville Blouse Co., Inc., Danielsville, PA

A certification was issued covering all workers separated on or after August 16, 1989.

TA–W–24,921; Rheem Manufacturing Co., Chicago, IL

A certification was issued covering all workers separated on or after January 1, 1990.

TA–W–24,865; Sherwood Medical Co.,San Diego, CA

A certification was issued covering all workers separated on or after September 1, 1990.

TA–W–24,765; Tredegar Molded Products, Bedford Heights, OH

A certification was issued covering all workers separated on or after August 20, 1989.

TA–W–24,853; Koret of California, Plant #9, San Francisco, CA

A certification was issued covering all workers separated on or after September 5, 1989.

TA–W–24,854 and TA–W–24,855; Koret of California, Plant #10 and Howard Plant, San Francisco, CA

A certification was issued covering all workers separated on or after September 5, 1989.

TA–W–24,861; Petren Drilling Corp., Headquartered in Englewood, CO

A certification was issued covering all workers separated on or after August 30, 1989 and before November 1, 1990.

TA–W–24,862; Petren Drilling Corp., Canadian, TX

A certification was issued covering all workers separated on or after August 30, 1989 and before November 1, 1990.

TA–W–24,862A; Petren Drilling Corp., Covering Various Other Locations in The State of Texas

A certification was issued covering all workers separated on or after August 30, 1989 and before November 1, 1990.

TA–W–24,724; Tri-Con Industries, Cape Girardeau, MO

A certification was issued covering all workers separated on or after July 30, 1989.

I hereby certify that the aforementioned determinations were issued during the month of November 1990. Copies of these determinations are available for inspection in room C4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: November 21, 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance

[FR Doc. 90–28185 Filed 11–29–90; 8:45 am]

BILLING CODE 4510–30–M

Wage and Hour Division, Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by

contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S-3014, Washington, DC 20210.

New General Wage Determination Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page number(s).

Volume I

North Carolina:
NC90-33 ..... p. 640a, p. 640b.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

District of Columbia:
DC90-1 (Jan. 5, 1990) ..... p. 79, pp. 80, 84, 86.
Maryland:
MD90-11 (Jan. 5, 1990) ..... p. 471, p. 472.
North Carolina:
NC90-4 (Jan. 5, 1990) ..... p. 579.
Pennsylvania:
PA90-2 (Jan. 5, 1990) ..... p. 921, pp. 922-923.
PA90-10 (Jan. 5, 1990) ..... p. 1005, p. 1006.
PA90-11 (Jan. 5, 1990) ..... p. 1009, p. 1010.
PA90-16 (Jan. 5, 1990) ..... p. 1033, p. 1034.
PA90-20 (Jan. 5, 1990) ..... p. 1055, pp. 1056-1058.
PA90-22 (Jan. 5, 1990) ..... p. 1067, p. 1070.
Index ..... p. xl.

Volume II

Illinois:
IL90-9 (Jan. 5, 1990) ..... p. 143, pp. 145-149.
Michigan:
MI90-2 (Jan. 5, 1990) ..... p. 441, pp. 443-444.
Nebraska:
NE90-1 (Jan. 5, 1990) ..... p. 717, p. 718.

Volume III

Washington:
WA90-1 (Jan. 5, 1990) ..... p. 369, pp. 373-374.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 23d day of November 1990.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 90-27922 Filed 11-29-90; 8:45 am]

BILLING CODE 4510-27-M

Mine Safety and Health Administration

[Docket No. M-90-171-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241-1421 has filed a petition to modify the applicaton of 30 CFR 75.511 (low-, medium-, or high-voltage distribution circuits and equipment repair) to its Arkwright No. 1 Mine (I.D. No.46-01452); its Humphrey No. 7 Mine (I.D. No. 46-01453); its Osage No. 3 Mine (I.D. 46-01455); its Blacksville No. 1 Mine (I.D. 46-01867) and its Blacksville No. 2 Mine (I.D. 46-01968) all located in Monongalia County, West Virginia; and its Loveridge No. 22 Mine (I.D. 46-01433) and its Robinson Run No. 95 Mine (I.D. 46-01318) located in Marion County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that electrical work be performed on low-, medium-, or high-voltage distribution circuits or equipment, by a qualified person or by a person trained to perform electrical work and to maintain electrical equipment under the direct supervision of a qualified person.

2. If a non-electrically qualified person were to have a blown fuse on a haulage vehicle while traveling, he would be forced to abandon the vehicle or wait on the track with the disabled vehicle until another vehicle arrives, thus exposing the individual to hazards.

3. As an alternate method, petitioner states that if a certified electrician is present he will be responsible for changing the fuse; if a certified electrician is not present a person trained to change fuses will do so.

4. In support of this request, petitioner states that all persons who are trained to operate mobile track-mounted equipment or other D.C. equipment will be trained in changing a fuse with specific procedures as outlined in the petition.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard, while compliance with the standard will result in a diminution of safety to the miners affected.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 31, 1990. Copies of the petition are available for inspection at that address.

Dated: November 21, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-28187 Filed 11-29-90; 8:45 am]

BILLING CODE 4510-32-M

[Docket No. M-90-172-C]

Consolidation Coal Co., Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241-1421 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Arkwright No. 1 Mine (I.D. No. 46-01452) located in Monongalia County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.

2. The affected return aircourses and bleeder entries are impassable due to several large roof falls, hooving of the bottom and accumulations of water. To require an examiner to make weekly examinations would pose unnecessary hazards.

3. As an alternate method, petitioner proposes that—

(a) Checkpoints would be established at specific locations where the air would be monitored;

(b) All monitoring stations and the approaches to such stations would, at all times, be maintained in a safe condition;

(c) Tests for methane and the quantity of air would be determined weekly by a certified person at each station; and

(d) The person making such examinations and tests would place his/her initials and the date and time at each station. A record of these examinations, tests and actions taken would be recorded in a book kept on the surface and made available for inspection by interested persons.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 31, 1990. Copies of the petition are available for inspection at that address.

Dated: November 21, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-28188 Filed 11-29-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-170-C]

Deerpath Corp.; Petition for Modification of Application of Mandatory Safety Standard

Deerpath Corporation, P.O. Box 759, Jellico, Tennessee 37762, has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its No. 2 Mine (I.D. No. 15-16956) located in Whitley County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on electric face cutting equipment, continuous mining machines, longwall face equipment and loading machines. The monitor is required to be properly maintained and frequently tested.

2. As an alternate method, petitioner proposes to use hand-held continuous oxygen and methane monitors instead of methane monitors on three-wheel tractors as outlined in the petition.

3. In support of this request, petitioner states that:

(a) No methane has been detected in the mine;

(b) Each three-wheel tractor would be equipped with a hand-held continuous monitoring methane and oxygen detector and all persons would be trained in the use of the detector;

(c) Prior to allowing the coal loading tractor in the face area, a gas test would be performed to determine the methane concentration in the atmosphere. When the elapsed time between trips does not exceed 20 minutes, the air quality would be monitored continuously after each trip. This would provide continuous monitoring of the mine atmosphere for methane to assure the detection of any methane buildup between trips; and

(d) If one percent methane is detected, the operator would manually deenergize the battery tractor immediately. Production would cease and would not resume until the methane level is lower than one percent.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 31, 1990. Copies of the petition are available for inspection at that address.

Dated: November 21, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-28189 Filed 11-29-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-157-C]

West End Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

West End Coal Company, R.D. No. 1, Box 315A, Ashland, Pennsylvania 17921 had filed a petition to modify the application of 30 CFR 75.301 (air quantity, quality and velocity) to its last Chance Slope (I.D. No. 36-07859) located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line be 9,000 cubic feet a minute. The minimum quantity of air reaching each working face is required to be 3,000 cubic feet a minute.

2. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine. Ignition, explosion, and mine fire history are nonexistent for the mine. There is no history of harmful quantities of carbon monixide and other noxious or poisonous gases.

3. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

4. Requiring extremely high velocities in small cross-sectional airways and manways in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners and cause extremely uncomfortable damp and cold conditions in the mine.

5. As an alternate method, petitioner proposes that:

(a) The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

(b) The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

(c) The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 31, 1990. Copies of the petition are available for inspection at that address.

Dated: November 21, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-28190 Filed 11-29-90; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Supplement to Wyoming State Plan; Request for Public Comment

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for comment: Wyoming State Standards Supplement.

SUMMARY: This notice invites comment on Wyoming's changes to its Oil and Gas Well Drilling Standard. This Wyoming Standard is an independent State standard for which there is no Federal OSHA equivalent. Where a State standard adopted pursuant to an OSHA-approved State plan differs significantly from a comparable Federal standard or is a State-initiated standard, the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) requires that the State standard must be "at least as effective" in providing safe and healthful employment and places of employment. In addition, if the standard is applicable to a product distributed or used in interstate commerce, it must be required by compelling local conditions and not pose any undue burden on interstate commerce. OSHA, therefore, seeks public comment as to whether the changes to the Wyoming standard meet the above requirements.

DATES: Written comments should be submitted by December 31, 1990.

ADDRESSES: Written comments should be submitted in quadruplicate to the Director, Federal-State Operations, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3700, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone (202) 523-8148.

SUPPLEMENTARY INFORMATION:

A. Background

The requirements for adoption and enforcement of safety and health standards by a State with a State plan approved under section 18(b) of the Act are set forth in section 18(c)(2) of the Act and in 29 CFR part 1902, 29 CFR 1952.7, and 29 CFR 1953.21, 1953.22, 1953.23. OSHA regulations require that States respond to the adoption of new or revised permanent Federal standards by State promulgation of comparable standards within six months of OSHA publication in the **Federal Register** (29 CFR 1953.23(a)); a 30-day response time is required for State adoption of a standard comparable to a Federal emergency temporary standard (29 CFR 1953.22(a)(1)). Independent State standards must be submitted for OSHA's review and approval. Newly adopted State standards or revisions to existing standards must be submitted for OSHA review and approval under procedures set forth in 29 CFR part 1953, but are enforceable by the State prior to Federal review and approval. Section 18(c)(2) of the Act provides that if State standards which are not identical to Federal standards are applicable to products which are distributed or used in interstate commerce, such standards must be required by compelling local conditions and must not unduly burden interstate commerce. (This latter requirement is commonly referred to as the "product clause.")

On May 3, 1974, notice was published in the **Federal Register** (39 FR 15394) of the approval of the Wyoming State plan and the adoption of subpart BB to part 1952 containing the decision. The Wyoming State plan provides for the adoption of State standards in the following manner.

The Wyoming Division of Occupational Health and Safety either proposes to adopt Federal standards or drafts such standards as it considers necessary after agency review and research and consultation with other persons knowledgeable in the specific field for which the standards are being formulated. The standards are submitted to the Wyoming Occupational Health and Safety Commission for its approval. The Wyoming plan provides for adoption of a standard as a State standard after public notice and hearing are published in accord with the Wyoming Administrative Procedure Act, and the Secretary's rules on rulemaking.

Wyoming submitted a State-initiated plan change by letter, with attachments, which incorporated this standard as part of its occupational health and safety plan. By letter of May 1, 1990, changes to the oil and gas well drilling standard were submitted by Stephen R. Foster, OSHA Program Manager, Division of Employment Affairs—OSHA, to Byron R. Chadwick, OSHA Regional Administrator. The subject standard establishes rules and regulations applicable to the oil and gas well drilling industries in the State of Wyoming. After the normal open period for public review and comments, the Commission adopted these changes and they became effective May 15, 1989.

The Wyoming Oil and Gas Well Drilling Standard was initially approved by OSHA on December 14, 1987, after providing an opportunity for public comment. OSHA received comments from three associates representing the oil and gas well industry. All three associates were in favor of the standard and recommended its approval. The State's standard section on Safety Procedures for Drill Stem Tests was subsequently revised on May 15, 1989. The change provides additional requirements for drill stem tests in areas containing H_2S.

OSHA does not have specific standards for oil and gas well drilling. It currently uses 29 CFR Part 1910 General Industry Standards and Instruction STD 1-12-28. Wyoming's changes to the standard were compared to OSHA's

general standards requirements and enforcement policy set out in OSHA Instruction STD 1–12–28, which prescribes alternative abatement methods.

B. Issues for determination

The Wyoming changes in question are now under review by the Assistant Secretary to determine whether they meet the requirements of section 18(c)(2) of the Act and 29 CFR parts 1902 and 1953. Public comment is being sought by OSHA on the following issues.

1. "At least as effective" requirement. There are no equivalent Federal standards applicable to the oil and gas well industries. Therefore, OSHA has evaluated the State's requirements in comparison to OSHA's general standards requirements and to enforcement policy and has preliminarily determined that the State standards in question meet the "at least as effective" criterion on section 18(c)(2) of the Occupational Safety and Health Act. However, public comment on this issue is solicited for OSHA's consideration in its final decision on whether or not to approve changes to the Wyoming standard.

2. Product clause requirement. OSHA is also seeking through this notice public comment as to whether changes to the Wyoming Standards:

(a) Are applicable to products which are distributed or used in interstate commerce;

(b) If so whether they are required by compelling local conditions; and

(c) Unduly burden interstate commerce.

C. Public Participation

Interested persons are invited to submit written data, views, and arguments with respect to the issues described above. These comments must be postmarked on or before December 31, 1990, and submitted in quadruplicate to the Director, Federal-State Operations, Room N3700, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Written submissions must clearly identify the issues which are addressed and the position taken with respect to each issue. The Occupational Safety and Health Administration will consider all relevant comments, arguments, and requests submitted concerning these standards and will thereafter publish notice of the decision approving or disapproving them.

D. Location of Supplement for Inspection and Copying

A copy of Wyoming's changes applicable to the oil and gas well industries, along with approved State provisions for adoption of standards, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, U.S. Department of Labor, Federal Office Building, Room 1576, 1961 Stout Street, Denver, Colorado 80294; Division of Employment Affairs, Wyoming Department of Employment, Herschler Building, 2nd Floor East, 122 West 25th Street, Cheyenne, Wyoming 82002; Office of the Director, Federal-State Operations, OSHA, U.S. Department of Labor, Room N–3700, 200 Constitution Avenue, NW., Washington, DC 20210.

Authority: Sec. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR part 1902, Secretary of Labor's Order No. 1–90 (55 FR 9033).

Signed the 21st day of November, 1990, in Washington, DC.

Gerard F. Scannell,

Assistant Secretary.

[FR Doc. 90–28213 Filed 11–29–90; 8:45 am]

BILLING CODE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (90–101)]

Advisory Committee on the Future of the U.S. Space Program; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Advisory Committee on the Future of the U.S. Space Program (hereafter referred to as the "Advisory Committee").

DATE: December 3, 1990, 8 a.m. to 10 a.m.

ADDRESSES: National Aeronautics and Space Administration, room 7002, Federal Office Building 6, 400 Maryland Avenue SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. James D. Bain, Code ADA–1, National Aeronautics and Space Administration, Washington, DC 20546, 202/453–2409.

SUPPLEMENTARY INFORMATION: The Vice President, in his capacity as head of the National Space Council, has determined that it is appropriate for the National Aeronautics and Space Administration to establish the Advisory Committee to look into the future of the U.S. space program. The advisory Committee will report to the Vice President and the NASA Administrator on the future of the U.S. space program, to include various projects, objectives, and methods to implement those projects and objectives for the coming decades. The Advisory Committee is chaired by Mr. Norman R. Augustine and is composed of 12 members, selected from a cross section of qualified individuals with an extensive knowledge of space activities and broad technical and managerial expertise.

The meeting will be open to the public up to the seating capacity of the room, which is approximately 60 persons including Advisory Committee members and other participants. It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Interested members of the public are encouraged to send written comments regarding the work of the Advisory Committee to Mr. Norman R. Augustine, Chairman and Chief Executive Officer, Martin Marietta Corporation, 6801 Rockledge Drive, Bethesda, MD 20817.

TYPE OF MEETING: Open.

AGENDA:

Monday, December 3, 1990

8 a.m.—Introductory Remarks.

8:10 a.m.—Receive Perspectives of National Experts and Review Implications of Selected Studies on Major Space Programs.

10 a.m.—Adjourn.

Dated: November 26, 1990.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 90–28136 Filed 11–29–90; 8:45 am]

BILLING CODE 7510–01–M

[Notice (90–102)]

NASA Advisory Council (NAC), Space Science and Applications Advisory Committee (SSAAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science and Applications Advisory Committee Informal Executive Subcommittee.

DATES: December 14, 1990, 9 a.m. to 4 p.m.

ADDRESSES: NFIB Staff Room, 600 Maryland Avenue, SW., suite 700, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph K. Alexander, Code S, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-1430).

SUPPLEMENTARY INFORMATION: The Space Science and Applications Advisory Committee (SSAAC) consults with and advises the NASA Office of Space Science and Applications (OSSA) on long-range plans for, work in progress on, and accomplishments of NASA's Space Science and Applications programs. The Informal Executive Subcommittee will meet to formulate plans for the next meeting of the full Committee and discuss the Office of Space Science and Applications (OSSA) Program Status. The Committee is chaired by Dr. Berrien Moore and is composed of 11 members. The meeting will be open to the public up to the capacity of the room (approximately 20 people including Subcommittee members). It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

TYPE OF MEETING: Open.

AGENDA:

Friday, December 14

9 a.m.—Planning for January 30 Committee Meeting.

10:30 a.m.—Planning for 1991 Woods Hole Workshop.

1 p.m.—Discussion of Membership Vacancies.

2:30 p.m.—Follow-up on SSAAC November 1990 Discussion of Structural Issues in OSSA.

4 p.m.—Adjourn.

Dated: November 26, 1990.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 90-28137 Filed 11-29-90; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation Act of 1978, Public Law 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

SUPPLEMENTARY INFORMATION: On October 12 and 18, 1990, the National Science Foundation published notices in the **Federal Register** of permit applications received. Permits were issued to the following individuals on November 26, 1990: Lowell E. Starr, Rennie S. Holt, Mark D. Kurz.

Charles E. Myers,

Permit Office, Division of Polar Programs.

[FR Doc. 90-28199 Filed 11-29-90; 8:45 am]

BILLING CODE 7555-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-72]

Termination of Section 302 Investigation Regarding Thailand's Restrictions on Access to Its Cigarette Market.

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of termination of investigation initiated under section 302 of the Trade Act of 1974, as amended, 19 U.S.C. 2414 (the "Trade Act").

SUMMARY: The United States Trade Representative (USTR) has determined that rights to which the United States is entitled under a trade agreement were violated by Thailand's restrictions on imports of cigarettes. However, in light of subsequent actions and commitments of the Royal Thai Government, the USTR has decided to terminate the investigation initiated under section 302 of the Trade Act with respect to policies and practices maintained by the Royal Thai Government affecting access to the Thai cigarette market. The USTRA will monitor under section 306(a) of the Trade Act Thai implementation of the measures that are the basis for resolving this dispute.

DATES: This investigation was terminated effective November 23, 1990.

FOR FURTHER INFORMATION CONTACT: Peter Collins, Director for Southeast Asian Affairs, (202) 395-6813, or Catherine Field, Associate General Counsel, (202) 395-3432.

SUPPLEMENTARY INFORMATION: On April 10, 1989, the United States Cigarette Export Association (CEA) filed a petition under section 302(a) of the Trade Act, 19 U.S.C. 2412(a), alleging that the Royal Thai Government and its instrumentality, the Thailand Tobacco Monopoly (TTM), engaged in acts, policies and practices that are unreasonable or discriminate against imports and burden and restrict U.S. commerce. The Thai government maintained an effective ban on the importation of foreign cigarettes and prohibits foreign investment in cigarette manufacture. The petitioner alleged that these bans on importation and investment, combined with high tariffs, discriminatory domestic taxes and TTM distribution practices, deny U.S. firms fair and equitable market opportunities. Finally, the CEA alleged that Thai government restrictions on cigarette advertising are intended to put foreign cigarette brands at a competitive disadvantage.

On May 25, 1989, the USTR initiated an investigation of the Thai government's policies and practices affecting fair and equitable access to the Thai cigarette market (54 FR 23724, June 2, 1989). On April 3, 1990, the GATT Council of Representatives ("GATT Council") authorized establishment of a dispute settlement panel, under GATT Article XXIII:2, to examine the United States' complaint regarding the effective ban on importation and discriminatory domestic taxes maintained by the Thai government.

On September 21, 1990, the GATT dispute settlement panel issued a report concluding that Thailand's import restrictions on cigarettes are contrary to the provisions of GATT article XI:1 and are not justified by article XI:2(c)(i), article XX(b), or paragraph 1(b) of Thailand's Protocol of Accession. The panel also noted that the Thai government has recently issued ministerial regulations amending its tax policy with respect to cigarettes and that these regulations are consistent with Article III of the GATT. The panel recommended that the GATT Contracting Parties request Thailand to bring its import restrictions into conformity with its obligations under the GATT. On November 7, 1990, the GATT Council adopted this report.

On October 15, 1990, the USTR invited public comments, pursuant to section 304(b)(1)(A) of the Trade Act, on a proposed USTR determination that, in light of the GATT panel report on this matter, rights to which the United States is entitled under a trade agreement were violated by Thailand's restrictions on imports of cigarettes and that other policies and practices of the Thai government adversely affecting access to the Thai cigarette market are unreasonable and constitute a burden or restriction on U.S. commerce (55 FR 41781).

The Royal Thai Government has announced that it will no longer ban imports of cigarettes. In addition, the United States and Thailand held

consultations aimed at reaching a mutually satisfactory solution of the matter. As a result, the Royal Thai Government will take measures that are intended to allow foreign cigarettes to be sold in Thailand on the basis of nondiscrimination, national treatment, and normal commercial practices and considerations.

In light of the GATT panel report on this matter, the USTR has determined pursuant to section 304(a)(1)(A) of the Trade Act that rights to which the United States is entitled under a trade agreement were violated by Thailand's restrictions on imports of cigarettes. In view of subsequent actions by the Royal Thai Government to grant the rights of the United States under the GATT, as well as the Thai government's other commitments regarding market access for cigarettes, the USTR has determined pursuant to section 304(a)(1)(B) of the Trade Act that the appropriate action at this time is to terminate the investigation of this matter.

The USTR will monitor under section 306(a) of the Trade Act the Royal Thai Government's implementation of the measures undertaken to provide access to the Thai cigarette market to ensure that access based on nondiscrimination, national treatment and normal commercial practices and considerations is achieved.

Catherine R. Field,

Acting Chairman, Section 301 Committee.

[FR Doc. 90-28178 Filed 11-29-90; 8:45 am]

BILLING CODE 3190-01-M

Agreement on Trade Relations Between the Government of the United States of America and the Czech and Slovak Federative Republic: Entry Into Force

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of entry into force of the Agreement on Trade Relations Between the Government of the United States of America and the Czech and Slovak Federative Republic.

SUMMARY: The United States Trade Representative gives notice of the entry into force of the provisions of the Agreement on Trade Relations Between the Government of the United States of American and the Czech and Slovak Federative Republic, including the extension of nondiscriminatory treatment to the products of the Czech and Slovak Federal Republic.

DATES: The Agreement has entered into force, and Proclamation 6175 of September 6, 1990, has become effective, as of November 17, 1990.

FOR FURTHER INFORMATION CONTACT: Kathleen Doering, Director for Central Europe, (202) 395-3211, or Ivan Dubovsky, Attorney-Adviser, (202) 395-6800.

SUPPLEMENTARY INFORMATION: On Saturday, November 17, 1990, the United States and the Czech and Slovak Federal Republic exchanged written notices of acceptance in accordance with Article XVII of the Agreement on Trade Relations Between the United States of America and the Czech and Slovak Federative Republic ("Agreement"), signed on April 12, 1990. Pursuant to section (1) of Proclamation 6175 of September 6, 1990, the Agreement, including the exchanges of letters which form an integral part thereof, has entered into force and nondiscriminatory treatment has been extended to the products of the Czech and Slovak Federal Republic as of November 17, 1990. Pursuant to section (2) of Proclamation 6175, effective with respect to articles entered, or withdrawn from warehouse for consumption, into the customs territory of the United States on or after November 17, 1990, general note 3(b) of the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in rate duty column 2 of the tariff schedule, is modified by striking out "Czechoslovakia".

Joshua B. Bolten,

General Counsel.

[FR Doc. 90-28179 Filed 11-29-90; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-28642; File No. SR-DTC-90-11]

Self-Regulatory Organizations; Depository Trust Co.; Order Approving Proposed Rule Change Relating to Amendment to Its Rules Providing for Disposal of Worthless Warrants, Rights, and Put Options

I. Introduction

The Depository Trust Company ("DTC") on September 6, 1990, filed a proposed rule change (File No. SR-DTC-90-11) with the Securities and Exchange Commission ("Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the proposal was published in the **Federal Register** on October 3, 1990, to solicit comments from interested persons.[2] One comment was received.[3] As discussed below, this order approves the proposal.

[1] 15 U.S.C. 78s(b)(1).

II. Description of the Proposal

DTC's proposal amends its rules to establish a procedure for the disposal of warrants, [4] rights, [5] and put options [6] ("Securities") whose expiration dates have passed thereby rendering the Securities worthless. Under the proposal, worthless Securities would be disposed of only after DTC takes certain steps to ensure that the Securities are, in fact, worthless and that DTC participants ("Participants") are given adequate notice of their proposed disposition.

In the first step towards the disposal of worthless Securities, DTC will contact the issuer of the Securities or its transfer agent after their expiration date to verify that they have, in fact, expired and that the certificates representing the rights are worthless. DTC will then obtain written confirmation from such issuer or transfer agent of the expiration and the fact that the certificates representing such rights are worthless.

After DTC has confirmed that the Securities are worthless, it will then notify Participants that: (1) Per the issuer or transfer agent, the Securities have expired; (2) such Securities will be deleted from Participants' positions on or after the thirtieth day following the date of the notice; and (3) DTC may then destroy the physical certificates. On or after the date that is thirty days after such notice ("Notice"), DTC will delete the Securities from Participants' positions and, at DTC's discretion, destroy the physical certificates. DTC will retain copies of the destroyed Securities for a period of seven years.

[2] Securities Exchange Act Release No. 28472 (September 26, 1990), 55 FR 40496.

[3] On September 12, 1990, the Securities Industry Association transmitted to the Commission a letter supporting the proposed procedure for disposing of worthless securities. Letter from James P. Mahoney, President, Securities Industry Association, Securities Operations Division, to Jonathan G. Katz, Secretary, Securities and Exchange Commission.

[4] A warrant generally represents the right of the holder to acquire common stock of an issuer at some future date at a specified price.

[5] A right generally represents an opportunity for stockholders to buy new securities issued by a corporation in proportion to the number of shares they own before the new shares are offered to the public.

[6] DTC is limiting the proposal's applicability to certain put options issued by financial institutions which permit the purchaser of a municipal bond to sell, after giving required notice, a specified amount of securities from a specified issue to the financial institution on a predetermined future date.

III. DTC's Rationale for the Proposal

DTC believes the proposed rule change is consistent with section 17A(b)(3)(A) of the Act [7] because the proposed rule change promotes efficiencies in the clearance and settlement of securities transactions.

IV. Discussion

The Commission believes that DTC's proposed rule change is consistent with the Act and, in particular, with section 17A. Accordingly, for the reasons discussed below, the Commission is approving the proposal.

The Commission believes that the proposal is consistent with section 17A(b)(3)(A) of the Act. Such Section provides, among other things, that a registered clearing agency must safeguard securities and funds in its custody or control. While the proposal entails the destruction rather than active safeguarding of worthless Securities, the Commission believes that it will allow DTC to appropriate more of its resources to the task of safeguarding securities remaining in its custody or control after worthless Securities are destroyed.

Along similar lines, the Commission believes that DTC's proposal is consistent with section 17A(a)(1)(B) of the Act [8] because it provides a more efficient, effective, and less expensive means of providing depository services. Such Section evidences Congress' belief that inefficient procedures for clearance and settlement impose unnecessary costs on investors and persons facilitating transactions by and acting on behalf of investors. The purpose of DTC's proposal is to eliminate costs it considers unnecessarily incurred in connection with the safekeeping of worthless Securities. DTC currently has in its custody large numbers of certificates representing worthless Securities. As discussed above, the Commission concurs with DTC's estimation that should the proposal be approved, expenses incurred for safekeeping worthless Securities will be eliminated thus rendering DTC's custodial services more efficient.

Finally, section 17(a) of the Act [9] and rule 17(a)(1) promulgated thereunder [10] provide, among other things, that a registered clearing agency must keep certain records for a period of five years. The Commission believes that the records pertaining to worthless Securities represent records that are subject to these rules. The Commission also believes that the proposal is consistent with the provisions of such rules because DTC will retain copies of all destroyed Securities for a period of seven years, which period exceeds the stated five year retention requirement.

V. Conclusion

For the reasons stated above, the Commission finds that DTC's proposal is consistent with section 17A of the Act.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[11] that DTC's proposed rule change (SR–DTC–90–11) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: November 21, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–28103 Filed 11–29–90; 8:45 am]

BILLING CODE 8010–01–M

[7] 15 U.S.A. 78q–1(b)(3)(A).

[8] 15 U.S.C. 78q–1(a)(1)(B).

[9] 15 U.S.C. 78q–(a).

[10] 17 CFR 240.17(a)(1).

[11] 15 U.S.C. 78s(b)(2).

[Rel. No. 34–28626; Filed No. SR–MSTC–90–08]

Self-Regulatory Organization; Midwest Securities Trust Co.; Proposed Rule Change To Implement Pilot Program for Same-Day Funds Settlement Service

November 19, 1990.

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 October 29, 1990, the Midwest Securities Trust Company ("MSTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

MSTC filed the proposed rule change to establish a pilot program for a Same-Day Funds Settlement ("SDFS") service. Under the proposed SDFS service, same-day settlement funds would be immediately available for redelivery on the day of receipt. The proposed rule change would also implement procedures for processing commercial paper ("CP") through the SDFS pilot program.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to establish a pilot program for MSTC's SDFS service. The proposed SDFS service would provide depository and settlement services for certain securities that settle in same-day funds. Same-day funds are funds which would immediately be available for redelivery on the day of receipt.

Under the proposed rule change, MSTC will offer SDFS through an SDFS omnibus account maintained at The Depository Trust Company ("DTC") for the benefit of MSTC participants. Because this is a pilot program, MSTC will restrict the number of participants in the SDFS program to five and the number of transactions that may be processed for those participants to seventy-five, aggregate, per day. Future expansion of the pilot program is dependent, among other things, upon MSTC's operational capabilities.

MSTC also proposed to implement procedures for the processing of commercial paper through the SDFS service (hereinafter referred to as the "CP Program").

1. SDFS Program

Under the proposed SDFS service, MSTC will accept deposits of SDFS securities for safekeeping and provide a full range of depository services, including deposits, delivery orders, withdrawals, pledges, Institutional Delivery System trade confirmation/affirmation and underwriting distributions. Participants will provide SDFS instructions directly to MSTC via telecopier transmissions. MSTC will then enter the SDFS transactions, provided the participant maintains sufficient collateral, through a direct link between MSTC and DTC on DTC's Participant Terminal Service ("PTS").

The proposed rule change includes new rules and procedures applicable to the SDFS service for account maintenance, transaction processing, risk management, money settlement, and loss allocation. MSTC will process SDFS transactions separately from next-day funds settlement ("NDFS") securities and will require collateralization of each SDFS transaction. MSTC will impose a net debit cap on each participant and will add a new component, the SDFS fund, to its participant's fund to protect against risks associated with handling SDFS securities and related transactions. Net money settlement will occur between MSTC and participants (and at a later date in the SDFS pilot, through MSTC and settling banks), and MSTC will settle with DTC on net basis through the Federal Reserve System's Fedwire.

Under the proposed rule change, MSTC will require each participant to maintain sufficient collateral on all SDFS transactions to cover the participant's projected settlement obligations. On each transaction, MSTC will "haircut" (*i.e.*, discount the value) SDFS securities coming into a participant's account. A receiving participant must have sufficient collateral to cover the diffference between the value paid for the SDFS securities and their discounted value. Before MSTC will process a participant's instructions and enter transactions through DTC on the PTS, it will verify through DTC that: (1) The participant will have sufficient collateral in its account after the transaction is accepted to cover any projected net settlement debit in the account; (2) the participant on the other side of the transaction ("contra-participant") will have sufficient collateral in its account immediately after the transaction to cover any projected debit balance; and (3) both the particpant and the contra-participant will not have a resulting net debit settlement amount that exceeds their respective "net debit caps," as described below. MSTC will track continuously the value of each participant's collateral (through DTC on a real time, on-line basis) to ensure that it is equal to or greater than the participant's current net settlement debit. If a participant does not have sufficient collateral to cover the resulting net settlement debit from a proposed transaction, it may pledge more collateral to enable MSTC to act on the transaction instructions. However, MSTC reserves the right to limit transactions, in its sole discretion, if it determines that it does not have the operational capability to process such transactions or that the transactions might result in financial loss to participants generally or to MSTC.

Acceptable forms of collateral include: (1) The participant's mandatory deposits to the SDFS funds (cash and U.S. government securities); (2) the participant's voluntary deposits to the SDFS fund; (3) SDFS U.S. government securities in the participant's account at the beginning of the processing day which are classified as collateral by the participant; (4) net additions of SDFS U.S. government securities to the participant's account during the processing day which are the subject of delivery versus payment transactions from other participants and which are reflected as incomplete transactions; (5) net additions to the participant's account during the processing day from unvalued transactions in SDFS securities (*e.g.*, deposits), that are not classified as customer U.S. government securities by the participant; and (6) net additions of customer SDFS U.S. government securities (*e.g.*, margin securities) classified as collateral by the participant during the processing day.

Each participant in the SDFS service must make a required deposit, consisting of cash and securities, into the SDFS fund. The minimum SDFS deposit is $20,000 in cash. MSTC will calculate required deposits monthly based upon a formula of 5% of each participant's average daily gross SDFS debits and credits during the prior month. Qualifying brokers' brokers' required deposits will be based on 2% of average daily gross SDFS debits for the prior month. Required deposits, in excess of the minimum deposit may be made in cash or securities of the same type that qualify for deposit in the NDFS system fund (*e.g.*, U.S. government securities). Subject to any restrictions MSTC may place on the account, a participant may also make voluntary deposits into the SDFS fund to increase its collateral.

MSTC will impose a net debit cap on each SDFS participant. Each SDFS participant will be limited throughout the processing day to a net debit that is no higher than the lesser of: (1) A multiple of the participant's actual deposits to the SDFS fund; (2) a percentage of MSTC's line of credit lenders; (3) the amount, if any, determined by the settling bank (as defined below) of the participant; or (4) any other amount as determined by MSTC. A participant may wire funds to MSTC at any time during the day and, thereby, may increase the value of transactions that can be processed without exceeding its net debt cap (subject to any limits on activity imposed by MSTC).

Money settlement will occur daily in Federal funds through Fedwire transfers to and from MSTC's account at the Federal Reserve Bank of Chicago ("FRB-Chicago"). Participants may also wire intraday settlement progress payments directly to DTC's account at the Federal Reserve Bank of New York. Each participant, however, must make arrangements directly with MSTC. (At a later stage in the pilot, MSTC may require participants to settle with a SDFS bank participant ("settling bank") and have the settling bank settle payment obligations on its behalf with MSTC. The settling bank will be required to have on-line access to MSTC and Fedwire.)

Throughout the processing day, MSTC will provide, through telecopier transmissions, each participant with a report of its net credit or debit positions. At the end of the processing day, MSTC will provide each participant with a net settlement amount, which will be the aggregate of the end-of-the-day net debits and net credits in the participant's account. If at the end of the processing day the participant has a net debit amount, it must pay that amount no later than 3 p.m. by Fedwire transfer to MSTC's account at FRB-Chicago. MSTC will then pay, through similar means at approximately 4 p.m., each participant with a settlement credit.

2. CP Program

Under the proposed rule change, CP issues made SDFS-eligible will be distributed through DTC in book-entry-only ("BEO") form by the issuer's issuing agent bank which, paralleling the SDFS medium-term note program, sends CP issuance instructions electronically. The issuer's paying agent bank, acting as custodian, will hold master CP certificates for MSTC participants through DTC.

Because SDFS-eligible CP is BEO and CP issuances are initiated electronically, participant operating procedures for deposits, withdrawals, and underwriting distributions do not apply to CP. Because CP settles on the same day it is issued, traded, or used in a financing transaction (typically, a repurchase agreement), user operating procedures for institutional delivery system confirmations of CP trades will apply for record-keeping purposes, but institutional delivery procedures for affirmations and settlement will not apply to CP.

As is the case in the general SDFS program, MSTC will offer the CP program to a limited number of MSTC

participants on a pilot basis, and transactions in the CP program are limited to MSTC's operational capabilities. Those participating in the CP program will number no more than the five participants of the SDFS service, and CP transactions in the CP program will be included with SDFS transactions for purposes of the seventy-five aggregate transactions per day limit.

The fundamental risk in the SDFS system is a failure of an SDFS participant to settle with MSTC money settlements owed to other participants. Controls, through DTC, are built into the system to keep this risk within manageable limits. The controls include: (1) Collateralization; (2) SDFS fund; (3) net debit caps; (4) receiver-authorized deliveries; (5) net and net-net settlement; and (6) resales and credit reductions. All would be applicable to transactions in CP.

Collateralization requires a participant to have in its account at all times during the processing day collateral at least equal in value to the participant's net settlement debit. The principal source of this collateral is the securities delivered versus payment by other participants that created the net settlement debit. Additional protection is provided by general SDFS failure-to-settle procedures under which MSTC may, among other things, return to deliverer-participants securities not paid for by the defaulting receiver-participant.

The collateralization control assumes that the market values of collateral securities will not suddenly and drastically decline. The failure-to-settle procedures assumed that securities returned to deliverer-participants will not have market values so far below their settlement values as possibly to cause the deliveries in turn to fail to settle with MSTC. These assumptions are not valid when a failure-to-settle is caused by a CP issuer's bankruptcy. On a day of heavy issuance and/or maturity activity or sales from the dealer's inventory in the issuer's CP, bankruptcy would cause the issuer's CP collateralizing SDFS net settlement debits to instantly become worthless and could cause one or more participants to fail to settle with MSTC. These are the unique risks of a CP program to MSTC.

MSTC seeks to insulate itself against these unique risks in order to avoid losses to itself, its participants in the CP program, and other participants that do not use the CP program by: (1) Making SDFS-eligible only highly-rated CP (MSTC's eligibility criteria will be the same as DTC's since in the pilot program all CP will be held at DTC); (2) admitting only well-capitalized CP dealers and issuing and paying agents to the SDFS system and/or requiring guarantees from their parents (CP dealers and agents will not be direct participants of MSTC during the pilot stage of MSTC's CP program); (3) establishing a CP component of the SDFS fund and limiting CP risks to those who use the CP program; (4) devaluing to zero all of an issuer's CP in MSTC's system (through DTC) promptly after learning of the potential or actual downgrading of CP below the rating for MSTC eligibility, the refusal of the issuer's paying agent to pay maturity proceeds, or the issuer's bankruptcy; (5) prohibiting "free" (unvalued) transactions in CP received versus payment until settlement is completed; (6) borrowing, under certain circumstances on the day of an issuer's default, from participants that initiated deliveries of that issuer's CP to a participant who fails to settle with MSTC that day or borrowing, on an emergency basis, from all other SDFS participants even though they did not initiate deliveries of that issuer's CP to a participant that failed to settle; and (7) applying a 2% haircut to the market value of CP when calculating its value as collateral.

The primary purpose of the proposed revisions to MSTC's rules is to provide for the SDFS service and CP program. Additionally, certain revisions are intended to clarify the following MSTC procedures relating to a participant's failure to settle in MSTC's next-day funds settlement (NDFS) system: (1) MSTC's ability to accept as a pledge to the participants' fund securities delivered to a receiver-participant for which the receiver-participant is unable to pay for; (2) MSTC's ability to return securities to deliverer-participant although MSTC does not cease to act for the receiver-participant; and (3) MSTC's ability to return to a deliverer-participant, where necessary, less than the entire amount of securities that were the subject of the delivery not paid for by the receiver-participant and to clear the deliverer's settlement account only for the securities returned.

3. Loss Recovery

The proposed rule change provides specific steps MSTC would take if an SDFS participant fails to pay a net debit balance. First, MSTC would use the defaulting participant's mandatory and voluntary cash contributions to the SDFS fund. Second, MSTC would pledge to lenders the defaulting participant's securities deposits to the SDFS fund for a loan to apply to the default. Third, MSTC would pledge to lenders other collateral of the defaulting participant including securities classified as net additions (*e.g.*, securities credited to the defaulting participant that day that have not been paid for ("incomplete deliveries")). MSTC may re-allocate the preceding sequence in its sole discretion.

If the foregoing procedures are insufficient to cover the default, MSTC would be authorized to take the following emergency steps. To the extent possible, MSTC could reduce *pro rata* net credits of participants who delivered SDFS securities to the defaulting participant on the day of default. Those reductions would be limited to the amount of the net credit balance of each participant resulting from transactions with the defaulting participant. As an alternative, MSTC also may resell to delivering participants SDFS securities that those participants sold to the defaulting participant on the day of default. Finally, if the preceding steps do not cover the default or if MSTC cannot reduce credits or resell securities to any participants that delivered SDFS securities to the defaulting participant, MSTC would be authorized to: (1) Make *pro rata* net credit reductions on an emergency basis for all SDFS participants with net credit balances, including those participants that did not make deliveries to the defaulting participant; or (2) pledge or resell any or all net additions of such participants (even though initially converted to effective transactions) on an emergency basis. Such borrowings will be secured by the pledge to lending participants of those incoming securities of the defaulting participants where payment has not been received for such defaulting participant.

If the defaulting participant is solvent and pays its debit balance in same-day funds by 9 a.m. (CST) on the day after the default, MSTC generally would reverse the procedures followed on the day of default. MSTC would repay lenders and restore pledged securities. MSTC also would repay with interest any participants whose net credits had been reduced. MSTC would collect appropriate interest charges from the defaulting participant. MSTC also would be authorized to assess failure-to-settle fees against the defaulting participant.

If the defaulting participant does not cure the default (*e.g.*, is insolvent), the proposed rule change is designed to initially allocate any loss to participants that made deliveries to the defaulting participant (particularly in the case where deliveries are made by non-defaulting MSTC participants).

However, MSTC, in its discretion, may allocate losses to all SDFS participants, including those that did not initiate deliveries to the defaulting participant. If it is necessary for MSTC to assess on an emergency basis all participants with net credit balances on the day of default, MSTC would repay those participants that did not make deliveries versus payment to the defaulting participant and assess *pro rata* those participants that had made deliveries to the defaulting participant. As a last resort, MSTC would assess *pro rata* all SDFS Participants.

The proposed rule change also provides that MSTC may also make good a loss from: (1) The mandatory (and, if necessary, voluntary) SDFS contributions and SDFS fund deposits of non-defaulting participants; (2) MSTC's contingency reserve fund; or (3) MSTC's existing undivided profits and retained earnings, at the election of MSTC.

If the defaulting participant also is a settling bank, MSTC would first apply the participant's collateral to the default and follow the procedures outlined above. In addition, MSTC would be authorized to recover any interest loss *pro rata* from participants who were represented by the defaulting settling bank and who had net credit balances on the day of the default. Participants with net debit balances represented by the settling bank would remain obligated only to the extent of the settling bank's net-net debit.

MSTC believes that the proposed rule change is consistent with section 17A of the Act in that the rule change provides for the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MSTC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants 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 of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of MSTC. All submissions should refer to File No. SR–MSTC–90–08 and should be submitted by December 21, 1990.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–28104 Filed 11–29–90; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 34–28634; File No. SR–MSE–90–12]

Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to the Listing of Index Warrants Based on the Financial Times-Stock Exchange 100 Index

On July 10, 1990, the Midwest Stock Exchange, Inc. ("MSE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and rule 19b–4 thereunder, [2] a proposed rule change which will allow the MSE to list warrants based on the Financial Times-Stock Exchange 100 Index ("Index" or "FT–SE 100").

[1] 15 U.S.C. 78s(b)(1) (1964).

[2] 17 CFR 240.19b–4 (1989).

The proposed rule change was published in Securities Exchange Act Release No. 28294 (August 1, 1990), 55 FR 32342 (August 8, 1990). No comments were received on the proposal.

The proposed rule change will allow the MSE to list index warrants based on the FT–SE 100, an internationally recognized, capitalization weighted stock index based on the prices of 100 of the most highly capitalized British stocks traded on the International Stock Exchange of the United Kingdom and the Republic of Ireland ("ISE"). [3] The Index is updated each minute from 9 a.m. to 5 p.m. (London time). [4]

The MSE submitted its proposal to trade FT–SE 100 warrants pursuant to the requirements of a Commission approval order ("Index Warrant Approval Order") that permits the MSE to list index warrants based on established market indexes, both domestic and foreign. [5] The Commission previously have approved the listing of FT–SE 100 Index warrants on the American Stock Exchange, the Chicago Board Options Exchange, the New York Stock Exchange and the Pacific Stock Exchange. [6]

[3] The Index is composed of stocks of companies from 29 different industry groups, no one of which dominates the Index, and the percentage weighing of the five largest issues, as of October 31, 1989, accounted for approximately 21.38% of the Index's value. The total capitalization of the Index, as of October 30, 1989, was $521.6 billion. In addition, over the period January 1989 through June 1989, the average daily trading volume of each component stock was above 100,000 shares. The Index is administered by the FT–SE 100 Index Steering Committee, a committee composed of representatives from various U.K. financial institutions. The Steering Committee is responsible for, among other things, establishing rules to determine, review, and modify the composition of the Index, as well as how the Index is calculated.

[4] The Index is calculated by taking the summation of the multiple of the market price for each stock in the Index times the number of shares of that stock outstanding. This sum total is then divided by another number, termed the "divisor," to produce the Index value. The market price for each constituent stock is calculated by taking the mid-point between the highest bid and lowest offer for each stock. The divisor of the Index is continuously adjusted to reflect changes in market capitalization. The Index is published daily in the Financial Times and is available real-time on Reuters, Telerate and other market information systems which disseminate information on a minute-by-minute basis. For additional information regarding the calculation and composition of the Index, see letter from Richard G. Ketchum, Director, Division of Market Regulation, SEC, to Joanne T. Medero, General Counsel, Commodity Futures Trading Commission ("CFTC"), dated January 8, 1990 (FT–SE 100 letter"), at 4–5.

[5] *See* Securities Exchange Act Rel. No. 28133 (June 19, 1990), 55 FR 26319 (order approving File No. SR–MSE–90–4).

[6] *See* Securities Exchange Act Rel. Nos. 27769 (March 6, 1990), 55 FR 9380 (order approving File No. SR–AMEX–90–3), 28627 (November 19, 1990)

Continued

The MSE represents that the FT–SE 100 warrant issues will conform to the MSE listing guidelines approved in the Index Warrant Approval Order and set forth in Exchange Rule 8, Article XXVIII, which provides that: (1) The issuer of index warrants shall have assets in excess of $100,000,000 and shall substantially exceed the size and earnings requirements specified in Exchange Rule 7, Article XXVIII; (2) the term of the warrants must be for a period of at least one year from the date of issuance; (3) the minimum public distribution of such issues must be 1,000,000 warrants together with a minimum of 400 public holders, and the minimum aggregate market value of such issues shall be $4,000,000; and (4) the index warrants will be cash-settled in U.S. dollars.

The FT–SE 100 Index warrants will be direct obligations of their issuer subject to cash settlement during their term, and either exercisable throughout their life (*i.e.*, American style) or exercisable only on their expiration date (*i.e.*, European style). Upon exercise, or at the warrant expiration date (if not exercisable prior to such date), the holder of a warrant structured as a put option will receive payment in U.S. dollars to the extent that the FT–SE 100 has declined below a pre-stated cash-settlement value. Conversely, holders of a warrant structured as a call option will, upon exercise or at expiration, receive payment in U.S. dollars to the extent that the FT–SE 100 has increased above the pre-stated cash-settlement value. If "out-of-the-money" at the time of expiration, the warrants will expire worthless.

Consistent with the guidelines set forth in the Index Warrant Approval Order, trading in FT–SE 100 warrants will be subject to safeguards designed to ensure investor protection: (i) The Exchange's options suitability standard will be applicable to recommendations regarding index warrants and (ii) a branch office manager or other Registered Options Principal ("ROP") will be required to approve and initial a discretionary order in index warrants on the day the order is entered. The Exchange also recommends that FT–SE 100 warrants be sold only to options-approved accounts. In addition, prior to the commencement of trading in FT–SE warrants, the MSE will distribute a circular to its membership calling attention to the specific risks associated with warrants on the FT–SE 100 Index.

(order approving SR–CBOE–90–17), 28399 (August 30, 1990), 55 FR 37390 (order approving SR–NYSE–90–37), 28106 (June 12, 1990), 55 FR 24955 (order approving File No. SR–PSE–90–15).

In the Index Warrant Approval Order, the Commission noted that, with respect to warrants based on foreign indexes, there should be an adequate mechanism for sharing surveillance information with respect to the index's component stocks. In this regard, the MSE has entered into a Memorandum of Understanding ("Memorandum") with the Securities Association ("TSA"), the self-regulatory organization responsible for regulating the U.K. equity securities market.[7] The Memorandum of Understanding will allow the MSE to obtain trading data from the U.K. regarding component securities of the FT–SE 100 Index.[8] The Exchange believes that this Memorandum is an appropriate and sufficient information sharing agreement for the purpose of accommodating FT–SE 100 warrant trading on the Exchange.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5).[9] Specifically, the Commission believes, as it did when approving the MSE's framework for index warrants, that index warrants, such as the FT–SE 100 warrants, are an innovative financing technique that will benefit U.S. investors by allowing them to hedge their exposure in the British markets or take a position in the U.K. market.[10]

The Commission also believes that the FT–SE 100 warrants are consistent with the guidelines set forth in the Index Warrant Approval Order. Because the FT–SE 100 is a broad-based index of actively traded, well-capitalized stocks, the trading of cash-settled warrants on the FT–SE 100 on the MSE does not raise unique regulatory concerns.[11] The Commission notes that the MSE rules and procedures that address the special concerns attendant to the secondary trading of index warrants will be applicable to the FT–SE 100 warrants. In particular, by imposing the special suitability, disclosure, and compliance requirements noted above, the MSE has addressed adequately potential public customer problems that could arise from the derivative nature of FT–SE 100 warrants. Moreover, the MSE plans to distribute a circular to its membership calling attention to the specific risks associated with warrants on the FT–SE 100 and, pursuant to the MSE listing guidelines, only substantial companies capable of meeting their warrants obligations will be eligible to issue FT–SE 100 warrants.

In light of the fact that the FT–SE 100 is a foreign index, the Commission believes adequate surveillance sharing agreements between the MSE and TSA is a necessary prerequisite to deter and detect potential manipulation or other improper or illegal trading involving the warrants. To address this concern, the MSE entered into a Memorandum of Understanding with TSA on July 16, 1990, that is broad enough to include the sharing of market information related to the trading of FT–SE 100 warrants on the MSE.[12] Accordingly, the Commission believes the Memorandum of Understanding between the MSE and TSA is adequate to provide an oversight framework regarding potential manipulation or other trading abuses between the markets with respect to the trading of FT–SE 100 warrants.

Finally, the Commission believes that trading in the FT–SE 100 warrants will

[7] TSA came into existence as a result of an agreement between the ISE and the International Securities Regulatory Organization ("ISRO"). Under the terms of the agreement, the ISE was established as a recognized investment exchange with rights and obligations analogous to the NASD, and ISRO was reorganized as the TSA. Currently, the TSA is the self-regulatory organization responsible for regulating the U.K. equity securities market. Although all ISE members must be members of TSA, TSA also consists of members which may not be active on the ISE. Thus, the Memorandum of Understanding entered into between the MSE and TSA will allow the MSE to obtain trading data from more U.K. equity securities market participants, whose activity may affect the FT–SE 100 warrants, than would an agreement between the MSE and the ISE.

[8] *See infra* note 12.

[9] 15 U.S.C. 78s(b)(5) (1934).

[10] Of course, if the FT–SE 100 moves in the wrong direction or fails to move in the right direction, the warrants will expire worthless and the investors will have lost their entire investment.

[11] The Commission previously has examined the FT–SE 100 in the context of an application by the London International Financial Futures Exchange for certification that its futures contract meets CFTC requirements to permit the contract's offer and sale to U.S. citizens. At that time, the Commission found that the FT–SE 100 was not readily susceptible to manipulation because of the representative nature of the various industry segments included in the Index, the weighted value of the Index's component stocks, and the substantial capitalization and trading volume of component stocks. *See* FT–SE 100 letter, *supra*, note 4, at 5–7.

[12] *See* Memorandum of Understanding Concerning the Provision of Information for the Purpose of Regulation and Enforcement between the MSE and TSA dated July 16, 1990. The Memorandum of Understanding relates to the provision of information relating to members of TSA and the MSE, and to any security traded through the facilities of the MSE, any security underlying a derivative instrument traded through the facilities of the MSE and any derivative instrument based upon or including a security traded through the facilities of the MSE. Accordingly, the Memorandum sufficiently allows for the provision of information relating to the FT–SE 100 warrants or any securities underlying the FT–SE 100 warrants.

not have an adverse impact on U.S. financial markets. In fact, the Commission believes the FT–SE 100 warrants will benefit U.S. investors by affording them an opportunity to better hedge against stock market fluctuations in the United Kingdom.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[13] that the proposed rule change (SR–MSE–90–12) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Dated: November 20, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–28105 Filed 11–29–90; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 34–28638; File No. SR–MSE–90–07]

Self-Regulatory Organizations; Midwest Stock Exchange; Order Approving Proposed Rule Change Relating to Clearing the Post With Orders Received on Exchange Floor

On April 23, 1990, the Midwest Stock Exchange ("MSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and rule 19b–4 thereunder,[2] a proposed rule change consisting of a proposed Notice to Floor Members ("Notice"), which would expand the Exchange's current policy of requiring floor brokers and market makers to "clear the post" with any order received or originated on the MSE floor prior to entering an order into the Intermarket Trading System ("ITS") for another market. The proposed rule change was published for comment in Securities Exchange Act Release No. 27970 (May 1, 1990), 55 FR 19401 (May 9, 1990). No comments were received on the proposal.

The MSE's current "clearing the post" policy requires, for orders received or originated on the MSE floor, that: (1) A floor broker request a market quote from the specialist prior to entering a commitment into the ITS system for another market; and (2) a market maker,[3] request the specialist's market quote and then make a bid or offer at the post for the price and size of his or her intended interest prior to entering a commitment into ITS.[4] This policy derives from a floor broker's fiduciary responsibility to seek the best price execution for his or her order and from the responsibilities of floor brokers and market makers to adhere to traditional agency/auction market principles on the floor.[5] Under the MSE's current policy, failure to properly clear the post may result in a violation of MSE article VIII, rule 7, Just and Equitable Trade Principles, and/or article XXXIV, rule 1, Registered Market-Makers—Equity Floor, General Responsibilities, and subsequent disciplinary action.

The MSE's new proposal would extend the existing policy to require that a broker or market maker clear the post before inputting an order received by a floor broker, or originated by a market maker, on the Exchange floor to another market, not only through ITS, but by any alternate means. With the recent proliferation on the Exchange floor of alternate means, other than ITS, for efficiently gaining access to other markets, the Exchange wants to ensure that floor brokers clear the post on the floor before routing orders directly from the floor to other markets.[6] In particular, the Exchange cites concerns that the MSE floor is being turned into an "order routing room" where orders received at the trading booth are immediately sent to other markets for execution, without ever being exposed to the MSE floor. The Exchange emphasizes that a true auction market cannot exist on the Exchange floor if all orders are not integrated and exposed to all other orders which may be in existence at a given moment in time.

The proposed Notice states that floor brokers who receive an order on the floor have a fiduciary responsibility to seek a best price execution for such orders. This responsibility includes clearing the MSE post prior to entry to another market so that other buying and selling interests at the post can be checked for a potential execution which may be as good as or better than available in another market.

Furthermore, market makers have a responsibility to provide, among other things, depth and liquidity to the MSE market. In addition, MSE Rules require that all market maker transactions constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market.[7] The proposed Notice states that transactions by MSE market makers on other exchanges that fail to clear the MSE post cannot be deemed to constitute such a course of dealings.

In addition to extending the "clear the post" requirement to inputting orders by means other than ITS, the Exchange's current proposal would allow the Exchange to grant exceptions to the policy on a case-by-case basis at the specific request of a customer, *e.g.*, a customer must specifically direct that his or her order be executed in another market.[8] The Exchange notes that customer directives to route elsewhere all orders in a particular stock or all stocks would not be considered exceptions under the policy. In addition, the Exchange would require any exceptions to the "clear the post" requirement to be documented and reported to the Exchange. The exceptions only would apply to orders transmitted to other markets using means other than ITS; the proposed Notice reiterates that the post must always be cleared before any other market is accessed via ITS.

Finally, the proposed Notice would clarify that the use of Exchange facili ies

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[13] 15 U.S.C. 78s(b)(2) (1984).

[14] 17 CFR 200.30–3(a)(12) (1989).

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b–4 (1989).

[3] A market maker on the MSE is required, at the request of a floor broker, to make a bid or offer in any security to which he or she is assigned or in which he or she is then trading such that a transaction effected thereon will contribute to the maintenance of a fair and orderly market. MSE article XXXIV, rules 1–17.

[4] *See* Securities Exchange Act Rel. No. 17766 (May 4, 1981), 46 FR 25745 (May 8, 1981) (File Nos. SR–MSE–81–3 and SR–MSE–81–5).

[5] The Exchange believes that failure to clear the post may result in a "trade-through" of the MSE market quotation. A trade-through occurs whenever a floor broker or market maker on the Exchange initiates the purchase in another market at a price which is higher than the price at which the security is being offered (or initiates the sale on another market of such a security at a price which is lower than the price at which the security if being bid for) at the time of the purchase (or sale) on the Exchange as reflected by the offer (bid) then being displayed on the Exchange. *See* MSE article XX, rule 40. When a trade-through occurs, a customer order executed on another market may not receive the best execution on another market may not receive the best execution because the order was never exposed to the buying and selling interests on the MSE market, which represented the best price for the customer's order.

[6] The Exchange cites an increase on the MSE floor of electronic terminals capable of direct interface with systems on other markets, thereby allowing direct access to other markets from the Exchange floor. These terminals allow MSE members that also are members of another exchange to have direct access to other markets from the Exchange floor. For example, MSE members who also are members of the New York Stock Exchange ("NYSE") have direct access to the Designated Order Turnaround System ("DOT" or "SuperDot"), the NYSE's network of electronic order processing and post-trade systems, and can route orders through DOT or SuperDot, directly to the NYSE market.

[7] MSE article XXXIV, rule 1.

[8] The Exchange's existing "clearing the post" policy does not expressly provide for any exceptions.

for receiving orders is governed by Exchange rules.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of sections 6(b)(5) of the Act.[9] The Commission believes that the proposal is consistent with the section 6(b)(5) requirements that the rules of an exchange be designed to facilitate transactions in securities, and to perfect the mechanism of a free and open market in exchange-listed securities.

The Commission believes that the Exchange's "clearing the post" requirement serves to protect investors and the public interest by helping to ensure that public customers obtain the best possible executions of their securities orders. While an order sent to an exchange may not necessarily be exposed to trading interest represented on other exchanges, by the very nature of an exchange auction-type market, that order will be exposed to buying and selling interests on that exchange. Most importantly, it will be exposed to buying and selling interests represented by persons dealing at arms length with the agent holding the order. In addition, by avoiding trade-throughs of the MSE market, a customer order would be exposed to the buying and selling interests on the MSE market and could receive a better execution price.

The Commission further believes that the MSE's current proposal to extend its present clear the post requirement to include sending orders via means other than ITS raises to new regulatory issues. The MSE's extension simply makes the Exchange's existing policy applicable to other means of transferring orders, whether electronically or via future systems more advanced than current technology. The Commission notes also that the MSE proposal requires only that orders sent to the MSE floor be exposed to any buying or selling interest on the floor; it places no prohibition on the ability of exchange members to effect transactions, as principal or as agent, in any marketplace other than the MSE. Moreover, the MSE's proposal would be applicable only to orders routed to the Exchange floor; it places no prohibition on the ability of a firm's "upstairs" order room to route an order to another marketplace.

The Commission notes that the Philadelphia Stock Exchange ("Phlx") currently requires all Phlx floor members to clear the post, by requesting a market quote from the specialist, for a security on the Phlx floor before directly inputting an order into ITS.[10]

With regard to the MSE's proposed exceptions to its new clearing the post policy, the Commission is satisfied that the Exchange has articulated clearly the standards it will apply in granting exceptions. Under the new policy, the Exchange would grant exceptions only in situations where a customer specifically requests that a particular order be handled in a certain market. The Exchange emphasizes that exceptions would be granted only in situations where a customer specifically requests execution of a certain order in a particular market. In addition, exceptions would only apply to orders being sent via means other than ITS.[11] The MSE post always must be cleared for all orders sent via ITS—no exceptions to this policy will be granted. The Commission believes that this narrow exception to the Exchange's policy is appropriate in that it will allow a broker to fulfill the desires of customers with regard to particular orders and will not impinge on the benefits of the Exchange's clear the post requirement.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[12] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Dated: November 21, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90-28106 Filed 11-29-90; 8:45 am]

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[9] 15 U.S.C. 78f (1982).

[10] *See* Securities Exchange Act Rel. No. 20331 (October 27, 1983), 48 FR 50649 (November 2, 1983) (approving File No. SR-Phlx-83-11).

[11] *See, supra* note 6.

[12] 15 U.S.C. 78s(b)(2) (1982).

[13] 17 CFR 200.30-3(a)(12) (1989).

[Rel. No. 34-28636; File No. SR-NASD-90-51]

Self Regulatory Organizations; Order Approving Proposed Rule Change and Filing and Order Granting Accelerated Approval of Amendment to Proposed Rule Change of the National Association of Securities Dealers, Inc., Relating to Enhancements to the NASD's Order Confirmation Transaction System

I. Introduction

The National Association of Securities Dealers, Inc. ("NASD" or "Association") submitted on September 26, 1990, a proposed rule change to the Securities and Exchange Commission ("Commission" or "SEC") pursuant to section 19(b)(1) of the Securities and Exchange Act of 1934 ("Act") [1] and rule 19b-4 [2] thereunder, and Amendment No. 1 thereto on November 14, 1990, to implement enhancements designed to increase the speed and efficiency of executing orders through the NASD's Order Confirmation Transaction System ("OCT" or "SelectNet").

Notice of the original filing and the terms of substance of the proposed rule change was given in Securities Exchange Act Release No. 28526 (October 10, 1990) and by publication in the **Federal Register** (55 FR 42120, October 17, 1990). No comment letters were received on the original filing. Amendment No. 1, which renames OCT to SelectNet, proposes, for a 6 month pilot period, further modifications of the OCT system that are intended to prevent attempted abuse of the automated routing in the system to the detriment of market maker participation and liquidity. This order approves SR-NASD-90-51 as originally proposed and grants accelerated approval to Amendment No. 1 for a 6 month period.

II. SelectNet Enhancements

The OCT service, implemented in January 1988, originally was approved by the Commission as an auxiliary system to process orders during market extremes by providing an alternative method of negotiating trades when traditional telephone negotiation was difficult or infeasible.[3] Utilizing the present system, order entry participants with clearing arrangements may direct an agency or principal order to a single market maker of choice through OCT. After receiving the order of the NASDAQ screen, the market maker must either accept the order as is, decline it, or counter with a different size and/or price. Each order or counter-offer stays in force for three minutes. By contract, the enhancements will reduce the limitations of the system by enabling an order entry firm to preference a specific market maker, as in current OCT, but also will permit showing the order to all market makers in the security. Additionally, the enhancements will provide system flexibility in that the order entry firm can: (1) Increase the time the order or counter-offer is in force up to 99 minutes; (2) specify a day order; or (3)

[1] 15 U.S.C. 78s(b) (1982).

[2] 17 CFR 240.18b-4 (1989)

[3] *See* Securities Exchange Act Rel. No. 25263 (January 11, 1988), 53 FR 1430 (January 19, 1988), approving File No. SR-NASD-87-54.

indicate whether price and/or size are negotiable or whether a specific minimum quantity is acceptable. As a result, the recipient is provided a maximum amount of information with which to formulate a response.

Moreover, the ability to respond to counter-offers will be enhanced. Presently a market maker may counter an order entry once, and the order entry firm can enter and order and counter-offer only once. The enhancements will enable a market maker to accept, counter or decline a SelectNet order. If a market maker counters, negotiations are considered in progress and all other counters enter a queue to be sent to the order entry firm on a first in/first out basis. Negotiations may be conducted between the two parties by exchanging counter-offers until an agreement is reached. Consequently, the traders are no longer limited by the system's current one counter-offer restriction.

One of the most important proposed enhancements is the use of menus and function keys to limit the keystrokes necessary to interact with OCT. Specifically, functions have been pre-programmed to reduce the amount of manual labor necessary to access the system. Using the available menus on the NASDAQ Workstation, the user can, after targeting the order/counter in the new OCT area: (1) Retrieve order entry and negotiation masks or screens; (2) accept an order; (3) cancel an order or counter-offer; (4) decline and order or counter-offer; or (5) insert a pre-formatted message in the memo area or an order to counter-offer.

To further faciliate SelectNet usage by market participants, a scan capability is available to participants to view executed trades, unexpired counters, open orders and expired orders. Cancellation of orders and counters, as well as acceptance of orders, can be made through the scan function. The system user also can increase information available by registering specific securities in a watch file. This allows interested participants to view incoming orders for those securities in which they are interested.

Finally, in order to increase efficiency and reduce risk, executed trades will be processed through the Automated Confirmation Transaction service for Risk Management calculations and for submission to the National Securities Clearing Corporation. The purpose of this enhancement is to ensure that SelectNet trades are added into Risk Management daily thresholds, and are reported both for trade reporting and clearance purposes.

The NASD has completed all necessary stress testing of the processing equipment to be used for the SelectNet enhancements, and has represented to the Commission that the system has the capacity to implement the changes approved in this order.

III. Amendment No. 1

The NASD filed Amendment No. 1 due to concerns that market participants may attempt to abuse the automated routing in the SelectNet system to the detriment of market maker participation and liquidity. The following is a description of proposed modifications to the NASD's SelectNet system contained in Amendment No. 1:

- SelectNet will be available only for agency or principal orders that are greater than the NASDAQ Small Order Execution System ("SOES") tier size.
- Market makers receiving orders through SelectNet will not be required to execute partial orders but may elect to execute partials at their discretion.
- In the event of an emergency or during extraordinary market conditions, either one or both of the aforementioned conditions may be eliminated pursuant to the authority granted to the Board of Governors and its designees in article VII, section 3 of the NASD By-Laws.

The NASD is proposing these modifications to the operations of SelectNet because the Association is concerned that, with the Commission's approval of an NASD rule requiring market makers to display size in their quotations at least equal to the applicable SOES tier size,[4] market participants may attempt to abuse the automated routing in the system to the detriment of market maker participation and liquidity. Specifically, the NASD is troubled by the possibility of misuse of SelectNet in a manner similar to past abuse of SOES.[5]

SOES was designed to create a level playing field for agency orders, to provide customers immediate executions and to dispel the notion that customer orders were afforded lesser quality executions in comparison with institutions. Despite the articulated purposes of SOES, however, sophisticated market professionals have found ways to use the automated nature of the system by, example, sending in orders for automatic execution against the last market maker to update a quotation in an issue. When SOES became mandatory for National Market System issues, and tier sizes of 200, 500, or 1,000 were developed, SOES use was exacerbated by professional trading. The NASD has taken measures to eliminate misuse of SOES, and is proposing to prevent the same type of misuse of SelectNet with Amendment No. 1. The Amendment requires SelectNet orders to be above SOES tier size and does not require market maker execution of partial orders. This will allow the Association, for a 6 month period, to monitor the enhancements to SelectNet in conjunction with the mandatory display of size ordered in SR–NASD–89–12; while simultaneously preventing the potential misuse of OCT in the same manner that has been experienced with SOES in the past.

IV. Conclusion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Association, and, in particular, the requirements of sections 11A(a)(1) (B) and (C)(i), and 15A(b)(6) and the rules and regulations thereunder. Section 15A(b)(6) requires that the rules of a national securities association be designed to "foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market." Section 11A(a)(1) (B) and (C)(i) set forth the Congressional goal of achieving more efficient and effective market operations and the economically efficient execution of transactions through new data processing and communications techniques.

The Commission believes the enhancements to SelectNet will facilitate the ability of broker-dealers to efficiently execute customer orders by providing participants with another vehicle to negotiate, execute, and compare transactions. In particular, the various enhancements will improve the operational efficiency of the system by providing market makers and order entry firms greater flexibility in the use of an automated support system, thereby encouraging usage of the system. The Commission also believes that it is reasonable to limit usage of SelectNet during its first 6 months of operation to ensure that participants

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[4] Under current practice, NASDAQ market makers are not obligated to display quotations in excess of the normal unit of trading, 100 shares. Beginning on December 3, 1990, the approved NASD rule change will require NASDAQ market makers to display quotation size equal to the maximum order size displayed in SOES; *i.e.*, 1,000, 500 or 200 shares, depending upon the trading characteristics of the particular security. *See* Securities Exchange Act Rel. No. 28450 (September 18, 1990), 55 FR 39221 (September 25, 1990), approving File No. SR–NASD–89–12.

[5] *See* Securities Exchange Act Rel. No. 26045 (August 31, 1988), 53 FR 34856 (September 8, 1988), approving File No. SR–NASD–88–37 and Rel. No. 26361 (December 15, 1988), 53 FR 51605 (December 22, 1988), approving File No. SR–NASD–88–43.

become familiar with the system and have an opportunity to assimilate their internal procedures to the mandatory display of size requirement. The Commission expects, however, that during the six month period the NASD will carefully consider a direct response to the potential for abuse of SelectNet by a small number of active professional traders, as a replacement to the present limitations imposed on SelectNet participants.

The Commission finds good cause for approving Amendment No. 1 for a 6 month period prior to the 30th day after the date of publication of the amendment in the **Federal Register.** This will allow the NASD to retain market maker support of the system and assess the impact of mandatory display of size on the SelectNet enhancements while preventing potential misuse of the system.

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 1. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC. Copies of the filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by December 21, 1990.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that File No. SR-NASD-90-51, be, and hereby is, approved, and that Amendment No. 1 thereto hereby is approved for a period of six months from the date of this Order.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: November 21, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90-28108 Filed 11-29-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-28635; File No. SR-NASD-89-9]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating To Limit Order Capabilities for Small Order Execution System

The National Association of Securities Dealers, Inc. ("NASD" or "Association") submitted to the Securities and Exchange Commission ("SEC" or "Commission") on February 24, 1989, and amended on December 18, 1989, and June 28, 1990, a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and rule 19b-4 thereunder. [2] The proposal requests permanent approval of the limit order processing capability for the Association's Small Order Execution System ("SOES").

The purpose of SOES is to improve the efficiency of executing customer agency transactions in NASDAQ securities through the use of data processing and communication techniques. The addition of a limit order [3] storage and execution capability increases the efficiency and ability of the system to achieve this end. The SOES limit order processing capability serves the purpose of providing members, and in particular members not having proprietary systems with such capability, with the ability to enter and store limit orders.

The limit order capability initially was approved by the Commission on a pilot basis.[4] In that approval order, the Commission expressed concern that the limit order file did not permit the crossing of limit orders that are entered between the spread; and that serious questions were raised under sections 11A and 15A of the Act by the NASD institutionalizing a system whereby customers are precluded from interacting with one another.[5] Since requesting permanent approval for the SOES limit order capability, the NASD has proposed enhancements to the system which have addressed the Commission's earlier concerns. Specifically, the limit order file as approved will have the following capabilities:

1. Alert

The proposed alert will bring to the SOES market maker's attention those limit orders that are priced within the inside market (*i.e.,* within the best bid and offer available at that moment) and that potentially match another order already pending on the limit order file. For example, if an order is entered which cannot be executed (because it is away from the inside market), but whose price is equal to or better than the price of a previously entered order on the other side, an alert message will be displayed on the market marker's screen to indicate a potential match.

2. Take-out

The limit order file take-out function will be a new feature added to SOES which will allow market makers to execute limit orders at a specific price without changing their quotes. Any active SOES market maker who has an open quota and available exposure [6] in an issue may take out shares in that issue.

Market makers will be able to review a summary of limit orders in the system for each security, and enter orders to take-out, specifying the side of the market (buy/sell), the number of shares to be taken out, and the price at which the market maker is willing to execute.

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[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1989).

[3] A limit order is an order to buy or sell a security at a specific price or better. The broker will execute the trade only within the price restriction. For example, a customer places a limit order to buy XYZ Corporation at $30 when the stock is selling for $32. Even if the stock reaches 30⅛ the broker will not execute the trade. Similarly, if the client places a limit order to sell XYZ Corporation at $33 when the price is $31, the trade will not be executed until the stock price reaches $33.

[4] Securities Exchange Act Rel. No. 26476 (January 19, 1989), 54 FR 3881 (January 26, 1989). The pilot program extends through December 31, 1990. *See* Securities Exchange Act Rel. No. 28165 (June 29, 1990), 55 FR 28120 (July 9, 1990).

[5] Section 15A(b)(6) of the Act provides in part that the rules of the Association be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market. Section 11A of the Act sets forth the Congressional goal of achieving more efficient and effective market operations and the economically efficient execution of transactions through new data processing and communication techniques. Additionally, section 11A(a)(1)(C)(v) states, in part, that it is in the public interest and appropriate for the protection of investors to assure an opportunity for investors' orders to be executed without the participation of a dealer. *See* letter to T. Grant Callery, Vice President and Deputy General Counsel, NASD, from Kathryn V. Natale, Assistant Director, Division of Market Regulation, SEC, dated January 24, 1990; and letter to Joseph R. Hardiman, President, NASD, from Richard G. Ketchum, Director, Division of Market Regulation, SEC, dated April 11, 1990.

[6] The NASD Rules of Practice and Procedures for SOES require NASDAQ market makers that are also SOES market makers to execute orders through SOES in sizes up to the maximum SOES order size, *i.e.,* 1,000, 500 or 200 shares, depending upon the trading characteristics of the particular security. A market maker's exposure limit in a security is equal to five times the maximum order size for that security. *See NASD Securities Dealers Manual,* CCH ¶2451.

The system will receive or accept the take-out order, screen it for accuracy, and execute orders from the file at the take-out price. Orders will be executed on a price/time priority—first in/first out, on a full or partial basis, at the take-out price.

Take-outs will not interfere with the regular processing of SOES limit orders. Orders will continue to be executed against the inside market, as long as there is available size in the market maker's exposure limit, while the take-out is being processed.

3. Matching

If, after five minutes, none of the matched orders have been executed, either as a result of a change to the inside, or because a market maker has entered a take-out, the orders on the file will be matched and executed. Matches will include partial execution of orders that match or improve price, but do not match in size. Trades that are the result of a system order match will have a special identifier on the participants' computer screens, which have viewing access to their respective SOES executions; and the indicator will also be incorporated in the execution report on the NASDAQ screen.

The NASD intends for the limit order enhancement to be operative on December 10, 1990. As of the date of this order, however, the Association had not completed its stress testing of the enhanced capability, which is necessary to ensure that the processing equipment being used for the limit order system has the capacity to implement the changes approved in this order. Although the Commission, by this order, has approved the proposed rule change, the NASD is not permitted to implement the enhancements to the limit order capability unless and until it (1) successfully completes its stress tests and (2) has provided the Commission staff with representations regarding the effective completion of those tests.

Furthermore, it is noted that the limit order capability as approved does not impose priorities for execution of customer limit orders vis-a-vis members' proprietary transactions. NASD members are therefore cautioned to ensure that customer limit orders are handled in a manner consistent with members' fiduciary obligations to their customers.[7]

Notice of the proposed rule change together with the terms of substance of the proposal as amended was provided by the issuance of Commission releases (Securities Exchange Act Re. Nos. 27638, (January 19, 1990) and 28210 (July 16, 1990), and by publication in the **Federal Register** (55 FR 2723, January 26, 1990 and 55 FR 30055, July 24, 1990). The Commission received one comment letter in opposition to the proposal from the Security Traders Association ("STA").[8] While the STA supported the introduction of the limit order enhancement as originally proposed, it expressed a number of concerns with the proposal as amended to contain the matching function. The STA maintains that, as approved, the enhancement would not result in the economically efficient execution of securities transactions as mandated by section 11A(a)(1)(C)(i) of the Act. Specifically, the STA believes that market maker negotiation is the cornerstone of the NASDAQ market place; it facilitates the expectation of profit for the market participants on both sides of a securities transaction, thus providing incentive for market makers to continue to risk their capital to make markets. The crossing of public orders without the participation of a market maker would, in the STA's view, materially reduce this incentive, resulting in reduced market making in some securities. This, concludes the STA, would not foster the liquid and orderly markets as envisioned by Congress with the implementation of Section 11A.

The NASD, in response to the concerns of the STA and those of the trading community, developed the take-out function described above, and submitted as part of the second amendment to SR–NASD–89–9. The Commission believes that, on balance, the proposed rule change, as amended, adequately addresses the concerns of the STA. Moreover, the Association believes that the proposed enhancements to the SOES limit order file will improve the system's ability to execute effectively customer limit orders by permitting matching of orders entered between the spread, with an opportunity for market maker interaction.

Further, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the association, and in particular the requirements of sections 11A(a)(1) (B) and (C), 15A(b)(6), and 17A(a)(1) (B) and (C) and the rules and regulations thereunder. In particular, the limit order system facilitates a number of Congressional goals set forth in the Act. Section 11(a)(1) (B) and (C)(i) of the Act[9] state the Congressional goal of achieving more efficient and effective market operations and the economically efficient execution of transactions through new data processing communication techniques; and section 17A(a)(1) (B) and (C) of the Act[10] articulate the Congressional goal of reducing costs involved in the clearance and settlement process through new data processing and communications techniques. The limit order enhancements will provide customer orders with increased opportunities to interact without the intervention of a dealer and assures locked-in executions, thereby increasing the efficient processing of SOES transactions. Although the Commission is approving the NASD's proposal, we wish to emphasize that the five minute time delay prior to matching buy and sell limit orders at the same price is of continuing concern. While further assessment and revision by the NASD may be warranted after the permanent implementation of the system, the Commission believes that it is an important first step toward providing improved investor access to the NASDAQ market and improving market liquidity.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved, with implementation of the proposed rule change conditioned on the NASD (1) Successfully completing the stress tests and (2) providing the Commission staff with representations regarding the effective completion of those tests.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Dated: November 21, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–28107 Filed 11–29–90; 8:45 am]

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[7] *See In Re E.F. Hutton, Co., Inc.* Securities Exchange Act Re. No. 25887 (July 6, 1988).

[8] *See* letter from John L. Watson, III, President, Security Traders Association, to Jonathan G. Katz, Secretary, SEC, dated February 22, 1990; referencing April 5, 1989 Position Paper of Security Traders Association on SR–NASD–89–9.

[9] 15 U.S.C. 78k–1.

[10] 15 U.S.C. 78q–1.

[11] 17 CFR 200.30–3(a)(12).

[Rel. No. 34-28639; File No. SR-NYSE-90-52]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to the New York Stock Exchange's Closing-Price Session of its Off-Hours Trading Facility

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 1, 1990, the New York Stock Exchange, Inc. ("NYSE" 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. 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

(a) The NYSE proposes to extend its trading hours beyond the close of the 9:30 a.m.–4 p.m. trading session to establish a trading session known as "Crossing Session I," which will permit the execution of (i) Single-stock, single-sided closing-price orders; and (ii) crosses of single-stock, closing-price buy and sell orders.[1] The proposed rule change consists of changes to existing NYSE rules to accommodate the Exchange's "Off-Hours Trading" session and the adoption of a new "900 series" of rules that apply solely to the Off-Hours Trading session ("Rules for Off-Hours Trading Facility").[2]

(b) While the proposed rule change does not have a direct effect or a significant indirect effect on any other current rule of the NYSE in its current application, the proposed rule change applies a number of the NYSE's equity trading rules to Off-Hours Trading and excludes certain other existing NYSE equity trading rules from application to Off-Hours Trading. In some cases, the proposed rule change substitutes new terms for existing terms to cause an incorporated existing rule to properly apply in the Off-Hours Trading context. Proposed Rule 900 governs the interplay between the proposed Off-Hours Trading rules and the NYSE's existing stock trading rules.

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

(1) Purpose

The purpose of the proposed rule change is to establish rules to enable the NYSE to operate a trading session after the close of its 9:30 a.m.–4 p.m. trading session.

The Off-Hours Trading Session responds to the significant increase in overseas trading of listed stocks due to the export of orders from the United States resulting from structural and regulatory factors. The inability of traditional exchange markets to accommodate certain types of trading strategies, as well as advances in communications technology (and concomitant decreases in communications costs), the application of prophylactic regulations, such as the short sale rule,[3] and the desire of United States broker-dealers (and that of their customers) to avoid disclosing their trading activity, have caused them to export orders for execution outside the United States and, therefore, outside of the jurisdiction of the Commission and the regulatory oversight of the Exchange.

The NYSE has been searching for ways to meet this demand, while minimizing the effect on its auction-pricing mechanism. The NYSE's revisions to its rules relating to market-on-close orders, which the Commission approved on a pilot basis in June, 1990,[4] took a first step by permitting the entry of crosses in single stocks for paired execution as part of the closing trade.

The NYSE now proposes to offer an Off-Hours Trading session as an additional step in its effort to accommodate transactions that are not well suited to the continuous auction market it operates prior to 4 p.m.

Description of off-hours trading.[5] Commencing at 4 p.m. on each day that the market is open, the NYSE will complete its normal procedures for the close of auction trading in each stock. However, rather than being a terminal event, the close will now become a transitional event to the Exchange's Off-Hours Trading session.

Commencing a few minutes after 4 p.m., a closing-price session, or Crossing Session I, will enable entry of single-stock, single-sided orders ("closing-price single-sided orders") for execution at 5 p.m. against one another at the last price at which the stock traded during the 9:30 a.m.–4 p.m. session.[6] Certain limit orders migrated from the 9:30 a.m.–4 p.m. session will participate as well. In addition, the Session will allow entry after 4 p.m. of coupled single-stock closing-price buy and sell orders for execution at 5:00 p.m. at the closing price ("closing-price coupled orders").

Order entry. After 4 p.m., a member or member organization may enter via SuperDOT [7] a closing-price single-sided

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[1] Contemporaneously with this rule filing, the NYSE filed SR-NYSE-90-53, which proposes an aggregate-price session to be introduced after the close of the 9:30 a.m.–4 p.m. trading session as part of the herein proposed off-hours trading session. SR-NYSE-90-53 deals with the introduction of off-hours trading in coupled, aggregate-price orders for groups of 15 or more NYSE-listed stocks having an aggregate value in excess of $1 million.

[2] The exact text of the proposed rule change was attached to the rule filing as Exhibit A and is available at the NYSE and the Commission at the address noted in Item IV below.

[3] *See* Rule 10a-1 under the Act, 17 CFR 240.10a-1 (1989), and Exchange Rule 440B.

[4] *See* Securities Exchange Act Rel. No. 28167 (June 29, 1990), 55 FR 28117 (July 9, 1990).

[5] In addition to filing with the Commission rules for its proposed Off-Hours Trading sessions, the NYSE also has requested that the Commission grant exemptive and interpretive relief from a number of sections of the Act and the rules thereunder in connection with the proposal. Specifically, the NYSE seeks exemptive relief from the requirements of rule 11Aa3-1, which deals with trade reporting requirements, and rule 10a-1, the Commission short sale rule, for transactions effected during the closing-price session of its Off-Hours Trading facility. In addition, the NYSE requests that the Commission undertake rulemaking procedures to adopt a new rule that would exempt transaction in the Off-Hours Trading sessions from section 31 fees. For a discussion of these issues, *see* letter from Catherine R. Kinney, Senior Vice President, NYSE, to Brandon Becker, Associate Director, Division of Market Regulation, SEC, dated September 18, 1990. In the above letter, the NYSE also requests exemptive relief from the requirements of rules 11Aa3-1 and 10a-1, as well as other sections of the Act and rules thereunder, with respect to transactions effected on its proposed aggregate-price crossing session as described in SR-NYSE-90-53.

[6] The availability of NYSE systems for entry of closing-price orders will be delayed until the systems can "shift gears" from the continuous auction to the Off-Hours Trading session. The NYSE will use its existing systems to operate its Off-Hours Trading session. This use will not adversely affect their capacity or operation in respect of the 9:30–4 session.

[7] The NYSE's Designated Order Turnaround System, or SuperDOT, is the Exchange's network of electronic order processing and post-trade systems.

order (round lots only) or closing-price coupled order (odd lots and partial round lots permitted) for any SuperDOT-eligible issue (including rights, warrants, and American Depository Receipts) other than an issue that remained halted as of the close of the regular trading session.

Round-lot orders of up to 99,900 shares will be eligible. All closing-price orders will be held until 5 p.m. without any executions taking place.

Member organizations also may designate unconditioned round-lot and partial round-lot and limit orders entered during the 9:30 a.m.–4 p.m. session as "GTX" ("good 'til cancelled, executable through crossing session") to enable the orders to execute against closing-price single-sided orders during the Off-Hours Trading session.[8] Upon receipt of the Exchange's closing trade's price in a security, SuperDOT will "sweep" the specialists' limit order books for GTX orders that are at or better than the closing price. The "migrated" GTX orders will retain their priority as among themselves, and will have priority over all closing-price single-sided orders.

A member or member organization may enter closing-price orders and cancel closing-price orders and GTX orders until their 5:00 p.m. execution. However, if, between 4 and 5 p.m., news or other events cause the NYSE to determine that the closing-price facility should not be available for a specific stock, the NYSE will disseminate a notice to that effect over the low speed "ticker" line, cancel all closing-price orders, and return the GTX orders to the book (maintaining their priority).

Closing-price single-sided orders and GTX orders will be matched on a first-in, first-out ("FIFO") basis (with GTX orders deemed "first-in"). At 5 p.m., a clearing execution will take place. Any closing-price single-sided orders not executed will be returned; they would have to be re-entered to participate in the next day's opening. Unexecuted GTX orders will be returned to the book, maintaining their priority; therefore, they will participate in the next day's opening, unless cancelled prior to the opening by the entering broker.

Closing-price coupled orders also will be independently executed at 5 p.m. Closing-price coupled orders will be entered without possibility of break-up and can only be executed in full.

[8] If GTX if appended to (i) Any market, stop, or stop limit order, (ii) any odd-lot order (GTX may be appended to partial round-lot orders), or (iii) any order entered during the Off-Hours Trading session, Common Message Switch ("CMS") will reject it. Specialists will not know of limit orders' "GTX" status.

The NYSE proposes to implement trade reporting for the closing-price session by reporting closing-price single-sided orders and closing-price coupled orders at 5 p.m. over the high speed facility of the Consolidated Tape Association ("CTA") Plan and the low speed line as two transactions per stock—one for closing-price single-sided orders (and GTX orders) and one for closing-price coupled orders. Each print will include the closing price and aggregate volume of each stock. The prints created from execution of coupled orders will be accompanied by an indicator that so identifies them.

Summary of off-hours trading rules. Below the NYSE describes, on a rule-by-rule basis, the changes and additions to its rules necessary to accommodate the Off-Hours Trading session.[9] The changes and additions reflect the following approach:

(a) The NYSE has amended several existing NYSE rules to accommodate the Off-Hours Trading session or to limit the application of their provisions to the 9:30 a.m. to 4 p.m. trading session.

(b) The NYSE has proposed a new "900 series" of rules ("Rules for Off-Hours Trading Facility") that apply solely to the Off-Hours Trading session.

(c) The NYSE has applied all existing NYSE rules to the Off-Hours Trading session, except those rules specifically excluded from such application. (*See* paragraph (b) of proposed Rule 900 (Off-Hours Trading: Applicability and Definitions)).

(d) The NYSE has substituted terms to cause an incorporated existing rule to apply properly in the Off-Hours Trading context. (*See* paragraph (c) of proposed Rule 900).

Rule-by-rule analysis—Rule 13 (definitions of orders). Rule 13's definition of "day order" is amended to clarify that the day order expires at the end of the 9:30 a.m. to 4:00 p.m. trading session. It does not participate in Off-Hours Trading.

Rule 13's definition of "good 'til cancelled order" is amended to add a new designation for that type of order. If the order: (1) Is designated "Off-Hours eligible"; (2) is not a stop limit order; and (3) is executable at the closing price, it migrates to Off-Hours Trading after the close of the 9:30 a.m. to 4 p.m. trading session.

Rule 36 (communications between exchange and members' offices). Rule 36 is amended to limit the applicability of its "give-up" time requirement to transactions during the 9:30 a.m. to 4 p.m. trading session.

[9] As previously discussed, in connection with this proposal, the NYSE also has requested exemptive relief from a number of sections of the Act and its rules with regard to short sales, transaction reporting and other issues. *See supra* note 5.

Rule 51 (hours for business). Rule 51 is amended to accommodate Off-Hours Trading, as well as the traditional 9:30 a.m. to 4 p.m. session.

Rule 52 (dealings of floor—hours). Rule 52, which limits the hours during which members may enter into transactions on the NYSE, is genericized by deleting references to Floor trading, thereby allowing the Off-Hours Trading rules to incorporate it.

Rule 80B (Trading halts due to extraordinary market volatility). Supplementary Material .30 of Rule 80B is amended to limit the provisions regarding the imposition of trading halts for a day to the 9:30 a.m. to 4 p.m. trading session only, and not to trading during the Off-Hours session.

Rule 104 (dealings by specialists). Supplementary Material .11C of rule 104 is added and Supplementary Material .12 is amended to make clarifying references to the Off-Hours Trading rules.

Guidelines for Specialists' Specialty Stock Option Transactions Pursuant to Exchange Rule 105. A new guideline (k) is added to the rule 105 guidelines to make a clarifying reference to the Off-Hours Trading rules.

Rule 107A (registered competitive market-makers). Supplementary Material .70A of rule 107A is added to make a clarifying reference to the Off-Hours Trading rules.

Rule 112 (restrictions on competitive traders). Supplementary material .50A of Rule 112 is added to make a clarifying reference to the Off-Hours Trading rules.

Rule 118 (orders to be reduced and increased on ex-date). Supplementary Material .40 of rule 118 is added to make a clarifying reference to the Off-Hours Trading rules.

Rule 121 (records of specialists). Rule 121 is amended to require specialists to retain for at least three years NYSE-provided reports relating to the migration to and from the Off-Hours Trading Facility, and the execution through that facility, of specialty stock orders left with him or her.

Rule 410 (records of orders). Rule 410 is amended to require members and member organizations to preserve for at least three years a record of every Off-Hours Trading order entered by the member or member organization and of any cancellation of any such order.

Rule 900 (off-hours trading: applicability and definitions). Rule 900 performs five primary functions:

(1) *Nonapplicable stock rules.* Rule 900 excludes certain existing stock rules from application to Off-Hours Trading. It does so for one of two reasons: either a new 900-Series Rule replaces it with a

modified version adapted to the Off-Hours Trading context or the Rule pertains to a concept that does not apply to Off-Hours Trading.

(2) *Incorporated stock rules.* Any NYSE Rule that rule 900 does not specifically exclude from application does apply to Off-Hours Trading and to members and member organizations that participate. (So, for instance, the rules governing "operation of member organizations" (rules 325 through 465) apply to the operation of member organizations in their Off-Hours Trading activity because Rule 900 does not specifically exclude those Rules). This approach is reversed in respect of certain of the Rules governing dealings on the NYSE (rules 45 through 128B): Rule 900 lists such of those Rules as do apply to Off-Hours Trading. Those of rules 45 through 128B that are not listed do not apply.

(3) *Modifications to existing rules.* Paragraph (c) of Rule 900 substitutes terms to cause an incorporated existing rule to properly apply in the Off-Hours Trading context.

(4) *Interaction among off-hours trading rules and existing rules.* Paragraph (d) of rule 900 establishes five rules that deal with the impact of Off-Hours Trading rules on rules regulating Floor trading and *vice versa*:

a. For the purposes of Supplementary Material .40 of Rule 36 (Communications between Exchange and Members' Offices), a member or member organization executing an Off-Hours transaction for another member or member organization in respect of a customer order must report the transaction to the member of member organization carrying the customer's account within 15 minutes of the close of Off-Hours Trading.

b. Notwithstanding the tick restrictions of Supplementary Material .12 of rule 104, a specialist may assign to an investment account any specialty stock acquired through the Off-Hours Trading Facility and may purchase stock through that facility to cover a short position in his or her dealer account.

c. The tick restrictions that rules 104, 107A, and 112 apply to transactions of Specialists, Registered Competitive Market-Makers and Competitive Traders do not apply to transactions effected through the Off-Hours Trading Facility. However, the member must include his or her Off-Hours Trading activity in any calculation of his or her aggregate position in a stock.

d. A specialist may not effect a proprietary trade through the Off-Hours Trading Facility if the trade would require the specialist to liquidate an options position pursuant to Guidelines (c) of rule 105.

e. For rule 118 purposes, a security will not become quoted ex-dividend, ex-distribution, ex-rights, or ex-interest until after the close of Off-Hours Trading.

(5) *Defined terms.* Paragraph (e) of rule 900 defines several terms for use throughout the Off-Hours Trading rules.

Rule 901 (securities to be traded). Rule 901 limits Off-Hours Trading to such equity securities as the NYSE may specify. The securities must be listed on the NYSE, or otherwise admitted to dealings.

Rule 902 (off-hours trading orders). Rule 902 authorizes the entry of two different types of orders into Off-Hours Trading:

(1) Single-sided orders for a security at its closing price; and

(2) Two-sided orders for a security at its closing price for execution against each other, so long as the orders are not proprietary to two member or member firms.

Rule 902 also specifies also that good 'til canceled orders on the specialist's limit order book that have been designated as "Off-Hours eligible" and that are not proprietary to the specialist shall migrate to the Off-Hours Trading Facility if executable at the closing price or better. It specifies that two-sided orders may be for delivery in accordance with the desires of the parties entering the orders, but that one-sided orders must be for "regular way" delivery.

Rule 902 cancels any closing-price orders not executed during an Off-Hours Trading session, allows a member or member organization to cancel prior to execution any of his or its orders, and returns to the specialist's limit order book migrated good 'til canceled orders that do not get executed in the Off-Hours Trading Facility.

Finally, rule 902 requires that orders to sell short be marked "short exempt." It allows partial round lots in the case of orders that migrate to the Off-Hours Trading Facility and both odd lots and partial round lots in the case of coupled closing-price orders. However, only round-lot single-sided closing-price orders may be entered.

Rule 903 (off-hours transactions). Rule 903 specifies that single-sided and coupled closing-price orders and migrated orders get executed according to their priority at the end of the Off-Hours Trading session and that Off-Hours transactions bind members and member organizations.

Rule 904 (priority of off-hours trading orders). Rule 904 provides for priority as follows: Orders that migrated to the Off-Hours Trading Facility from the specialist's limit order book retain the same priority among themselves as they had on the specialist's book and have priority over closing-price orders entered directly into the facility. Closing-price orders have priority based on their time of entry into the facility.

Rule 905 (off-hours trading reports and recordkeeping). Rule 905 requires members to report NYSE-specified information to the NYSE and to maintain and preserve relevant records.

Rule 906 (Impact of trading halts on off-hours trading). Rule 906 prohibits the entry of single-sided or coupled closing-price orders for a security into the Off-Hours Trading Facility if trading in the security has halted as of 4 p.m. Similarly, good 'til cancelled orders for a security do not migrate to the facility if trading in the security has so halted.

Off-Hours Trading of migrated orders and single-sided and coupled closing-price orders for a security is not available if the NYSE announces a corporate development in respect of the security's issuer during an Off-Hours Trading session. In that event, unexecuted good 'til cancelled orders return to the specialists's book, unexecuted single-sided or coupled closing price orders get cancelled, and no new single-sided or coupled closing price orders may be entered.

(2) Statutory Basis

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, to prevent fraudulent and mainipulative acts and practices, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither 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 reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. There are several issues raised by the NYSE proposal that the Commission would be particularly interested in receiving comment on. (1) While granting priority to GTX orders that have "migrated" from the specialists' limit order books, the rules for the Exchange's proposed off-hours closing-price session provide that closing-price single-sided orders have priority based on the time of entry into the Off-Hours Trading Facility. Under this strict time priority system, there is not requirement that firm proprietary orders yield to customer orders. Is the lack of customer preference necessary or appropriate for the closing-price session?; and (2) In the proposed closing-price session, there is no dissemination of order imbalances between closing-price, single-sided orders. Would such dissemination be helpful or confusing, especially considering that trades in the closing-price session have to be effected at the closing NYSE price?

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 NYSE. All submissions should refer to File No. SR-NYSE-90-52 and should be submitted by December 21, 1990.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: November 21, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90-28109 Filed 11-29-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-28640; File No. SR-NYSE-90-53]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to the New York Stock Exchange's Aggregate-Price Session of its Off-Hours Trading Facility

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 1, 1990, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") 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 parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

(a) The NYSE proposes to introduce into its rules "Crossing Session II," that is, the execution of crosses of multiple-stock aggregate-price buy and sell orders through the NYSE's proposed Off-Hours Trading Facility.[1] For that purpose, the proposed rule change consists of changes to (i) The Exchange's proposed new "900 series" of rules that the Exchange is filing with the Commission (in SR-NYSE-90-52) contemporaneously with the instant proposed rule change[2] and (ii) existing NYSE rules as the NYSE has proposed to modify those rules pursuant to SR-NYSE-90-52. For the purposes of Crossing Session II, the NYSE does not seek unlisted trading privileges ("UTP") in respect of over-the-counter ("OTC") stocks, but does seek such privileges in respect of certain stocks listed on the American Stock Exchange ("Amex").[3]

[1] Contemporaneously with this rule filing, the NYSE filed SR-NYSE-90-52, which proposes that a closing-price trading session be established after the close of the 9:30 a.m.-4 p.m. trading session as part of the Exchange's Off-Hours Trading Facility. The closing-price session proposed by the Exchange in SR-NYSE-90-52 would permit the execution of single-stock, single-sided closing-price orders as well as crosses of single-stock, closing price buy and sell orders.

[2] In SR-NYSE-90-52, the NYSE proposes the adoption of a new 900 series of rules that apply solely to the Off-Hours Trading session.

[3] The exact text of the proposed rule change was attached to the rule filing as Exhibit A and is available at the NYSE and the Commission at the address noted in Item IV below.

(b) While the proposed rule change does not have a direct effect or a significant indirect effect on either the current rules of the NYSE or the proposed closing-price Off-Hours Trading rules described in SR-NYSE-90-52, the proposed rule change "piggybacks" on the proposed rules used to establish the closing-price session (or "Crossing Session I"), and adopts the drafting techniques described in SR-NYSE-90-52.

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

(1) Purpose

The purpose of the proposed rule change is to establish rules to enable members and member organizations to participate in Crossing Session II after the NYSE's 9:30 a.m.-4 p.m. trading session.

As the NYSE describes more fully in SR-NYSE-90-52, the Exchange is trying to respond to the significant increase in overseas trading of listed stocks due to the export of orders from the United States resulting from structural and regulatory factors. In particular, the development of trading strategies involving the contemporaneous execution of multiple stocks at a single, aggregate price, often in conjunction with index options and futures, has resulted in a demand for a means for their execution that will supplement the single-stock execution facilities traditionally offered by the NYSE. This proposed rule change, like the proposed Off-Hours closing-price session described in SR-NYSE-90-52, attempts to accommodate these types of orders in light of advances in communications technology and today's regulatory environment.

Description of off-hours aggregate-price crossing.[4] The NYSE will permit members and member organizations to enter aggregate-price crosses into the Off-Hours Trading Facility on virtually the same basis as it proposes to permit them to enter closing-price orders, described in SR–NYSE–90–52. Like closing-price single-sided orders and closing-price coupled orders, aggregate-price coupled orders cannot be entered until after the close of the 9:30 a.m.–4 p.m. session. Members and member organizations will transmit summary data regarding aggregate-price coupled orders to the Exchange via facsimile.

The facsimiles will be immediately time-stamped and confirmed back to the entering brokers, thereby effecting continuous executions of these orders.

The NYSE proposes to implement trade reporting for the aggregate-price session by aggregating the total number of shares and the total market value of the aggregate-price trades into two reports: one for NYSE-listed stocks, and a second for stocks admitted to UTP. (The NYSE does not seek UTP in respect of OTC stocks, but does seek UTP in respect of certain stocks listed on the Amex).[5] After 5:15 p.m., the NYSE will transmit the two reports over the high speed line as administrative messages.[6]

Neither pre-4 p.m. trading halts in one ore more individual stocks nor the unavailability of the Off-Hours closing-price market in one or more individual stocks due to post-4 p.m. news will affect the execution of aggregate-price coupled orders. However, a market-wide halt pursuant to Rule 80B that is still in effect at 4 p.m. will halt aggregate-price crossing.

Summary of aggregate-price off-hours trading rules. Below the NYSE describes, on a rule-by-rule basis, the changes and additions to its rules necessary to accommodate the Off-Hours Trading sessions.[7] The changes and additions reflect the approach adopted in respect of the Off-Hours closing-price rules that the NYSE proposed in SR–NYSE–90–52:

Rule-by-rule analysis—Rule 92 (limitations on members' trading because of customers' orders). Supplementary Material .20 of rule 92 is amended to add a clarifying reference to the Off-Hours Trading rules.

Rule 104 (dealings by specialists). Supplementary Material .11C of rule 104 is amended to conform a cross reference to the Off-Hours Trading rules.

Guidelines for specialists' specialty stock option transactions pursuant to Rule 105. Proposed Guideline (k) to Rule 105 is amended to conform a cross reference to the Off-Hours Trading rules.

Rule 107A (registered competitive market-makers). Supplementary Material .70A of rule 107A is amended to conform a cross reference to the Off-Hours Trading rules.

Rule 112 (restrictions on competitive traders). Supplementary Material .50A of rule 112 is amended to conform a cross reference to the Off-Hours Trading rules.

Rule 118 (orders to be reduced and increased on ex-date). Supplementary Material .40 of rule 118 is amended to conform a cross reference to the Off-Hours Trading rules.

Rule 900 (off-hours trading: applicability and definitions). A new subparagraph (ii) is added to paragraph (d) of Rule 900 to establish that, notwithstanding rule 92, a member or member organization may enter into the Off-Hours Trading Facility aggregate-price coupled orders even if he or it holds an unexecuted closing-price order.

In addition, a new subparagraph (i) is added to paragraph (e) of rule 900 to define "aggregate-price order" as an order to buy or sell a group of securities, which group includes no fewer than 15 NYSE-listed securities having a total market value of $1 million or more.

Rule 901 (securities to be traded). Rule 901 is amended to permit stocks not listed on the NYSE, but that have otherwise been admitted to dealings on the NYSE, to participate in aggregate-price crosses.

Rule 902 (off-hours trading orders). A new subparagraph (iii) is added to paragraph (a) of rule 902 in order to authorize the entry of coupled, aggregate-price orders into the Off-Hours Trading Facility.

Paragraph (c) of rule 902 is amended to clarify that aggregate-price orders may be for delivery at such times as the parties may agree.

Finally, paragraph (g) of rule 902 is amended to clarify that an aggregate-price order may be for an odd-lot or a partial round lot.

Rule 903 (off-hours transactions). Paragraph (b) of rule 903 is amended to specify that aggregate-price orders get executed against the other side without regard to the priority of other orders.

Paragraph (d) of rule 903 is amended to specify that coupled aggregate-price orders are executed upon entry. *Rule 906 (impact of trading halts on off-hours trading).* Supplementary Material .10 is added to rule 906 to clarify that aggregate-price orders may be entered notwithstanding any corporate development or trading halt (other than a trading halt pursuant to rule 80B).

(2) Statutory Basis

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, to prevent fraudulent and manipulative acts and practices, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

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

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[4] In addition to filing with the Commission rules for its proposed Off-Hours Trading sessions, the NYSE also has requested that the Commission grant exemptive and interpretive relief from a number of sections of the Act and the rules thereunder in connection with the proposal. Specifically, the NYSE seeks exemptive relief from the requirements of rule 11Aa3–1, which deals with trade reporting requirements, and rule 10a-1, the Commission short sale rule, for transactions effected during Crossing Session II. The NYSE further requests exemptive relief from rules 10b-6, 10b-7, and 10b-8, which relate to certain fraudulent and manipulative practices, and rules 15c1–5, and 15c1–6, which deal with disclosure requirements, for aggregate-price coupled orders effected during Crossing Session II. In addition, the Exchange seeks no-action relief from section 12(f) of the Act and requests UTP in stocks listed on the Amex to accommodate the trading of aggregate-price coupled orders in Crossing Session II. Finally, the NYSE requests that the Commission undertake rulemaking procedures to adopt proposed rule 12a-7 in a modified form to exempt certain portfolio transactions that would be effected during Crossing Session II from registration under section 12(a) and a new rule that would exempt transactions in the Off-Hours Trading sessions from section 31 fees. For a discussion of these issues, *see* letter from Catherine R. Kinney, Senior Vice President, NYSE, to Brandon Becker, Associate Director, Division of Market Regulation, SEC, dated September 18, 1990.

[5] The NYSE originally filed a proposed rule change, SR–NYSE–90–42, in which it proposed two sessions that are nearly identical to the two trading sessions proposed in the instant rule filing. In the original rule filing (SR–NYSE–90–42), which was withdrawn by the NYSE and replaced with two new rule filings (SR–NYSE–90–52 and SR–NYSE–90–53), the NYSE had requested UTP in OTC stocks for orders in the aggregate-price crossing session. *See* letter from Catherine R. Kinney, Senior Vice President, NYSE, to Brandon Becker, Associate Director, Division of Market Regulation, SEC, dated September 18, 1990. In the instant rule filing, however, the NYSE withdrew its previous request for UTP in OTC stocks for its proposed aggregate-price crossing session. The NYSE still requests UTP in Amex-listed stocks for orders in the aggregate-price crossing session.

[6] The Commission notes that the procedures proposed by the NYSE for reporting aggregate-price trades is comparable to the reporting procedures for the trading of standardized market baskets. *See* Securities Exchange Act Rel. No. 27390 (October 26, 1989), 54 FR 45876.

[7] As previously discussed, in connection with this proposal, the NYSE also has requested exemptive relief from a number of sections of the Act and its rules with regard to UTP, short sales, transaction reporting and other issues. *See supra* note 4.

necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither 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 reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–90–53 and should be submitted by December 21, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: November 21, 1990.

Jonathan G. Katz,

Secretary.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–28110 Filed 11–29–90; 8:45 a.m.]

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[Rel. No. 34–28637; File No. SR–Phlx–90–03]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc. Relating to Exchange Arbitration Procedures

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 October 1, 1990, the Philadelphia Stock Exchange, Inc. ("Phlx" 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. 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 delete and to replace current Exchange rule 950, which governs arbitration, in its entirety. The proposed new rule 950 is based upon the Securities Industry Conference on Arbitration Uniform Code of Arbitration ("Uniform Code") as adopted by the National Association of Securities Dealers ("NASD"). In addition, the Phlx proposes to amend By-Law Article X, section 10–8, which governs its Arbitration Committee, in order to accommodate the Uniform Code.

The text of the proposed rule change is available for inspection and copying at the Commission's Public Reference Section and at the Phlx.

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 Exchange believes that the proposed rule change will greatly benefit Phlx members and public customers by increasing the efficiency of the Phlx arbitration system and enhancing the neutrality of the forum. In proposing the new rule 950, the Exchange essentially is adopting the Uniform Code, along with its most recent amendments regarding the public availability of public customer arbitration decisions.[1] The proposed new rule 950 is based upon the NASD's arbitration rules, aside from certain modifications thereto that would make the arbitration rules better serve the Phlx. The Exchange proposes amendments to Phlx By-Law Article X, section 10–8, in part, to accommodate the change to the Uniform Code. The Exchange felt that it would be more expedient simply to adopt a version of the Uniform Code, rather than to make piecemeal amendments to its existing rule 950 in order to ultimately comply with the Uniform Code. Another reason for this wholesale adoption is that new rule 950 is meant to apply to both public customer and member-member controversies, because current rule 950 does not apply to the latter.

The Exchange's member-member controversies currently are arbitrated before a quorum of the Phlx Arbitration Committee, pursuant to By-Law section 10–8. Experience has proven this to be a cumbersome and problematic procedure, both in scheduling and conducting hearings, and in deliberating the merits of each case. Accordingly, the Exchange has proposed to amend By-Law section 10–8 in order to authorize the implementation of a panel system for arbitration of member-member controversies. This measure will greatly assist in making arbitration the expeditious process that it was intended to be by allowing several arbitrations to be scheduled concurrently.

Other significant amendments to By-Law section 10–8 include the assertion of jurisdiction over associated persons in their capacity as such. This is merely a codification of the Exchange's interpretation of section 10–8. Also included is the requirement that a dispute subject to arbitration arise in connection with the securities business of such member, member organization and/or associated person. These amendments are intended to clarify the Exchange's arbitration jurisdiction.

The Exchange proposes to add subsection (c) to section 10–8, to enable

[1] *See* Securities Exchange Act Rel. No. 26805 (May 10, 1989), 54 FR 21144 (May 16, 1989) by which the Commission approved several amendments to the arbitration rules of certain self-regulatory organizations ("SROs") which administer arbitration programs (File Nos. SR–NYSE–88–29; SR–NYSE–88–8; SR–NASD–88–29; SR–NASD–88–51; SR–NASD–88–19; SR–AMEX–88–29).

the Exchange's Business Conduct Committee to penalize persons for noncompliance with their obligations under the Arbitration Code. This is accomplished by allowing such noncompliance to be deemed conduct inconsistent with just and equitable principles of trade. This measure is intended to strengthen the Exchange's ability to bind its members to its arbitration process.

The Exchange also proposes to delete its current rule 950 and adopt a new rule 950, thereby changing the Exchange's arbitration procedures. In order to expedite the arbitration process, to make it a more efficient vehicle, and to align the facility with those of the other SROs, it was decided to change the Exchange's arbitration procedures to conform with the current Uniform Code. This also would include the recent amendments thereto, regarding the public availability of arbitration awards.[2]

The Exchange's current rule 950 contains provisions similar to the Uniform Code, but is lacking in several areas. The most significant problem is the fact that its procedural provisions only relate to public customer controversies, which leaves a procedural void for member-member arbitrations. Further, upon modifying the rule to apply to member-member controversies, it becomes necessary to implement a panel system for the above mentioned reasons.

Rather than undergo the difficult process of amending rule 950 in a piecemeal fashion to conform to the Uniform Code, it was decided to adopt wholly a new code of arbitration procedure. The NASD's Code of Arbitration Procedure was used as a model for the revised rule 950.

The proposed rule change is consistent with section 6 of the Act, particularly section 6(b)(5). By making the arbitration process a more efficient, expeditious and inexpensive forum for dispute resolution, the proposed rule change will promote just and equitable principles of trade and otherwise protect investors and promote 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 Statements on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The proposed amendments were approved by the Board of Governors ("Board") on July 18, 1990 and September 26, 1990. The Exchange notified its membership of the proposal and received no written comments on the proposed amendment to its By-Laws.[3]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR-Phlx-90-03 and should be submitted by December 21, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: November 21, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90-28111 Filed 11-29-90; 8:45 am]

BILLING CODE 8010-01-M

[2] *See supra* note 1 and accompanying text.

[3] Article XXII, section 22-2 of the Phlx By-Laws provides that any amendment to the By-Laws which originates with the Board of Governors shall be printed and posted for 10 days and distributed to Exchange members. If within the 10 day period, a written request of not less than 17 members is filed with the Secretary of the Exchange, the Chairman of the Board shall call a meeting at which each member may vote on the amendment. In the absence of a request for a special meeting, the Board, after the expiration of the 10 day period, may consider the proposed amendment, and, if the proposed amendment is adopted by a vote of 15 Board members, the amendment becomes a part of the By-Laws.

[Release No. 35-25192]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

November 23, 1990.

Notice is hereby given that the following filing(s) has/have been made with the commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by December 17, 1990 to the Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

CSW Credit, Inc., et al. (70-7113 and 70-7218)

Central and South West Corporation ("CSW"), a registered holding company, and CSW Credit, Inc. ("Credit"), its nonutility subsidiary company, both located at 1616 Woodall Rodgers Freeway, Dallas, Texas 75202, have filed a post-effective amendment to their application-declaration under sections

6(a), 7, 9(a), 10 and 12(b) of the Act and Rule 45 thereunder.

By orders dated July 19, 1985, July 31, 1986, February 8, 1988, December 27, 1989 and August 30, 1990 (HCAR Nos. 23767, 24157, 24575, 25009 and 25138, respectively), CSW was authorized to form Credit for the purpose of factoring the accounts receivable of CSW's operating subsidiaries and nonassociate utility companies through December 31, 1990, and to have Credit's ratio of debt to equity be maintained at approximately 95% debt to 5% equity. CSW and Credit now propose to extend to December 31, 1991, the time within which Credit is authorized to factor accounts receivable.

The Southern Company, et al. (70–7150)

The Southern Company ("Southern"), 64 Perimeter Center East, Atlanta, Georgia 30346, a registered holding company, and its wholly owned, electric public-utility subsidiary company, Southern Electric International, Inc. ("SEI"), 100 Ashford Center North, suite 400, Atlanta, Georgia 30338, have filed a post-effective amendment to their application-declaration under sections 6(a), 7, 9(a), 10 and 12(b) of the Act and Rules 43, 45 and 50(a)(5) thereunder.

By orders dated November 18, 1985 and April 22, 1988 (HCAR Nos. 23911 and 24625, respectively) ("Orders"), the Commission authorized SEI to meet its working capital requirements by issuing and selling unsecured notes ("Notes"), under an exception from competitive bidding, maturing no later than December 31, 2000, in an aggregate principal amount not to exceed $30 million, through December 31, 1990. The Commission reserved jurisdiction over the issuance of an additional up to $45 million aggregate principal amount of notes and over whether the notes could be acquired by non-affiliate lenders. Any notes issued to a lender, other than Southern, would be guaranteed by Southern. SEI now proposes to extend to December 31, 1995 the time during which the transactions authorized by the Orders may occur.

Entergy Corporation, et al. (70–7561)

Entergy Corporation ("Entergy"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, and its subsidiaries, System Energy Resources, Inc. ("SERI"), Echelon One, 1340 Echelon Parkway, Jackson, Mississippi 39213, Arkansas Power & Light Company ("AP&L"), 425 West Capitol Street, Little Rock, Arkansas 72201, Louisiana Power & Light Company ("LP&L"), 317 Baronne Street, New Orleans, Louisiana 70112, Mississippi Power & Light Company ("MP&L"), 308 East Pearl Street, Jackson, Mississippi 39201 and New Orleans Public Service Inc. ("NOPSI") 317 Baronne Street, New Orleans, Louisiana 70112 (collectively, "Applicants") have filed a post-effective amendment to their application-declaration under Sections 6(a), 7 and 12(b) of the Act Rules 45 and 50 thereunder.

By order dated December 23, 1988 (HCAR No. 24791), in connection with the equity funding of the sale and leaseback of Grand Gulf Nuclear Generating Station, Unit I ("Grand Gulf I") ("Lease"), consummated by SERI on December 28, 1988, the Applicants were authorized, among other things, to obtain financial support in the form of a letter of credit ("LOC"), which was provided by the Fuji Bank, Limited ("LOC Bank"), to secure the payment to the owner-lessor ("Owner") of the Net Casualty Value, as defined in the Lease, which might be payable from time-to-time by SERI under the Lease. Upon the occurrence of certain events, the Owner would be entitled to draw on the LOC in amounts equal to amounts owed by SERI under the Lease for the Net Casualty Value. Pursuant to a Reimbursement Agreement, dated as of December 1, 1988 ("Reimbursement Agreement"), SERI was also authorized to reimburse the LOC Bank at its prime rate, certificate of deposit rate or the LIBOR, at SERI's option, for amounts drawn under the LOC. SERI was further authorized to assign, for the benefit of the LOC Bank, an administrating bank ("Administrating Bank") and the participating banks ("Participating Banks"), its rights under: (1) An Availability Agreement, dated as of June 21, 1974 ("Availability Agreement"), among itself, AP&L, LP&L, MP&L and NOPSI, consented to and joined in by AP&L, LP&L, MP&L and NOPSI; and (2) a Capital Funds Agreement, dated as of June 21, 1974, ("Capital Funds Agreement"), between itself and Entergy, consented to and joined in by Entergy.

The LOC is scheduled to terminate on December 28, 1991. SERI now proposes to alter certain terms and conditions contained in the LOC and the Reimbursement Agreement. In this regard, and because a participation agreement ("Participation Agreement") requires the LOC to be in place for a term of at least three years, the Applicants now propose to extend the LOC for a period slightly in excess of three years, commencing on the expected date of closing, December 20, 1990, and ending January 15, 1994, subject to the terms and conditions of a proposed First Amendment to the Reimbursement Agreement to be entered into among SERI, a LOC bank to be designated ("New LOC Bank"), the Administrating Bank and the Participating Banks ("Amended Reimbursement Agreement"). It is proposed that the maximum amount of the Net Casualty Value under the Lease be increased from $128,126,450 to $145,751,800 for the new term of the LOC.

The Applicants also propose to effect certain amendments and modifications to the existing Reimbursement Agreement, as follows: (1) Changes in the amounts of annual fees payable to the New LOC Bank, the Participating Banks and the Administrating Bank; (2) modifications to certain of the representations and warranties SERI may be required to make in order to extend its reimbursement obligation in respect of the LOC from five days to 90 days; (3) providing that neither the New LOC Bank nor any Participating Bank may seek capital adequacy yield compensation; (4) clarifying provisions regarding cross-acceleration to other debt of SERI is excess of $10 million; and (5) reducing SERI's consolidated equity ratio requirement from 35% to 33% of consolidated capitalization, plus short-term debt in excess of 10% of consolidated capitalization.

SERI further proposes to enter into assignments, for the benefit of the LOC Bank, the Administrating Bank and the Participating Banks, of its rights under the Availability Agreement and the Capital Funds Agreement, and obtain the related consents.

The Participation Agreement requires SERI to maintain the LOC throughout the initial term of the Lease, which ends July 15, 2015 ("Basic Lease Term"), with such LOC to have (A) an amount available to be drawn as of any date at least equal to the Net Casualty Value at such date, and (B) a maximum amount as of any date not less than the highest Net Casualty Value (as adjusted from time-to-time) payable as of any date during the shorter of the next three years or the remaining term of the LOC. The maximum Net Casualty Value of any LOC during the Basic Lease Term is $200,578,150.

The Applicants further propose to extend, increase the amount of, and/or change the pricing terms of subsequent LOCs during the Basic Lease Term, subject to further Commission authorization, as follows: (1) To increase the LOC to an amount not in excess of $200,578,150; (2) to pay fronting the annual fees to the New LOC Bank and the Participating Banks in any amount provided however that such amount shall not exceed in the aggregate

1.4375% per annum; (3) to change the identity of the Administrating Bank, the New LOC Bank and any Participating Bank; (4) to extend the LOC in any increment to time or times and the Amended Reimbursement Agreement to July 15, 2015; (5) to enter into one or more additional assignments, for the benefit of the New LOC Bank, the Administrating Bank and the Participating Banks of SERI's rights under the Availability Agreement and the Capital Funds Agreement, including the relevant consents, substantially in the form of previous agreements; and (6) to pay, in connection with any such extension or increase in amount, an arrangement fee(s), not exceeding 2–½% of the highest amount of the revised LOC.

OLS Energy-Chino, et al. (70–7725)

OLS Energy-Chino ("Chino"), OLS Energy-Berkeley ("Berkeley") and OLS Energy-Camarillo ("Camarillo"), One Gatehall Drive, Gatehall Center I, Parsippany, New Jersey 07054, indirect subsidiaries of General Public Utilities Corporation ("GPU"), a registered holding company, have filed a post-effective amendment to their declaration under section 6(a) and 7 of the Act.

By order dated August 1, 1989 (HCAR No. 24931), Energy Initiatives, Inc., a wholly-owned indirect subsidiary of GPU, was authorized to acquire through a newly-formed, wholly owned subsidiary, Camchino Energy Corporation, general and limited partnership interests, aggregating a 50% interest, in OLS Power Limited Partnership ("Partnership") and, by the Partnership, all of the outstanding common stock ("Common Stock") of Chino, Berkeley and Camarillo. Chino, Berkeley and Camarillo ("Lessees") are all lessees of operating cogeneration facilities ("Facilities") located in California. Each Facility is a qualifying facility under the Public Utility Regulatory Policies Act of 1978. Prior to the acquisition, each of the Lessees had entered into a revolving credit agreement ("Credit Agreement") with General Electric Capital Corporation ("GECC"), the owner of the Facilities, to provide short-term working capital requirements for each Facility.

By order dated February 9, 1990 (HCAR No. 25038) ("February Order") Berkeley, Chino and Camarillo were authorized to amend their Credit Agreements with GECC to: (a) Increase the aggregate principal amounts which may be outstanding from time-to-time thereunder from $1 million to $1.25 million; (b) reduce the annual interest rate payable on all outstanding borrowings from 5% above Morgan Guaranty Trust Company's prime rate, as in effect from time-to-time, to 3% above such rate; and (c) extend to December 31, 1990 the time during which they may borrow under their respective Credit Agreements. The February Order also authorized Chino and Camarillo to provide for the issuance of letters of credit ("LOCs") by GECC as security for their respective obligations to pay for natural gas supplied to their Facilities. GECC has issued LOCs in the amount of $800,000 for Camarillo and $700,000 for Chino, and the maximum amounts of borrowings which Chino and Camarillo may make under their Credit Agreements have been reduced by the respective face amount of the LOCs.

Chino, Camarillo and Berkeley now seek to extend to December 31, 1992 the time during which they may make borrowings under their respective Credit Agreements, as amended, and, in the cases of Chino and Camarillo, the time during which LOCs may be outstanding under their respective Credit Agreements.

The Lessees will use the proceeds from such borrowings for working capital and general corporate purposes or, in the cases of Chino and Camarillo, to repay GECC amounts paid by it under the LOCs.

Consolidated Natural Gas Company, et al. (70–7761)

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its gas public-utility subsidiary company, CNG Energy Company ("CNG Energy"), both at CNG Tower, Pittsburgh, Pennsylvania 15222–3199, have filed an application-declaration under sections 6(a), 6(b), 9(a), 9(c)(3), 10 and 12(b) of the Act and Rule 43 thereunder.

CNG Energy proposes to establish a new, wholly-owned, limited purpose subsidiary company, to be named CNG Technologies, Inc. ("CNGT"), to pursue and support the development of new gas related technologies. CNGT will have authorized capitalization consisting of 250 shares of common stock, $10,000 par value per share, to be issued to CNG Energy. CNG Energy also proposes to acquire, for $2 million, a limited partnership interest in EnerTek Partners, L.P. ("EnerTek" or the "Partnership"), and to assign its interest in EnerTek to CNGT.

EnerTek is a gas industry fund that will invest in smaller companies developing new technologies to enhance the supply, transportation and utilization of natural gas. The term of the Partnership is to be ten years, subject to further extension by mutual agreement of the partners. EnerTek's general partner is Scientific Advances, Inc. ("SAI"), a wholly owned subsidiary of Battelle Memorial Institute ("Battelle"), a nonprofit institution serving industry and government in the generation, application and commercialization of technology. SAI manages Battelle's venture capital activities.

The initial capitalization of EnerTek is estimated to be from $10 million to $20 million, which may be increased to a maximum of $50 million. CNG Energy states that its proposed $2 million investment in EnerTek would consist of an initial cash contribution of $100 at the time the partnership is formed, and additional capital contributions to EnerTek over a four year period. Any further contributions to EnerTek by CNG Energy or CNGT will be subject to further Commission authorization.

CNG Energy states that CNGT's proposed acquisition may account for as much as 20% of the limited partnership interest, which interest is nonvoting. CNG Energy requests that the Commission find, pursuant to section 2(a)(8) of the Act, that EnerTek will not be deemed an indirect or direct subsidiary of Consolidated in that the management and policies of EnerTek are not subject to a controlling influence directly or indirectly by Consolidated.

Under the Partnership agreement, distributions from EnerTek to the limited partners can be made in cash or freely transferable securities, which CNGT states it will hold as a passive investment to be sold as soon as market conditions permit. If any voting securities are received as a distribution from EnerTek, CNGT will not vote those securities, without further Commission authorization, if it owns five percent or more of such outstanding voting securities.

CNGT proposes, from time-to-time through December 31, 1993, to issue and sell its common stock to, and/or obtain long-term loans from, CNG Energy, or any combination thereof, in an aggregate outstanding amount not to exceed $2 million. CNG Energy, in turn, proposes, from time-to-time through December 31, 1993, to issue and sell its common stock $1,000 par value per share, to Consolidated and/or obtain long-term loans from Consolidated, or any combination thereof, in an aggregate outstanding amount not to exceed $2 million. Consolidated will purchase common stock from, and/or make loans to, CNG Energy with funds acquired from internal cash generation, issuances of long-term debt securities, borrowings under credit agreements or

through other authorizations by the Commission.

Loans to CNGT and CNG Energy will be evidenced by the issuance of long-term non-negotiable notes ("Notes") maturing over a period not to exceed 30 years, with interest predicated to and equal to the effective cost of money to Consolidated obtained through the most recent of its long-term debt financing. In the event that Consolidated does not issue long-term during the period July 19, 1990 through December 31, 1993, the long-term borrowing rates will be tied to the Solomon Brothers indicative rate for comparable debt issuances published in Solomon Brothers Inc. Bond Market Roundup on the date nearest to the time of takedown. Such rate will be adjusted to match Consolidated's cost of borrowing if it subsequently issued long-term debt within one year of the date of takedown. Should Consolidated not issue long-term debt during the subsequent twelve month period, the indicative rate at the time of takedown will be used for the life of the Notes.

Columbia Gas System, Inc. (70–7763)

Columbia Gas System, Inc. ("Columbia"), a registered holding company, located at 20 Montchain Road, Wilmington, Delaware 19807–0020, has filed an application-declaration under sections 6(a), 6(b), 9(a), 9(c)(3), 10 and 12(b) of the Act and Rule 43 thereunder.

Columbia proposes to establish and capitalize a new Delaware limited purpose subsidiary, to be named TriStar Capital Corporation ("TCC"), to pursue and support the development of new gas related technologies. TCC will have authorized capitalization consisting of 400,000 shares of common stock, $15 par value per share. It is proposed that TCC form separate subsidiary corporations for each area of its investments.

TCC seeks authority to form and capitalize a new subsidiary, TriStar Gas Technologies, Inc. ("TGT"), which will acquire, for $2 million, a limited partnership interest in EnerTek Partners, L.P. ("EnerTek" or the "Partnership"). EnterTek is a gas industry fund that will invest in smaller companies developing new technologies to enhance the supply, transportation and utilization of natural gas. The term of the Partnership is to be ten years, subject to further extension by mutual agreement of the partners. EnerTek's general partner is Scientific Advances, Inc. ("SAI"), a wholly owned subsidiary of Battelle Memorial Institute ("Battelle"), a nonprofit institution serving industry and government in the generation, application and commercialization of technology. SAI manages Battelle's venture capital activities.

The initial maximum capitalization for the Partnership is estimated to be from $10,000,000 to $20,000,000, which may be increased to a maximum of $50 million. Columbia states that TGT's proposed $2 million investment in the Partnership may account for as much as 20% of the limited partnership interest, which interest is nonvoting. Columbia requests that the Commission find, pursuant to section 2(a)(8) of the Act, that EnerTek should not be deemed an indirect or direct subsidiary of Columbia in that the management and policies of EnerTek are not subject to a controlling influence directly or indirectly by Columbia.

Under the Partnership agreement, EnerTek will make distributions to TGT, and the other limited partners, in cash or freely tradeable securities, which TGT will hold as passive investments and subsequently dispose of such securities through a sale at such time as favorable market conditions permit. Columbia states that, if TGT receives as part of any distribution voting securities which constitute five percent or more of the outstanding voting securities of the issuer, TGT will not vote the securities without prior Commission authorization.

It is further proposed that, prior to December 31, 1993: (1) TCC obtain financing of up to $2 million by issuing and selling up to 40,000 shares of its common stock, $25 par value, and issuing up to $1 million of installment promissory notes, to Columbia; and (2) TGT obtain financing of up to $2 million by issuing and selling up to 40,000 shares of its common stock, $25 par value, and issuing up to $1 million of installment promissory notes, to TCC.

The Notes issued by TCC or TGT to evidence their respective borrowings will be unsecured, dated the date of their issue, and bear interest at a rate equal to the effective cost of money to Columbia with respect to its most recent issuance of long term debt. The principal amount of the Notes will be repaid over a term not exceeding thirty years, which will approximate the term of Columbia's last issued long-term debt instrument.

Holyoke Water Power Company (70–7779)

Holyoke Water Power Company ("Holyoke"), One Canal Street, Holyoke, Massachusetts 01040, a wholly owned subsidiary of Northeast Utilities, a registered holding company, has filed an application-declaration under sections 6(a) and 7 of the Act and Rule 50(a)(5) thereunder.

Holyoke proposes to borrow the proceeds from pollution control revenue bonds ("Bonds") to be issued by the Massachusetts Industrial Finance Agency ("MIFA") in the principal amount of not more than $15.3 million in order to finance certain pollution control facilities at its Mt. Tom Station, located in Holyoke, Massachusetts. The Bonds will be issued under an Indenture between MIFA and a trustee ("Trustee"). The proceeds of the Bonds will be loaned to Holyoke under a Loan Agreement ("Loan Agreement") entered into by MIFA and Holyoke. Holyoke will issue a note ("Note") in a principal amount of up to $15.3 million to evidence its borrowings.

The Bonds will be issued with variable interest rates for each seven-day interest period ("Weekly Rate") as floating rate demand bonds and will mature in approximately 25 to 30 years. At Holyoke's option, the Weekly Rate may be converted to a term rate for (i) a period of one year or any multiple thereof, or (ii) a period equal to the time remaining until the maturity of the Bonds ("Term Rate"). In no event will the interest rate exceed 15% per annum.

The Bonds will be initially marketed and sold under a bond purchase agreement to be entered into by Holyoke, MIFA and an underwriter, which will purchase the Bonds from MIFA and then sell the Bonds to the public. Holyoke will pay an underwriting fee of up to 1% of the principal amount of the Bonds to be purchased, reimburse the underwriter for certain expenses and pay the remarketing agent an annual fee of up to 0.125% per annum of the principal amount of Bonds outstanding during the year in which such fee is due.

Under the Loan Agreement, Holyoke is obligated to make payments to the Trustee corresponding to the amounts needed to pay the principal, premium, if any, and interest on the Bonds as they come due. Loan payment obligations shall be satisfied by drawings under irrevocable letter of credit ("LOC") to be issued by a bank to be selected ("Bank"). Under an agreement between Holyoke and the Bank ("Reimbursement Agreement"), Holyoke would be obligated to reimburse the Bank for all amounts drawn under the LOC and to pay interest, at the Bank's prime rate plus 1%, on amounts so drawn until reimbursed. While the LOC remains outstanding, Holyoke will be obligated to pay the Bank an annual commission of 0.55% per annum on the amount available to be drawn under the LOC, together with certain other fees.

While the Bonds bear interest at the Weekly Rate, the Bondholders will have the right at predetermined dates to tender their Bonds for purchase, at 100% of the principal amount plus accrued interest, to the Trustee, which may draw

on the LOC for the required funds. Under the Reimbursement Agreement, tendered Bonds that are not remarketed would be pledged to the Bank as security for Holyoke's obligations to reimburse the Bank for LOC draws made to purchase such Bonds. Following conversion to Term Rate, Bondholders would have the right to tender their Bonds for purchase only upon expiration of the period for which the Term Rate applies, subject to certain conditions. The Bonds will be subject to optional and mandatory redemption provisions, in whole or in part, and in some cases at a premium; Holyoke's loan is subject to corresponding optional and mandatory prepayment provisions.

Holyoke has requested an exception from the competitive bidding requirements of Rule 50 under subsection (a)(5) thereunder and proposes to cause the Bonds to be offered through a negotiated public offering. Holyoke further requests authorization to begin negotiations with underwriters for the placement of the Bonds. It may do so.

Mississippi Power Company (70–7808)

Mississippi Power Company ("Mississippi Power"), 2992 West Beach, Gulfport, Mississippi 39501, a wholly owned public-utility subsidiary company of The Southern Company, a registered holding company, has filed a declaration under section 12(b) of the Act and Rule 45 thereunder.

By order dated September 1, 1987 (HCAR No. 24453), Mississippi Power was authorized to purchase the capital stock of, and/or make capital contributions or cash advances to, its wholly-owned nonutility subsidiary company, Electric City Merchandise Company, Inc. ("Electric City"), in an aggregate amount of up to $17 million and to guarantee the credit of Electric City up to $10 million.

Mississippi Power now proposes to provide, through December 31, 1992, up to an additional $13.5 million in capital contributions and up to an additional $25 million in guarantees of loans to Electric City's accounts receivable and will bear interest at a rate not to exceed the prime rate plus 1½%. Funds from the loans and capital contributions will be used to finance Electric City's working capital requirements, including repayment of short-term debt.

Entergy Corporation (70–7812)

Entergy Corporation ("Entergy"), a registered holding company, 225 Baronne Street, New Orleans, Louisiana 70112, has filed a declaration under section 12(b) of the Act and Rule 45 thereunder.

Entergy proposes to guarantee up to a maximum aggregate amount of $17.2 million, pursuant to the lease obligations of Energy Services, Inc. ("Services"), its services subsidiary company, under a lease arrangement with Comdisco, Inc., a nonassociate company, with respect to a substantial portion of the computer equipment used by Services at its data processing center in Greta, Louisiana.

Yankee Atomic Electric Company (70–7814)

Yankee Atomic Electric Company (Yankee Atomic), 580 Main Street, Boston, Massachusetts 01740, a subsidiary of New England Electric System and Northeast Utilities, both registered holding companies, has filed an application-declaration under sections 6(a), 7, 9(a), and 10 of the Act and Rule 50(a)(5) thereunder.

By order dated December 16, 1988 (HCAR No. 24777), Yankee Atomic was authorized to effect short-term borrowings through December 31, 1990 through the issuance of notes to banks ("Notes") and the issuance and sale of commercial paper ("Paper") to dealers in the aggregate principal amount outstanding at any one time of $25 million. Yankee Atomic expects to have approximately $5 million of short-term debt outstanding on December 31, 1990. Yankee Atomic now proposes to extend to December 31, 1992 the time during which it may issue Notes and issue and sell Paper up to the aggregate principal amount of $25 million, including amounts outstanding at December 31, 1990.

The Notes will mature in less than one year from the date of issuance and will be repaid or refinanced from time-to-time. Borrowings from banks will be made in any one of the following manners: (a) Yankee Atomic may maintain funds in the banks which represent compensating balances or may pay fees to the banks equivalent to such compensating balance requirements, with the effective interest cost of such borrowings not to exceed the effective interest cost of borrowings at that bank's base or prime lending rate with compensating balance requirements of 10% of the line of credit; (b) Yankee Atomic may negotiate borrowings without compensating balances or the payment of fees at an effective interest cost equivalent to the effective cost of borrowings made under arrangements calling for compensating balances or the payment of fees, with the effective interest cost to Yankee Atomic not to exceed the limit on the effective interest cost in (a), above; and/or (c) at fixed rates which will not exceed the limit on the effective interest cost under (a), above, and, if at fixed rates, may not be prepayable.

Yankee Atomic further proposes to issue and sell Paper directly to Merrill Lynch Money Markets, Inc., Shearson Lehman Commercial Paper, and/or First Boston Corp. (collectively, "Dealers"), in the form of unsecured promissory notes having varying maturities not in excess of 270 days, which will not be payable prior to maturity. Actual maturities will be determined by market conditions, the effective interest cost to Yankee Atomic, and Yankee Atomic's cash requirements at the time of issuance. The Paper will be purchased from Yankee Atomic at a discount not in excess of the discount rate prevailing at the date of issuance for prime commercial paper of comparable quality and maturity sold by public utility issuers to commercial paper dealers. The Dealers will initially reoffer the Paper at a discount rate of not more than ⅛ of 1% per annum less than the prevailing discount rate to Yankee Atomic. The effective interest cost to Yankee Atomic on Paper will not exceed the effective interest cost at which Yankee Atomic could borrow from banks at the time of issuance, except that, in order to obtain maximum flexibility, Paper may be issued with a maturity of not more than 90 days from the date of issue with a higher effective cost.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–28162 Filed 11–29–90; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 1297]

Extension of the Restriction on the Use of the United States Passport for Travel To, In, or Through Libya

On December 11, 1981, pursuant to the authority of 22 U.S.C. 211a and Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR 51.73(a)(3), the use of the United States passport for travel to, in, or through Libya was restricted. These restrictions have subsequently been extended on November 29, 1982 (47 FR 54888), November 29, 1983 (48 FR 55529), November 29, 1984 (49 FR 47585), November 25, 1985 (50 FR 49809), December 9, 1986 (51 FR 44855), December 10, 1987 (52 FR 46876),

December 8, 1988 (53 FR 49633), and December 7, 1989 (54 FR 50568). These actions were required by the unsettled relations between the United States and the Government of Libya and the threats of hostile acts against Americans in Libya.

The Government of Libya still maintains a decidedly anti-American stance and continues to emphasize its willingness to direct hostile acts against the United States and its nationals. The American Embassy in Tripoli remains closed, thus preventing the United States from providing routine diplomatic protection or consular assistance to Americans who may travel to Libya.

In light of these events and circumstances, I have determined that Libya continues to be an area "* * * where there is imminent danger to the public health or physical safety of United States travelers."

Accordingly, United States passports shall remain invalid for use in travel to, in, or through Libya unless specifically validated for such travel under the authority of the Secretary of State.

The Public Notice shall be effective upon publication in the **Federal Register** and shall expire at the end of one year unless sooner extended or revoked by Public Notice.

Dated: November 23, 1990.

Robert M. Kimmitt,

Acting Secretary of State.

[FR Doc. 90-28138 Filed 11-29-90; 8:45 am]

BILLING CODE 4710-06-M

[Public Notice No. 1294]

Advisory Committee on Oceans and International Environmental and Scientific Affairs; Partially Closed Meeting

Department of State officials responsible for coordinating the U.S. Government's policy and preparations for the 1992 UN Conference on Environment and Development will be present at 10:30 a.m. Monday, December 17, in room 1107 of the Department of State, 2201 C Street, NW., Washington, DC, to discuss key issues and problems concerning the preparatory process for that conference. This session, which is being convened by the Department's Advisory Committee on Oceans and International Environmental and Scientific Affairs, will be open to the public. Members of the general public will be admitted to the session to the limits of seating capacity and will be given the opportunity to participate in discussions according to the instructions of the Chairman. In that regard, entrance to the Department of State building is controlled, and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the Office of Cooperative Science and Technology Programs (SCT) by contacting William McPherson, telephone (202) 647-4708. All attendees must use the C street entrance to the building.

Officers of the Bureau of Oceans and International Environmental and Scientific Affairs, along with the Department of State's Advisory Committee on Oceans and International Environmental and Scientific Affairs, will meet at 8:30 a.m. on Monday, December 17 in a session which will not be open to the public. The purpose of these discussions will be to elicit views and discuss issues relating to nuclear non-proliferation, missile technology, global climate change, and oceans and space policy issues. This session will include discussion of material exempt from disclosure under 5 U.S.C. 552b (c)(1) and (c)(9). The disclosure of classified material and revelation of considerations which go into development of negotiating positions could adversely affect the ability of the United States to achieve its foreign policy objectives.

Requests for further information should be directed to William McPherson of the Office of SCT, of the Department of State's Bureau of Oceans and International Environmental and Scientific Affairs. He may be reached at telephone (202) 647-4708.

E.U. Curtis Bohlen,

Chairman, Advisory Committee on Oceans and International Environmental and Scientific Affairs.

[FR Doc. 90-28079 Filed 11-29-90; 8:45 am]

BILLING CODE 4710-09-M

[Public Notice No. 1296]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea, Working Group on Standards of Training and Watchkeeping; Meeting

The Working Group on Standards of Training and Watchkeeping of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on December 14, 1990, at 9:30 a.m. in room 2415 at Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593.

The purpose of the meeting will be a general review of the agenda items for the 22nd session of the International Maritime Organization (IMO) Subcommittee on Standards of Training and Watchkeeping, scheduled for January 21-25, 1991, in London. Items of principal interest on the agenda for this session are:

1. Training of radio personnel for the Global Maritime Distress and Safety System (GMDSS);
2. Training and qualifications of VTS operators;
3. Officer of the navigational watch acting as sole lookout;
4. Fatigue factor in manning and safety, including results of the 8th session of the Joint IMO/ILO Committee on training which focused on fatigue;
5. Preparation of amendments to the 1977 Torremolinos International Convention and matters relating to training and certification requirements for crews of fishing vessels;
6. Special training requirements for personnel on tankers;
7. Training in cargo stowage and securing;
8. Review of training for Masters and Chief Mates of large ships and of ships with unusual maneuvering characteristics;
9. The human element in maritime casualties; and
10. Review of the adequacy of IMO instruments in preventing and mitigating pollution incidents.

Members of the public may attend up to the seating capacity of the room.

For further information contact: Captain F. J. Grady, U.S. Coast Guard Headquarters (G-MVP/12), 2100 Second Street, SW., Washington, DC 20593, or call telephone number (202) 267-0214.

Dated: November 15, 1990.

Thomas J. Wajda,

Chairman, Shipping Coordinating Committee.

[FR Doc. 90-28078 Filed 11-29-90; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended November 23, 1990

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: 47274
Date filed: November 21, 1990
Parties: Members of the International Air Transport Association
Subject: Mail Vote 439 (Japan-to Europe experimental APEX fares)
Proposed Effective Date: December 1, 1990

Docket Number: 47275
Date filed: November 21, 1990

Parties: Members of the International Air Transport Association
Subject: Composite Resolution 003m
Proposed Effective Date: December 10, 1990

Docket Number: 47276
Date filed: November 21, 1990
Parties: Members of the International Air Transport Association
Subject: Composite Resolution 003mm
Proposed Effective Date: December 10, 1990

Docket Number: 47277
Date filed: November 21, 1990
Parties: Members of the International Air Transport Association
Subject: Within Africa Expedited Resolutions—R–1 to R–10
Proposed Effective Date: January 1, 1991

Docket Number: 47278
Date filed: November 21, 1990
Parties: Members of the International Air Transport Association
Subject: Europe-Southeast Asia Expedited Resos—R–1 to R–2 Africa-TC3 Expedited Resos—R–3 To R–13
Proposed Effective Date: December 10, 1990

Docket Number: 47279
Date filed: November 21, 1990
Parties: Members of the International Air Transport Association
Subject: Europe-Southwest Pacific Expedited Reso—R–1 Europe-Southwest Pacific Expedited Resos—R–2 To R–3
Proposed Effective Date: December 15 and January 1, 1991

Phyllis T. Kaylor,
Chief, Documentary Services Division.
[FR Doc. 90–28193 Filed 11–29–90; 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 November 23, 1990

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 applications, 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: 47034.
Date filed: November 20, 1990.
Due Date for Answers, Conforming Applications, or Motions To Modify Scope: January 17, 1990.
Description: Motion of American Trans Air, Inc., requests amendment of its Application to include Kiev, Ukraine, as a coterminal point with Riga, Latvia. The Proposed Form of Authority, as described in Paragraph 7 of the application, should be amended to read as follows: Between Philadelphia, Pennsylvania and the coterminal points Riga, Latvian S.S.R. and Kiev, Ukrainian S.S.R., via the intermediate point Shannon, Republic of Ireland.

Phyllis T. Kaylor,
Chief, Documentary Services Division.
[FR Doc. 90–28194 Filed 11–29–90; 8:45 am]
BILLING CODE 4910–62–M

Federal Aviation Administration

[Summary Notice No. PE–90–50]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before December 20, 1990.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–10), Petition docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Miss Jean Casciano, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–9683

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on November 26, 1990.

Denise Donohue Hall,
Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Exemption

Docket No.: 22690.
Petitioner: Boeing Commercial Airplane Company.
Sections of the FAR affected: 14 CFR 61.57(c).
Description of relief sought: To extend Exemption No. 4779, as amended, which permits certain pilots employed by the petitioner to satisfy the general recent flight experience requirements of § 61.57(c) by alternate means. Exemption No. 4779, as amended, will expire on April 30, 1991.

Docket No.: 25648.
Petitioner: United Express on behalf of WestAir Commuter Airlines, Inc.
Sections of the FAR affected: 14 CFR 121.371(a) and 121.378.
Description of relief sought: To extend Exemption No. 5027, which allows WestAir to use certain vendors that are original equipment manufacturers of the airframes, engines, and components of its British Aerospace BAe–146–200A aircraft in order to support the maintenance requirements of those aircraft. Exemption No. 5027 will expire on March 29, 1991.

Docket No.: 26314.
Petitioner: Lineas Aereas Del Caribe, S.A.
Sections of the FAR affected: 14 CFR 91.805.
Description of relief sought: To allow petitioner to operate a one-way nonrevenue flight with a DC–8–33 aircraft (N59AJ), S/N 45272) that does not meet the operating noise limits established in part 36.

Docket No.: 26325.
Petitioner: Grumman Melbourne Systems.
Sections of the FAR affected: 14 CFR 145.37(b).
Description of relief sought: To allow petitioner to perform maintenance on

two Boeing 707 aircraft in an outdoor environment, climatic conditions permitting.

Docket No.: 26349.

Petitioner: Vocational Industrial Clubs of America, Inc..

Sections of the FAR affected: 14 CFR 147.21.

Description of relief sought: To allow students from part 147 schools to compete in skills competitions during school hours, and allow these hours to be credited toward school time.

Docket No.: 26361.

Petitioner: Mr. Kevin P. Croy.

Sections of the FAR affected: 14 CFR 91.805.

Description of relief sought: To allow the one-time flight of a Boeing 720 (registration number N7229L, S/N 18159) out of the country from Brown Airfield in San Diego, California, without complying with current noise regulations.

[FR Doc. 90-28125 Filed 11-29-90; 8:45 am]

BILLING CODE 4910-13-M

Research, Engineering, and Development Advisory Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-362; 5 U.S.C. App. I), notice is hereby given of a meeting of the Federal Aviation Administration Research, Engineering, and Development (R,E&D) Advisory Committee to be held Tuesday, December 18, 1990, at 10 a.m. The meeting will take place at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC, in the MacCracken Room, on the tenth floor.

The agenda for this meeting will include: (1) A review and discussion of the FAA's "Concepts and Description of the Future Air Traffic Management System for the United States;" (2) an overview of Air Traffic's focus on R,E&D; (3) a review of the subcommittee structure; (4) a report on the status of activities from the Transport Aircraft Safety Subcommittee, the Noise Abatement Technology Subcommittee, and the newly established R&D Technical Subcommittee; and (5) the date, location, and agenda for the next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact Mr. Martin T. Pozesky, Executive Director, Research, Engineering, and Development Advisory Committee, ASD-1, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8183.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on November 26, 1990.

Martin T. Pozesky,

Executive Director, Research, Engineering, and Development Advisory Committee.

[FR Doc. 90-28165 Filed 11-29-90; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Fairbanks, AK

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Fairbanks, Alaska.

FOR FURTHER INFORMATION CONTACT: Steven Moreno, Field Operations Engineer, Federal Highway Administration, P.O. box 21648, Juneau, Alaska 99802-1648, Telephone: (907) 586-7428; and Steven Sisk, P.E. Director, Alaska Department of Transportation and Public Facilities, Division of Design and Construction, Northern Region, 2301 Peger Road, Fairbanks, Alaska 99709-5316, Telephone (907) 451-2214.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Alaska Department of Transportation and Public Facilities (ADOT & PF), will prepare an Environmental Impact Statement (EIS) on a proposal to improve Third Street, an urban collector in Fairbanks, Alaska (Project No. M-0670(1). The proposed improvement would involve reconstruction and widening about 2100 feet of Third Street between the Old Steese Highway and Hamilton Avenue.

The proposal includes upgrading the facility from the existing three 12-foot lanes (two through lanes and left-turning pockets) to four through-lanes and dedicated turning-lanes. Intersections would be upgraded to accommodate future traffic forecasts and turning movements in coordination with other projects. The proposed project is recommended in the Fairbanks Area Metropolitan Transportation Study.

Alternatives under consideration include: (1) No action, (2) transportation systems management, and (3) the build alternative. The latter includes widening the existing 60 foot facility to 80 and 100 feet. Incorporated into and studied with the build alternative will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments and information will be sent to appropriate federal, state and local agencies, private businesses and land owners, and organizations and citizens who have expressed or are known to have an interest in this proposal. No formal scoping meeting for agencies is planned at this time. An open house will be held to present the preliminary information to interested businesses owners and citizens. A public hearing will be held after the Draft Environmental Impact Statement has been completed and made available for public and agency review and comment.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposal and the Draft EIS should be directed to the Alaska Department of Transportation and Public Facilities at the address noted above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.)

Issued on: November 21, 1990.

Robert Ruby,

Division Administrator, FHWA, Region X, Alaska District.

[FR Doc. 90-28084 Filed 11-29-90; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Montgomery County and the Town of Blacksburg, VA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Montgomery County and the Town of Blacksburg, Virginia.

FOR FURTHER INFORMATION CONTACT: Robert B. Welton, District Engineer,

Federal Highway Administration, P.O. Box 10045, Richmond, Virginia 23240–0045, Telephone (804) 771–2682.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Virginia Department of Transportation (VDOT), will prepare an environmental impact statement (EIS) on a proposal to construct a four-lane divided facility to serve as a link between I–81 (east terminus) and Route 460 in the vicinity of Blacksburg, Virginia (west terminus).

Alternatives under consideration include: (1) Taking no action (no build); (2) traffic system management; and (3) various build alternatives.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies and to private organizations and citizens who have previously expressed an interest in this proposal. No formal scoping meeting is planned at this time. The Draft EIS will be available for public and agency review and comment. Following publication of the Draft EIS, a public hearing will be held. Public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action and the EIS should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of Executive Order 12372 regarding State and local review of Federal and Federally assisted programs and projects apply to this program.

Issued on: November 20, 1990.

Robert B. Welton,

District Engineer, Richmond, Virginia.

[FR Doc. 90–28075 Filed 11–29–90; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 90–90]

Revocation of Corporate Broker License No. 11501 Zuniga Freight Services, Inc.

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: Notice is hereby given that on October 6, 1990, since they had been without a licensed corporate officer since June 8, 1990, the corporate license (no. 11501) for Zuniga Freight Services, Inc., to conduct Customs business was revoked by action of law, pursuant to section 641(b)(5), Tariff Act of 1930, as amended (19 U.S.C. 1641(b)(5)).

Dated: November 20, 1990.

Victor G. Weeren,

Director, Office of Trade Operations.

[FR Doc. 90–28151 Filed 11–29–90; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration (20A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503 (202) 395–7316. Please do not send applications for benefits to the above addresses.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by December 31, 1990.

Dated: November 26, 1990.

By direction of the Secretary:

Frank E. Lalley,

Director, Office of Information Resources Polices.

Reinstatement

1. Veterans Benefits Administration
2. Claim for Monthly Payments United States Government Life Insurance (USGLI)
3. VA Form 29–4125K
4. The form is completed by beneficiaries applying for the proceeds of Government Insurance policies. The information is used to process the beneficiary's claim for payment of the insurance proceeds.
5. On occasion
6. Individuals and households
7. 50 responses
8. ¼ hour
9. Not applicable

[FR Doc. 90–28139 Filed 11–29–90; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 231
Friday, November 30, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

AFRICAN DEVELOPMENT FOUNDATION

Board of Directors Meeting

TIME: 11:00 a.m.–1:00 p.m.

PLACE: African Development Foundation.

DATE: Friday, 07 December 1990.

STATUS: Open.

Agenda

1. Chairman's Report.
2. President's Report.
3. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Ms. Janis McCollim, 673–3916.

Leonard H. Robinson, Jr.,

President.

[FR Doc. 90–28263 Filed 11–28–90; 9:46 am]

BILLING CODE 6116–01–M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, December 5, 1990.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: November 28, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–28265 Filed 11–28–90; 10:13 am]

BILLING CODE 6210–01–M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Board of Directors' Meeting

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: The Pennsylvania Avenue Development Corporation announces the date of their forthcoming meeting of the Board of Directors.

DATE: The meeting will be held on Wednesday, December 5, 1990, at 10:00 a.m.

ADDRESS: The meeting will be held at Pennsylvania Avenue Development Corporation, Suite 1220N, 1331 Pennsylvania Ave., NW., Washington, DC.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with 36 Code of Federal Regulations part 901, and is open to the public.

Dated: November 19, 1990.

M. J. Brodie,

Executive Director.

[FR Doc. 90–28279 Filed 11–28–90; 1:45 pm]

BILLING CODE 7630–01–M

POSTAL SERVICE

Board of Governors; Amendment to Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 55 FR 48943, November 23, 1990.

PREVIOUSLY ANNOUNCED DATE OF MEETING: December 4, 1990.

CHANGE: Add the following item to the open meting agenda:

8 b. Capital Investments.
Boston, MA, Northwest Center Mail Processing Facility. (Mr. Smith)

CONTACT PERSON FOR MORE INFORMATION: David F. Harris, (202) 268–4800.

David F. Harris,

Secretary.

[FR Doc. 90–28322 Filed 11–28–90; 3:06 pm]

BILLING CODE 7710–12–M

RESOLUTION TRUST CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:00 p.m. on Tuesday, December 4, 1990, the Resolution Trust Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the board of Directors requests that an item be moved to the discussion agenda.

Recommendations regarding the resolution of failed thrift institutions.

[Exemptions (c)(8), (c)(9)(A)(ii), and (c)(9)(B)]

Note: Some matters within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda

Recommendations regarding the 1988 FSLIC Assistance Agreements.

[Exemptions (c)(4), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)]

Review of subsidized lease/sale agreements of RTC-owned properties.

[Exemptions (c)(9)(B) and (c)(10)]

The meeting will be held in the Board Room on the sixth floor of the Federal Deposit Insurance Corporation Building located at 550–17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. John M. Buckley, Jr., Executive Secretary, RTC, at (202) 416–7282.

Dated: November 27, 1990.

Resolution Trust Corporation.

William J. Tricarico,

Assistant Executive Secretary.

[FR Doc. 90–28260 Filed 11–27–90; 4:57 pm]

BILLING CODE 6714–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of December 3, 1990.

Closed meetings will be held on Tuesday, December 4, 1990, at 2:30 p.m. and on Thursday, December 6, 1990, following the 10:00 a.m. and 2:00 p.m. open meeting. Open meetings will be held on Thursday, December 6, 1990, at 10:00 a.m. and 2:00 p.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries

will attend the closed meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at closed meetings.

Commissioner Lochner, as duty officer, voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, December 4, 1990, at 2:30 p.m., will be:

Institution of injunctive actions.

Authorize the institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceeding of an enforcement nature.

Settlement of injunctive action.

The subject matter of the open meeting scheduled for Thursday, December 6, 1990, at 10:00 a.m., will be:

Oral argument on an appeal by the Division of Investment Management from the decision of an administrative law judge In the Matter of CSW Credits Inc. and Central and South West Corporation. For further information, please contact Herbert V. Efron at (202) 272–7400.

The subject matter of the closed meeting scheduled for Thursday, December 6, 1990, following the 10:00 a.m. open meeting, will be:

Post oral argument discussion.

The subject matter of the open meeting scheduled for Thursday, December 6, 1990, at 2:00 p.m., will be:

Oral argument on cross-appeals by William L. Kicklighter, Jr., a salesman for the former brokerage firm of Hereth, Orr & Jones, Inc. and the Division of Enforcement from an administrative law judge's initial decision. For further information, please contact Richard E. Connor at (202) 272–3981.

The subject matter of the closed meeting scheduled for Thursday, December 6, 1990, following the 2:00 p.m., open meeting, will be:

Post oral argument discussion.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Stephen Young at (202) 272–2000.

Dated: November 27, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–28335 Filed 11–28–90; 4:06 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 55, No. 231
Friday, November 30, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 90-114]

RIN 0579-AA29

Citrus Canker

Correction

In the correction to rule document 90-21351 appearing on page 48208 in the issue of Monday, November 19, 1990, the CFR line in the heading should read as set forth above.

BILLING CODE 1505-01-D

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-461 (Final)]

Gray Portland Cement and Cement Clinker From Japan

Correction

In notice document 90-27936 beginning on page 49435 in the issue of Wednesday, November 28, 1990, make the following correction:

At the end of the document, on page 49437, in the first column, the signature and title lines were omitted and should appear as follows:

Kenneth R. Mason,

Secretary.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 90-AGL-18]

Proposed Alteration to Transition Area; Staples, MN

Correction

In proposed rule document 90-25587 beginning on page 45613 in the issue of Tuesday, October 30, 1990, in the first column, under **SUMMARY**, in the third line "NAB" should read "NDB".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[No. 90-2022]

Regulatory Review Procedures

Correction

In notice document 90-27750 beginning on page 49370 in the issue of Tuesday, November 27, 1990, make the following correction:

On page 49370, in the third column, the **EFFECTIVE DATE** should read "November 20, 1990".

BILLING CODE 1505-01-D

federal register

Friday
November 30, 1990

Part II

Environmental Protection Agency

Asbestos-Containing Materials in Schools; EPA-Approved Courses; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-62097; FRL-3839-4]

Asbestos-Containing Materials in Schools; EPA-Approved Courses Under the Asbestos Hazard Emergency Response Act (AHERA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 206(c)(3) of the Toxic Substances Control Act (TSCA) directs the EPA Administrator to publish (and revise as necessary) a list of EPA-approved asbestos courses and tests which are consistent with the Agency's Model Accreditation Plan required under section 206(b) of TSCA. Also required is a list of those courses and tests which had qualified for equivalency treatment for interim accreditation during the time period established by Congress in AHERA. Effective July 1990, that time period has expired in all States. All courses approved for interim accreditation have therefore been included in this list for information purposes only.

Section 206(f) of TSCA Title II requires the Administrator to publish quarterly in the **Federal Register**, beginning August 31, 1988, and ending August 31, 1991, a list of EPA-approved asbestos training courses. Accordingly, this **Federal Register** notice presents the thirteenth cumulative listing of EPA-approved courses and also includes a list of State accreditation programs that EPA has approved as meeting the requirements of the Model Plan.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC 20460, Telephone: (202) 382-3949, TDD: (204) 554–0551.

SUPPLEMENTARY INFORMATION: Section 206 of Title II of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2646, required EPA to develop a Model Accreditation Plan by April 20, 1987. The Plan was issued on April 20, 1987, and was published in the **Federal Register** of April 30, 1987 (52 FR 15875), as Appendix C to subpart E, 40 CFR part 763. Persons must receive accreditation in order to inspect school buildings for asbestos, develop school asbestos management plans, and design or conduct school asbestos response actions. Such persons can be accredited by States which are required under Title II to adopt contractor accreditation plans at least as stringent as the EPA Model Plan, or by completing an EPA-approved training course and passing an examination for such course. The EPA Model Accreditation Plan establishes those areas of knowledge of asbestos inspection, management plan development, and response action technology that persons seeking accreditation must demonstrate and States must include in their accreditation programs.

In the **Federal Register** of October 30, 1987 (52 FR 41826), EPA promulgated a final "Asbestos-Containing Materials In Schools" rule (40 CFR part 763, subpart E) which required all local education agencies (LEAs) to identify asbestos-containing materials (ACM) in their school buildings and take appropriate actions to control the release of asbestos fibers. The LEAs are also required to describe their activities in management plans, which must be made available to the public and submitted to State governors. Under Title II, LEAs are required to use specially trained persons to conduct inspections for asbestos, develop the management plans, and design or conduct major actions to control asbestos. The rule took effect on December 14, 1987.

The length of initial training courses for accreditation under the Model Plan varies by discipline. Briefly, inspectors must take a 3-day training course; management planners must take the inspection course plus an additional 2 days devoted to management planning; and abatement project designers are required to have at least 3 days of training. In addition, asbestos abatement contractors and supervisors must take a 4-day training course and asbestos abatement workers are required to take a 3-day training course. For all disciplines, persons seeking accreditation must also pass an examination and participate in annual re-training courses. A complete description of accreditation requirements can be found in the Model Accreditation Plan at 40 CFR part 763, subpart E, appendix C.I.1.A through E.

In Section 206(c)(3) of Title II, and as amended by section 206(f), the Administrator, in consultation with affected organizations, is directed to publish quarterly a list of asbestos courses and tests in effect before the date of enactment of this title which qualified for equivalency treatment for interim accreditation purposes, and a list of EPA-approved asbestos courses and tests which the Administrator has determined are consistent with the Model Plan and which qualify a contractor for accreditation.

This quarterly notice formerly included a list of laboratories accredited by the National Institute of Standards and Technology (NIST) for the polarized light microscopy (PLM) analysis of bulk materials for asbestos. The EPA is no longer publishing this laboratory list because it is now available from the NIST National Voluntary Laboratory Accreditation Program (NVLAP). Persons wishing to obtain current information on the accreditation of asbestos laboratories in general or the accreditation status of any particular laboratory should contact NIST directly for this information by: (1) Writing to: Chief, Laboratory Accreditation Program, National Institute of Standards and Technology, Bldg. 411, Room A124, Gaithersburg, MD 20899 (please include a self-addressed mailing label); (2) computer-to- computer communication with the NVLAP electronic bulletin board on 301-948-2058; (3) Fax on 301-975-3839; or (4) calling NVLAP on 301-975-4016. EPA interim approval for laboratories ended October 30, 1989, and since that date laboratory asbestos accreditation has been administered by NIST through the NVLAP.

The **Federal Register** notice of October 30, 1987, included EPA's initial list of course approvals. In addition, the initial list also included those State accreditation programs that EPA had approved as meeting the requirements of the Model Plan. The second **Federal Register** notice of February 10, 1988 (53 FR 3982), the third **Federal Register** notice of June 1, 1988 (53 FR 20066), the fourth **Federal Register** notice of August 31, 1988 (53 FR 33574), the fifth **Federal Register** notice of November 30, 1988 (53 FR 48424), the sixth **Federal Register** notice of February 28, 1989 (54 FR 8438), the seventh **Federal Register** notice of May 31, 1989 (54 FR 23392), the eighth **Federal Register** notice of August 31, 1989 (54 FR 36166), the ninth **Federal Register** notice of November 29, 1989 (54 FR 49190), the tenth **Federal Register** notice of February 28, 1990 (55 FR 7202), the eleventh **Federal Register** notice of May 31, 1990 (55 FR 22176), and the twelfth **Federal Register** notice of August 31, 1990 (55 FR 35760) were subsequent listings of cumulative EPA course approvals and EPA-approved State accreditation programs.

This **Federal Register** notice is divided into four units. Unit I discusses EPA approval of State accreditation programs. Unit II covers EPA approval of training courses. Unit III discusses the AHERA-imposed deadline for persons with interim accreditation. Unit IV provides the list of State accreditation programs and training courses approved

by EPA as of October 11, 1990. Subsequent **Federal Register** notices will add other State programs as they are approved.

As announced in the **Federal Register** of September 20, 1989, EPA is no longer accepting for review and contingent approval training courses for AHERA accreditation after October 15, 1989. However, a course's status may change after that cut- off date. For example, a contingently approved course may become fully approved and a course with full approval may become disapproved. As mentioned in the September 1989 **Federal Register** notice, EPA has said it would continue to conduct full approval audits of courses that already have received contingent approval and review for contingent approval and subsequent full approval, courses received by EPA which had been postmarked on or before October 15, 1989. EPA may reach agreements with States that do not currently have an accreditation program, to turn over responsibility for auditing courses with contingent and full approval, as these States develop accreditation programs.

I. EPA Approval of State Accreditation Programs

As discussed in the Model Plan, EPA may approve State accreditation programs that the Agency determines are at least as stringent as the Model Plan. In addition, the Agency is able to approve individual disciplines within a State's accreditation program. For example, a State that currently only has an accreditation requirement for inspectors can receive EPA approval for that discipline immediately, rather than waiting to develop accreditation requirements for all disciplines in the Model Plan before seeking EPA approval.

As listed in Unit IV, Alaska, Arkansas, Colorado, Delaware, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Jersey, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Virginia, Washington, and Wisconsin have received EPA full approval for two accreditation disciplines, abatement workers as well as contractors and supervisors, that are at least as stringent as the Model Plan. In addition, the States of Colorado, Illinois, Indiana, Iowa, Massachusetts, Michigan, Montana, Nebraska, North Dakota, Rhode Island, South Dakota, Utah, Virginia, and Wisconsin have received full approval for their inspector/management planner and project designer disciplines. Any training courses in those disciplines approved by the aforementioned States are EPA- approved courses for purposes of accreditation. These training courses are EPA-approved courses for purposes of TSCA Title II in these States and in all States without an EPA-approved accreditation program for the discipline. Current lists of training courses approved by Alaska, Arkansas, Colorado, Delaware, Illinois, Iowa, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Jersey, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Virginia, Washington, and Wisconsin are listed under Unit IV. Indiana and Kansas do not have separate provider listings since these States have not independently approved any additional courses.

Each State accreditation program may have different requirements for State accreditation. For example, New Jersey requires participants of its courses to take the State exam. Therefore, those New Jersey-approved course sponsors who want to provide training in another State must develop their own examination. They must also submit for EPA approval to the Regional Asbestos Coordinator in their Region, a detailed statement about the development of the course examination as required by the Model Plan.

II. EPA Approval of Training Courses

A cumulative list of training courses approved by EPA is included under Unit IV. The examinations for these approved courses under Unit IV have also been approved by EPA. EPA has three categories of course approval: full, contingent, and approved for interim accreditation. As noted in Unit III, interim accreditation is no longer in effect as of July 1990. Each course that had been approved for interim accreditation will show inclusive dates of this approval. EPA's deadlines for interim accreditation are discussed further in Unit III.

Full approval means EPA has reviewed and found acceptable the course's written submission seeking EPA approval and has conducted an on-site audit and determined that the training course meets or exceeds the Model Plan's training requirements for the relevant discipline.

Contingent approval means the Agency has reviewed the course's written submission seeking EPA approval and found the material to be acceptable (i.e., the written course materials meet or exceed the Model Plan's training course requirements). However, EPA has not yet conducted an on-site audit.

Successful completion of either a fully approved course or a contingently approved course provides full accreditation for course attendees. If EPA subsequently audits a contingently approved course and withdraws approval due to deficiencies discovered during the audit, future course offerings would no longer have EPA approval. However, withdrawal of EPA approval would not affect the accreditation of persons who took previously offered training courses, including the course audited by EPA.

Thus far, EPA has taken formal action to revoke or suspend course approvals in two instances. EPA revoked approval from Living Word College's inspector and management planner training courses offered after May 6, 1988. Living Word College is located in EPA Region VII. In addition, EPA has suspended approval from the Safety Management Institute's training courses and refresher courses for workers, inspectors/ management planners, and contractors/ supervisors. The effective date for the course suspensions is the first week of October 1989. Safety Management Institute is located in EPA Region III. Certain EPA- approved State programs have also taken actions to suspend or revoke courses within their jurisdictions.

EPA-approved training courses listed under Unit IV are approved on a national basis. EPA has organized Unit IV by EPA Region to assist the public in locating those training courses that are offered nearby. Training courses are listed in the Region where the training course is headquartered. Although several sponsors offer their courses in various locations throughout the United States, a large number of course sponsors provide most of their training within their own Region.

State accreditation programs may have more stringent accreditation requirements than the Model Plan. As a result, some EPA-approved training courses listed under Unit IV may not meet the requirements of a particular State's accreditation program. Sponsors of training courses and persons who have received accreditation should contact individual States to check on accreditation requirements.

A number of training courses offered before EPA issued the Model Plan equaled or exceeded the subsequently issued Model Plan's training course requirements. These courses are listed under Unit IV as being approved. It should be noted that the persons who have successfully completed these courses are fully accredited; they are not only accredited on an interim basis.

III. Phase out of Interim Accreditation

TSCA Title II enabled EPA to permit persons to be accredited on an interim

basis if they had attended EPA-approved asbestos training before the effective date of the AHERA regulation and passed an asbestos exam. As a result, the Agency approved, on an interim basis, a number of training courses which had been offered prior to the effective date of the AHERA regulation. Only those persons who had taken training courses equivalent to the Model Plan's requirements between January 1, 1985, and December 14, 1987, were considered accredited under these interim provisions. Equivalent means that the courses had to be essentially similar in length and content to the curriculum found in the Model Plan. In addition, an examination had to be essentially equivalent to the examination requirements found in the Model Plan. If no examination was offered at the time, course providers seeking interim approval needed to provide an examination.

Persons who took one of the EPA-approved courses for interim accreditation, and could produce evidence that they had successfully completed the course by passing an examination, were accredited on an interim basis. This accreditation was interim since the person was considered accredited for only 1 year after the date on which the State where the person was employed was required to have established an accreditation program at least as stringent as the EPA Model Plan. TSCA Title II requires States to adopt a contractor accreditation program at least as stringent as the Model Plan within 180 days after the first regular session of the State's legislature convened following the date EPA issued the Model Plan.

The deadline for all States to establish a complete accreditation program was July 1989. In fact, most States were required to have developed a program by July 1988. As a result, after July 1989, the period of interim accreditation expired for persons in all States but Arkansas, Montana, Nevada, North Carolina, Oregon, Pennsylvania, and Texas. In these seven States, the legislatures meet on a bi-annual basis and last met in January 1989; therefore, persons with interim accreditation did not lose their interim status in these States until July 1990. Because interim accreditation has now expired in all States, anyone who had previously received interim accreditation is no longer eligible to perform AHERA work unless he or she has subsequently acquired AHERA accreditation by completing an approved course. To receive accreditation, such persons, if they have not already done so, must complete an EPA-approved course or a State course under a State plan at least as stringent as the EPA Model Plan. For example, a person who had interim accreditation as a supervisor would have to take a 4-day supervisor's course approved by EPA or an EPA-approved State program to become fully accredited.

IV. List of EPA-Approved State Accreditation Programs and Training Courses

The thirteenth cumulative listing of EPA-approved State accreditation programs and training courses follows. As discussed above, quarterly notifications of EPA approval of State accreditation programs and EPA approval of training courses will be published in subsequent **Federal Register** notices. The closing date for the acceptance of submissions to EPA for inclusion in this thirteenth notice was October 11, 1990. Omission from this list does not imply disapproval by EPA, nor does the order of the courses reflect priority or quality. The format of the notification lists first the State accreditation programs approved by EPA, followed by EPA-approved training courses listed by Region. The name, address, phone number, and contact person is provided for each training provider followed by the courses and type of course approval (i.e., full, contingent, or for interim purposes).

As of October 11, 1990, a total of 597 training providers are offering 1,172 EPA-approved training courses for accreditation under TSCA Title II. There are 507 asbestos abatement worker courses, 394 contractor/supervisor courses, 208 inspector/management planner courses, 18 inspector-only courses, and 45 project designer courses. In addition, EPA has approved 765 refresher courses. Twenty-two States have EPA-approved State accreditation programs in one or more disciplines.

An EPA-funded model course for inspectors and management planners is available for use by training providers. In addition, an earlier EPA-developed course for asbestos abatement contractors and supervisors has now been revised and is also available. EPA is also announcing that its newly developed model worker course is now available as well. A fee for each course will be charged to cover the reproduction and shipping costs for the written and visual aid materials. Interested parties should contact the following firm to receive copies of the training courses: ATLIS Federal Services, Inc., EPA AHERA Program, 6011 Executive Blvd., Rockville, MD 20852, Phone number: (301) 468-1916.

The following is the cumulative list of EPA-approved State accreditation programs and training courses:

Approved State Accreditation Programs

Alaska

(1)(a) *State Agency:* Department of Labor, Address: P.O. Box 1149, Juneau, AK 99802, Contact: Richard Arab, Phone: (907) 465-4856.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (interim from 10/1/85).
Abatement Worker (full from 1/29/90).
Contractor/Supervisor (interim from 10/1/85).
Contractor/Supervisor (full from 1/29/90).

(i)(a) *Training Provider:* Alaska Laborers Training School.

Address: 13500 Old Seward Highway, Anchorage, AK 99515, Contact: Leslie Lauinger, Phone: (902) 345-3853.

(b) *Approved Courses:*

Abatement Worker (Certified 11/1/89).
Contractor/Supervisor (Certified 11/1/89).

(ii)(a) *Training Provider:* Alaska Quality Control & Technical Service, Ltd.

Address: 907 E. Dowling Rd., Suite 18, Anchorage, AK 99518, Contact: Gracita O. Torrijos, Phone: (907) 561-2400.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/90).
Contractor/Supervisor (Certified 5/1/90).

(iii)(a) *Training Provider:* Arctic Slope Consulting Group, Inc.

Address: 6700 Arctic Spur Rd., Anchorage, AK 99518-1550, Contact: Tom Tessier, Phone: (907) 349-5148.

(b) *Approved Courses:*

Abatement Worker (Certified 12/1/89).
Contractor/Supervisor (Certified 12/1/89).

(iv)(a) *Training Provider:* Asbestos Removal Specialists of Alaska.

Address: 1896 Marika Rd., Unit No. 3, Fairbanks, AK 99709, Contact: J.J. Middleton, Phone: (907) 451-8555.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/89).
Contractor/Supervisor (Certified 5/1/89).

(v)(a) *Training Provider:* Central & Southeastern Alaska District Council of Carpenters.

Address: 407 Denali St., Anchorage, AK 99501, Contact: William Matthews, Phone: (907) 561-4568.

(b) *Approved Courses:*

Abatement Worker (Certified 2/1/89).
Contractor/Supervisor (Certified 2/1/89).

(vi)(a) *Training Provider:*
Environmental Management, Inc.

Address: P.O. Box 91477, Anchorage, AK 99509, Contact: Kenneth D. Johnson, Phone: (907) 272-8056.

(b) *Approved Courses:*

Abatement Worker (Certified 6/1/89).
Contractor/Supervisor (Certified 6/1/89).

(vii)(a) *Training Provider:*
Environmental Science & Engineer, Inc.

Address: 1205 E. International Airport Rd., Suite 100, Anchorage, AK 99518-1409, Contact: Robert Morgan, Phone: (907) 561-3055.

(b) *Approved Courses:*

Abatement Worker (Certified 6/1/90).
Contractor/Supervisor (Certified 6/1/90).

(viii)(a) *Training Provider:*
International Association of Heat & Frost Insulators & Asbestos Workers.

Address: 407 Denali St., Anchorage, AK 99501, Contact: Dan Middaugh, Phone: (907) 272-8224.

(b) *Approved Courses:*

Abatement Worker (Certified 8/1/89).
Contractor/Supervisor (Certified 8/1/89).

(ix)(a) *Training Provider:* Martech Construction Co.

Address: 300 E. 54th Ave., Anchorage, AK 99518, Contact: Gary Lawley, Phone: (907) 561-1970.

(b) *Approved Courses:*

Abatement Worker (Certified 9/1/89).
Contractor/Supervisor (Certified 9/1/89).

(x)(a) *Training Provider:* Sheet Metal Worker Int'l. Association Local 23.

Address: 1818 W. Northern Lights Blvd. No. 100, Anchorage, AK 99517, Contact: Randall E. Pysher, Phone: (907) 277-5313.

(b) *Approved Courses:*

Abatement Worker (Certified 1/1/90).
Contractor/Supervisor (Certified 1/1/90).

(xi)(a) *Training Provider:* University of Alaska Mining & Petroleum Training Services.

Address: 155 Smith Way, Suite 104, Soldotna, AK 99669, Contact: Dennis Steffy, Phone: (907) 262-2788.

(b) *Approved Courses:*

Abatement Worker (Certified 4/1/89).
Contractor/Supervisor (Certified 4/1/89).

Arkansas

(2)(a) *State Agency:* Arkansas Dept. of Pollution Control and Ecology, Address: 8001 National Dr., P.O. Box 9583, Little Rock, AR 72209, Contact: Wilson Tolefree, Phone: (501) 562-7444.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (interim from 11/22/85).
Abatement Worker (full from 1/22/88).
Contractor/Supervisor (interim from 11/22/85).
Contractor/Supervisor (full from 1/22/88).

(i)(a) *Training Provider:* American Specialty Contractors.

Address: P.O. Box 66375, Baton Rouge, LA 70896, Contact: Daniel L. Anderson, Phone: (504) 926-9624.

(b) *Approved Courses:*

Abatement Worker (Certified 2/13/90).
Contractor/Supervisor (Certified 2/13/90).

(ii)(a) *Training Provider:* Arkansas Laborers Training Fund.

Address: 4501 West 61st St., Little Rock, AR 72209, Contact: W. Rudy Osborne, Phone: (501) 562-5502.

(b) *Approved Course:*

Abatement Worker (Certified 5/2/88).

(iii)(a) *Training Provider:* Asbestos Training & Employment, Inc.

Address: 809 East 11th St., Michigan City, IN 46360, Contact: Bruce H. Connell, Phone: (219) 874-7348.

(b) *Approved Courses:*

Abatement Worker (Certified 5/18/88).
Contractor/Supervisor (Certified 5/18/88).

(iv)(a) *Training Provider:* Critical Environmental Training, Inc.

Address: 5815 Gulf Freeway, Houston, TX 77023, Contact: Charles M. Flanders, Phone: (713) 921-8921.

(b) *Approved Courses:*

Abatement Worker (Certified 9/12/88).
Contractor/Supervisor (Certified 9/12/88).

(v)(a) *Training Provider:*
Environmental Institute.

Address: 350 Franklin Rd., Suite 300, Marietta, GA 30067, Contact: Eva Clay, Phone: (404) 425-2000.

(b) *Approved Course:*

Contractor/Supervisor (Certified 10/7/88).

(vi)(a) *Training Provider:*
Environmental Technologies.

Address: P.O. Box 21243, Little Rock, AR 72221, Contact: Phyllis Moore, Phone: (501) 569-3518.

(b) *Approved Courses:*

Abatement Worker (Certified 3/16/88).
Abatement Worker Annual Review (Certified 3/30/89).
Contractor/Supervisor (Certified 3/16/88).
Contractor/Supervisor Annual Review (Certified 3/30/89).

(vii)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: P.O. Box 307, Lawrence, KS 66044, Contact: Patrick Shrepf, Phone: (913) 749-2381.

(b) *Approved Courses:*

Abatement Worker (Certified 6/8/88).
Contractor/Supervisor (Certified 6/8/88).

(viii)(a) *Training Provider:* Labor Education Program, University of Arkansas.

Address: 2801 S. University Ave., Little Rock, AR 72204, Contact: Bernica Tackett, Phone: (501) 562-7444.

(b) *Approved Course:*

Abatement Worker (Certified 12/12/89).

(ix)(a) *Training Provider:* Meta Inc.

Address: P.O. Box 786, Lawrence, KS 66044, Contact: Karen P. Wilson, Phone: (913) 491-0181.

(b) *Approved Courses:*

Abatement Worker (Certified 3/27/90).
Abatement Worker Annual Review (Certified 3/27/90).
Contractor/Supervisor (Certified 3/27/90).
Contractor/Supervisor Annual Review (Certified 3/27/90).

(x)(a) *Training Provider:* National Asbestos Training Center, University of Kansas.

Address: 6600 College Blvd., Suite 315, Overland Park, KS 66211, Contact: Lani Himegarner, Phone: (913) 491-0221.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 3/30/90).
Contractor/Supervisor Annual Review (Certified 3/30/90).

(xi)(a) *Training Provider:* Professional Asbestos Training Service.

Address: P.O. Box 19092, Little Rock, AR 72219, Contact: Harold Lewis, Phone: (501) 562-1519.

(b) *Approved Courses:*

Abatement Worker (Certified 4/18/88).
Abatement Worker Annual Review (Certified 1/4/90).
Contractor/Supervisor (Certified 4/18/88).
Contractor/Supervisor Annual Review (Certified 1/4/90).

(xii)(a) *Training Provider:* University of Arkansas.

Address: 521 South Razorback Rd., Fayettville, AR 72701, Contact: Greg Weeks, Phone: (501) 575-6175.

(b) *Approved Course:*

Abatement Worker (Certified 10/7/88).

Colorado

(3)(a) *State Agency:* Colorado Dept. of Health, Address: 4210 East 11th Ave., Denver, CO 80220, Contact: David R. Ouimette, Phone: (303) 320-8333.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 7/8/89).
Contractor/Supervisor (full from 7/8/89).
Inspector/Management Planner (full from 7/8/89).
Project Designer (full from 7/8/89).

(i)(a) *Training Provider:* Air Technology & Associates.

Address: 724 Oil Hill Rd., P.O. Box 23, El Dorado, KS 67042, Contact: Richard Green, Phone: (913) 841-1193.

(b) *Approved Courses:*

Abatement Worker (Certification Pending).
Abatement Worker Annual Review (Certification Pending).
Contractor/Supervisor (Certification Pending).
Contractor/Supervisor Annual Review (Certification Pending).

(ii)(a) *Training Provider:* Haz - Cure International.

Address: 1555 Simms St., Lakewood, CO 80215, Contact: Edmund C. Garthe, Phone: (303) 232-3174.

(b) *Approved Courses:*

Abatement Worker (Certification Pending).
Abatement Worker Annual Review (Certification Pending).
Contractor/Supervisor (Certification Pending).
Contractor/Supervisor Annual Review (Certification Pending).

(iii)(a) *Training Provider:* Precision Safety and Services Inc.

Address: 1245 Windemaker Lane, Colorado Springs, CO 80907, Contact: James R. Mapes, Jr., Phone: (719) 593-8596.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certification Pending).
Contractor/Supervisor (Certification Pending).
Contractor/Supervisor Annual Review (Certification Pending).

(iv)(a) *Training Provider:* QA Training & Inspection Services.

Address: 1405 Krameria St., Suite 4-D, Denver, CO 80220, Contact: Garrett Fleming, Phone: (303) 388-7388.

(b) *Approved Courses:*

Abatement Worker (Certification Pending).
Abatement Worker Annual Review (Certification Pending).
Contractor/Supervisor (Certification Pending).
Contractor/Supervisor Annual Review (Certification Pending).

(v)(a) *Training Provider:* The Environmental Training Center.

Address: 2781 West Oxford Ave. Unit No.7, Englewood, CO 80110, Contact: Harvey Lindenberg, Phone: (303) 781-0422.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certification Pending).
Contractor/Supervisor Annual Review (Certification Pending).
Inspector/Management Planner (Certification Pending).
Inspector/Management Planner Annual Review (Certification Pending).

(vi)(a) *Training Provider:* U.S. Army Environmental Hygiene Activity - West.

Address: Fitzsimons Army Medical Center, Aurora, CO 80045-5001, Contact: Wendell C. King, Phone: (303) 361-6881.

(b) *Approved Courses:*

Abatement Worker (Certified 12/20/89).
Contractor/Supervisor (Certified 12/20/89).

Delaware

(4)(a) *State Agency:* Delaware Dept. of Administrative Services, Address: O'Neill Building, P.O. Box 1401, Dover, DE 19903, Contact: Robert Foster, Phone: (302) 736-5644.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 8/14/89).
Contractor/Supervisor (full from 8/14/89).

(i)(a) *Training Provider:* Delaware Technical & Community College, Stanton Campus.

Address: Churchman Center, Churchman's Rd., New Castle, DE 19804, Contact: Fritz Kin, Phone: (302) 323-9602.

(b) *Approved Courses:*

Abatement Worker (Certified 4/1/88).
Abatement Worker Annual Review (Certified 5/5/89).
Contractor/Supervisor (Certified 4/1/88).
Contractor/Supervisor Annual Review (Certified 5/5/89).

(ii)(a) *Training Provider:* Delaware Technical & Community College, Terry Campus.

Address: 1832 North Dupont Pkwy., Dover, DE 19901, Contact: David T. Stanley, Phone: (302) 736-5428.

(b) *Approved Courses:*

Abatement Worker (Certified 4/1/88).
Abatement Worker Annual Review (Certified 5/5/89).
Contractor/Supervisor (Certified 4/1/88).
Contractor/Supervisor Annual Review (Certified 5/5/89).

(iii)(a) *Training Provider:* Local Union No. 42 Heat - Pipe & Frost Union.

Address: 1188 River Rd., New Castle, DE 19720, Contact: Robert Holden, Phone: (302) 328-4203.

(b) *Approved Courses:*

Abatement Worker (Certified 3/5/87).
Abatement Worker Annual Review (Certified 3/5/87).
Contractor/Supervisor (Certified 3/5/87).
Contractor/Supervisor Annual Review (Certified 3/5/87).

(iv)(a) *Training Provider:* Local Union No. 626 United Brotherhood of Carpenters and Joiners of America.

Address: 626 Wilmington Road, New Castle, DE 19720, Contact: Robert A. McCullough, Phone: (302) 328-9430 Ext. 9439.

(b) *Approved Courses:*

Abatement Worker (Certified 8/8/90).
Abatement Worker Annual Review (Certified 8/8/90).
Contractor/Supervisor (Certified 8/8/90).
Contractor/Supervisor Annual Review (Certified 8/8/90).

Illinois

(5)(a) *State Agency:* Illinois Department of Public Health Division of Environmental Health, Address: 535 West Jefferson St, Springfield, IL 62761, Contact: R. Cook, Phone: (217) 782-3517.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 3/13/90).
Contractor/Supervisor (full from 3/13/90).
Inspector (full from 3/13/90).
Inspector/Management Planner (full from 3/13/90).
Project Designer (full from 3/13/90).

(i)(a) *Training Provider:* Environmental Group Service LTD (EGSL).

Address: 215 West Huron, Chicago, IL 60610, Contact: Vahooman Mirkaef, Phone: (312) 642-8434.

(b) *Approved Courses:*
Abatement Worker (Certified 5/14/90).
Abatement Worker Annual Review (Certified 5/14/90).
Contractor/Supervisor (Certified 5/14/90).
Contractor/Supervisor Annual Review (Certified 5/14/90).

(ii)(a) *Training Provider:* Ideal & Associate Environmental Engineer Services, Inc.
Address: 1102 South Main St., Bloomington, IL 61702, Contact: James S. Langan, Phone: (309) 828-4259.

(b) *Approved Courses:*
Abatement Worker (Certified 6/15/90).
Abatement Worker Annual Review (Certified 6/15/90).
Contractor/Supervisor (Certified 6/15/90).
Contractor/Supervisor Annual Review (Certified 6/15/90).

(iii)(a) *Training Provider:* Moraine Valley Community College.
Address: 10900 South 88th Ave., Palos Hills, IL 60465, Contact: Dale Luecht, Phone: (708) 974-5735.

(b) *Approved Courses:*
Abatement Worker (Certified 7/27/90).
Abatement Worker Annual Review (Certified 7/27/90).
Contractor/Supervisor (Certified 7/27/90).

(iv)(a) *Training Provider:* The American Center for Educational Developement.
Address: 316 South Wabash Ave., Chicago, IL 60604, Contact: Francine F. Rossi, Phone: (312) 322-2233.

(b) *Approved Courses:*
Abatement Worker (Certified 7/27/90).
Abatement Worker Annual Review (Certified 7/27/90).
Contractor/Supervisor (Certified 7/27/90).
Contractor/Supervisor Annual Review (Certified 7/27/90).

(v)(a) *Training Provider:* The Brand Companies.
Address: 1420 Renaissance Dr., Park Ridge, IL 60068, Contact: Frank Barta, Phone: (708) 298-1200.

(b) *Approved Courses:*
Abatement Worker (Certified 7/2/90).
Abatement Worker Annual Review (Certified 7/2/90).
Contractor/Supervisor (Certified 7/2/90).
Contractor/Supervisor Annual Review (Certified 7/2/90).

Indiana

(6)(a) *State Agency:* Indiana Department of Environmental Management, Office of Air Management, Address: 105 South Meridian St., P.O. Box 6015, Indianapolis, IN 46206-6015, Contact: Debra Dubenetzky, Phone: (317) 232-8373.

(b) *Approved Accreditation Program Disciplines:*
Abatement Worker (full from 11/10/89).
Contractor/Supervisor (full from 11/10/89).
Inspector (full from 11/10/89).
Inspector/Management Planner (full from 11/10/89).
Project Designer (full from 11/10/89).

Iowa

(7)(a) *State Agency:* Iowa Dept. of Education School Facilities Administration & Accreditation, Address: Grimes State Office Bldg., Des Moines, IA 50319-0146, Contact: C. Milton Wilson, Phone: (515) 281-4743.

(b) *Approved Accreditation Program Disciplines:*
Abatement Worker (full from 11/30/87).
Contractor/Supervisor (full from 11/30/87).
Inspector (full from 11/30/87).
Inspector/Management Planner (full from 11/30/87).
Project Designer (full from 11/30/87).

(i)(a) *Training Provider:* Ames Environmental, Inc.
Address: 3910 Lincoln Way, Ames, IA 50010, Contact: Ann Fairchild, Phone: (515) 292-3400.

(b) *Approved Courses:*
Abatement Worker (Certified 1/18/90).
Abatement Worker Annual Review (Certified 1/18/90).
Inspector Annual Review (Certified 12/8/89).

(ii)(a) *Training Provider:* Iowa Electric Light & Power.
Address: Duane Arnold Nuclear Energy Center, 3363 DEAC Rd., Palo, IA 52324, Contact: Robert Tucker, Phone: (319) 851-7574.

(b) *Approved Course:*
Contractor/Supervisor (Certified 10/1/89).

(iii)(a) *Training Provider:* Iowa Environmental Services, Inc.
Address: 820 First St., Suite 200, West Des Moines, IA 50365, Contact: Glenn Soyer, Phone: (515) 279-8042.

(b) *Approved Courses:*
Abatement Worker (Certified 3/27/89).
Contractor/Supervisor (Certified 10/1/89).

(iv)(a) *Training Provider:* Iowa Illinois Thermal Insulation Inc.
Address: P.O. Box 931, Davenport, IA 52805-0931, Contact: Richard H. Knauss, Phone: (319) 324-0685.

(b) *Approved Courses:*
Abatement Worker (Certified 12/1/89).

(v)(a) *Training Provider:* M & W Environmental Consultants, Inc.
Address: RR No. 1 Wells Dr., Canton, IA 61520, Contact: Vahooman Mirkhaef, Phone: (800) 445-8745.

(b) *Approved Course:*
Inspector/Management Planner (Certified 10/1/89).

Kansas

(8)(a) *State Agency:* Kansas Dept. of Health and Environment Asbestos Control Section, Address: Forbes Field Building 740, Topeka, KS 66620-7430, Contact: Gary Miller, Phone: (913) 296-1547.

(b) *Approved Accreditation Program Disciplines:*
Abatement Worker (interim from 11/6/86).*
Abatement Worker (full from 12/16/87).*
Contractor/Supervisor (interim from 11/6/86).
Contractor/Supervisor (full from 12/16/87).

Massachusetts

(9)(a) *State Agency:* Massachusetts Dept. of Labor & Industries; Division of Occupational Hygiene, Address: 1001 Watertown St., West Newton, MA 02165, Contact: Patricia Circone, Phone: (617) 727-3983.

(b) *Approved Accreditation Program Disciplines:*
Abatement Worker (full from 10/30/87).
Contractor/Supervisor (full from 10/30/87).
Inspector (full from 10/30/87).
Inspector/Management Planner (full from 10/30/87).
Project Designer (full from 10/30/87).

(i)(a) *Training Provider:* A & S Training School, Inc.
Address: 99 South Cameron St., Harrisburg, PA 17101, Contact: William I. Roberts, Phone: (717) 257-1360.

(b) *Approved Courses:*
Abatement Worker (Certified 7/31/90).
Abatement Worker Annual Review (Certified 7/31/90).
Contractor/Supervisor (Certified 5/4/88).
Contractor/Supervisor Annual Review (Certified 5/4/89).

(ii)(a) *Training Provider:* Abatement Technical Corporation c/o Ecosystems, Inc.

* Applies only to workers who have taken the Kansas Contractor/Supervisor course and passed the State's worker exam.

Address: 5 North Meadow Rd., Medfield, MA 02052, Contact: Joseph C. Mohen, Phone: (609) 692-0883.

(b) *Approved Courses:*

Abatement Worker (Certified 4/28/88 to 4/28/89 only).
Contractor/Supervisor (Certified 4/28/88 to 4/28/89 only).
Inspector/Management Planner (Certified 4/28/88 to 4/28/89 only).
Project Designer (Certified 4/28/88 to 4/28/89 only).

(iii)(a) *Training Provider:* Asbestos Workers Union Local 43.

Address: 1053 Burts Pit Rd., Northampton, MA 01000, Contact: John Charest, Jr., Phone: (413) 584-0028.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 4/27/90).
Contractor/Supervisor Annual Review (Certified 4/27/90).

(iv)(a) *Training Provider:* Asbestos Workers Union Local No. 6.

Address: 1725 Revere Beach Pkwy., Everett, MA 02149, Contact: James P. McCourt, Phone: (617) 387-2679.

(b) *Approved Courses:*

Abatement Worker (Certified 4/25/88).
Abatement Worker Annual Review (Certified 4/25/89).
Contractor/Supervisor (Certified 4/25/88).
Contractor/Supervisor Annual Review (Certified 4/25/89).

(v)(a) *Training Provider:* Astoria Industries, Inc.

Address: 538 Stewart Ave., Brooklyn, NY 11222, Contact: Gary Dipaolo, Phone: (718) 387-0011.

(b) *Approved Course:*

Abatement Worker (Certified 4/8/88 to 4/8/89 only).

(vi)(a) *Training Provider:* Astral Environmental Assoc.

Address: 3 Adams Lane, Westford, MA 01886, Contact: Dorothy Young, Phone: (508) 692-2070.

(b) *Approved Courses:*

Abatement Worker (Certified 6/5/89).
Abatement Worker Annual Review (Certified 7/13/89).
Contractor/Supervisor (Certified 7/13/89).
Contractor/Supervisor Annual Review (Certified 7/13/89).

(vii)(a) *Training Provider:* BCM Engineering.

Address: 12 Alfred St., Suite 300, Woburn, MA 01801, Contact: Pam Evans, Phone: (617) 935-7080.

(b) *Approved Courses:*

Abatement Worker (Certified 4/28/88).
Inspector/Management Planner (Certified 4/28/88).
Project Designer (Certified 4/28/88).

(viii)(a) *Training Provider:* Balsm Environmental Consultants.

Address: 59 Stiles Rd., Salem, NH 03079, Contact: Dougles Lawson, Phone: (603) 893-0616.

(b) *Approved Courses:*

Inspector/Management Planner (Certified 3/1/90).
Inspector/Management Planner Annual Review (Certified 3/1/90).
Project Designer (Certified 3/1/90).
Project Designer Annual Review (Certified 3/1/90).

(ix)(a) *Training Provider:* Certified Engineering & Testing Co., Inc.

Address: 100 Grossman Dr., Braintree, MA 02184, Contact: Robert Thornburgh, Phone: (617) 849-0111.

(b) *Approved Courses:*

Abatement Worker (Certified 9/26/88).
Abatement Worker Annual Review (Certified 9/26/88).
Contractor/Supervisor (Certified 9/26/88).
Contractor/Supervisor Annual Review (Certified 9/26/88).
Inspector/Management Planner (Certified 9/26/88).
Inspector/Management Planner Annual Review (Certified 9/26/88).
Project Designer (Certified 9/26/88).

(x)(a) *Training Provider:* Community College of Rhode Island.

Address: 1762 Louisquisset Pike, Lincoln, RI 02865, Contact: Richard Tessier, Phone: (401) 333-7060.

(b) *Approved Courses:*

Contractor/Supervisor Annual Review (Certified 2/5/90).
Inspector/Management Planner Annual Review (Certified 8/3/89).

(xi)(a) *Training Provider:* Con-Test, Inc.

Address: P.O. Box 591, East Longmeadow, MA 01028, Contact: Brenda Bolduc, Phone: (413) 525-1198.

(b) *Approved Courses:*

Abatement Worker (Certified 2/25/88).
Abatement Worker Annual Review (Certified 2/25/89).
Contractor/Supervisor (Certified 2/25/88).
Contractor/Supervisor Annual Review (Certified 2/25/89).
Inspector/Management Planner (Certified 2/25/88).
Inspector/Management Planner Annual Review (Certified 2/25/89).
Project Designer (Certified 2/25/88).
Project Designer Annual Review (Certified 2/25/88).

(xii)(a) *Training Provider:* Dennison Environmental, Inc.

Address: 35 Industrial Hwy., Woburn, MA 01880, Contact: Joan Ryan, Phone: (617) 932-9400.

(b) *Approved Courses:*

Abatement Worker (Certified 4/8/88).
Abatement Worker Annual Review (Certified 4/8/89).
Contractor/Supervisor (Certified 4/8/88).
Contractor/Supervisor Annual Review (Certified 4/8/89).
Inspector (Certified 4/8/88).
Inspector/Management Planner Annual Review (Certified 4/8/89).

(xiii)(a) *Training Provider:* ESTRI.

Address: 55 Ferncraft Rd., Suite 201, Danvers, MA 01923, Contact: Martin Leavitt, Phone: (508) 777-8789.

(b) *Approved Courses:*

Abatement Worker (Certified 7/17/89).
Abatement Worker Annual Review (Certified 7/17/89).
Contractor/Supervisor (Certified 7/17/89).
Contractor/Supervisor Annual Review (Certified 7/17/89).
Inspector/Management Planner (Certified 9/12/89).
Inspector/Management Planner Annual Review (Certified 9/12/89).

(xiv)(a) *Training Provider:* EcoSystems, Inc.

Address: 2 Deerwood Rd., Westport, CT 06880, Contact: Richard Doyle, Phone: (203) 226-4421.

(b) *Approved Courses:*

Abatement Worker (Certified 6/13/89).
Contractor/Supervisor (Certified 6/13/89).

(xv)(a) *Training Provider:* Enviromed Services.

Address: 25 Science Park, New Haven, CT 06511, Contact: Lawrence J. Cannon, Phone: (203) 786-5580.

(b) *Approved Courses:*

Abatement Worker (Certified 10/16/89).
Contractor/Supervisor (Certified 10/16/89).
Contractor/Supervisor Annual Review (Certified 10/16/89).

(xvi)(a) *Training Provider:* Environmental Training Corp.

Address: 100 Moody St., Suite 200, Ludlow, MA 01056, Contact: Ann Folta, Phone: (413) 589-1882.

(b) *Approved Courses:*

Abatement Worker (Certified 8/5/88).
Abatement Worker Annual Review (Certified 8/5/89).
Contractor/Supervisor (Certified 8/5/88).
Contractor/Supervisor Annual Review (Certified 8/5/89).

(xvii)(a) *Training Provider:* Environmental Training Services.

Address: 62 - H Montvale Pl., Stoneham, MA 02180, Contact: Maryann Martin, Phone: (617) 279-0855.

(b) *Approved Courses:*

Abatement Worker (Certified 4/8/88).
Abatement Worker Annual Review (Certified 4/8/89).
Contractor/Supervisor (Certified 4/8/88).
Contractor/Supervisor Annual Review (Certified 4/8/89).
Project Designer (Certified 4/8/88).
Project Designer Annual Review (Certified 4/8/89).

(xviii)(a) *Training Provider:* General Physics Corp.

Address: 6700 Alexander Bell Dr., Columbia, MD 21046, Contact: Andy Marsh, Phone: (301) 290-2300.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 9/6/88).
Contractor/Supervisor (Certified 9/6/88).
Contractor/Supervisor Annual Review (Certified 9/6/88).

(xix)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: P.O. Box 307, Lawrence, KS 66046, Contact: Alice Hart, Phone: (800) 346-2860.

(b) *Approved Courses:*

Abatement Worker (Certified 4/25/88).
Abatement Worker Annual Review (Certified 4/25/88).
Contractor/Supervisor (Certified 4/25/88).
Contractor/Supervisor Annual Review (Certified 4/25/88).
Inspector/Management Planner (Certified 4/25/88).
Inspector/Management Planner Annual Review (Certified 4/25/88).
Project Designer (Certified 4/25/88).
Project Designer Annual Review (Certified 4/25/88).

(xx)(a) *Training Provider:* Harvard School of Public Health.

Address: 677 Huntington Ave., Boston, MA 02115, Contact: William A. Burgess, Phone: (617) 732-1171.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 2/25/88).
Inspector/Management Planner (Certified 2/25/88).
Inspector/Management Planner Annual Review (Certified 5/25/89).
Project Designer (Certified 2/25/88).
Project Designer Annual Review (Certified 5/25/89).

(xxi)(a) *Training Provider:* Hygeia, Inc.

Address: 303 Bear Hill Rd., Waltham, MA 02154, Contact: Dr. David Kaplan, Phone: (617) 890-4999.

(b) *Approved Courses:*

Abatement Worker (Certified 8/5/88).
Contractor/Supervisor (Certified 8/5/88).
Inspector/Management Planner (Certified 3/23/90).
Inspector/Management Planner Annual Review (Certified 3/23/90).
Project Designer (Certified 8/5/88).

(xxii)(a) *Training Provider:* Hygienetics, Inc.

Address: 150 Causeway St., Boston, MA 02114, Contact: Marybeth Carver, Phone: (617) 723-4664.

(b) *Approved Courses:*

Abatement Worker (Certified 2/25/89).
Abatement Worker Annual Review (Certified 2/25/89).
Contractor/Supervisor (Certified 2/25/89).
Contractor/Supervisor Annual Review (Certified 2/25/89).
Inspector/Management Planner (Certified 2/25/89).
Inspector/Management Planner Annual Review (Certified 2/25/89).

(xxiii)(a) *Training Provider:* Institute for Environmental Education.

Address: 208 West Cummings Pk., Woburn, MA 01801, Contact: Martin Wood, Phone: (617) 935-0664.

(b) *Approved Courses:*

Abatement Worker (Certified 4/28/88).
Abatement Worker Annual Review (Certified 5/26/89).
Contractor/Supervisor (Certified 4/28/88).
Contractor/Supervisor Annual Review (Certified 5/26/89).
Inspector/Management Planner (Certified 4/28/88).
Inspector/Management Planner Annual Review (Certified 5/26/89).
Project Designer (Certified 4/28/88).
Project Designer Annual Review (Certified 4/28/88).

(xxiv)(a) *Training Provider:* JF Walton & Co.

Address: 201 Marginal St., P.O. Box 6120, Chelsea, MA 02150, Contact: James O'Connor, Phone: (617) 884-0350.

(b) *Approved Courses:*

Abatement Worker (Certified 3/28/88).
Abatement Worker Annual Review (Certified 3/28/89).

(xxv)(a) *Training Provider:* Kaselaan & D'Angelo Associates.

Address: 500 Victory Rd., Suite 270, North Quincy, MA 02171, Contact: Paul Heffernan, Phone: (617) 472-1330.

(b) *Approved Courses:*

Abatement Worker (Certified 2/25/88).
Abatement Worker Annual Review (Certified 2/25/89).
Contractor/Supervisor (Certified 2/25/88).
Contractor/Supervisor Annual Review (Certified 2/25/89).
Inspector/Management Planner (Certified 2/25/88).
Inspector/Management Planner Annual Review (Certified 2/25/89).
Project Designer (Certified 2/25/88).

(xxvi)(a) *Training Provider:* Mystic Air Quality Consultants.

Address: 1085 Buddington Rd., Groton, CT 06340, Contact: Christopher Eident, Phone: (203) 449-8903.

(b) *Approved Courses:*

Abatement Worker (Certified 1/11/89).
Abatement Worker Annual Review (Certified 2/2/90).
Contractor/Supervisor (Certified 1/11/89).
Contractor/Supervisor Annual Review (Certified 1/11/89).
Inspector/Management Planner (Certified 2/2/90).
Inspector/Management Planner Annual Review (Certified 2/2/90).

(xxvii)(a) *Training Provider:* National Asbestos Training Center of Kansas.

Address: 6600 College Blvd., Overland Park, KS 66211, Contact: Lani Himegarner, Phone: (913) 491-0181.

(b) *Approved Courses:*

Abatement Worker (Certified 5/20/88).
Abatement Worker Annual Review (Certified 5/20/89).
Contractor/Supervisor (Certified 5/20/88).
Contractor/Supervisor Annual Review (Certified 5/20/89).

(xxviii)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).

Address: 1126 16th St., NW., Washington, DC 20036, Contact: Scott Schneider, Phone: (202) 887-1980.

(b) *Approved Courses:*

Abatement Worker (Certified 5/10/88).
Contractor/Supervisor (Certified 5/10/88).
Contractor/Supervisor Annual Review (Certified 5/10/89).

(xxix)(a) *Training Provider:* New England Laborers Training Trust Fund.

Address: 37 East St., Hopkinton, MA 01748-2699, Contact: James Merloni, Jr., Phone: (617) 435-6316.

(b) *Approved Courses:*

Abatement Worker (Certified 2/25/88).
Abatement Worker Annual Review (Certified 2/25/89).
Contractor/Supervisor (Certified 2/25/89).

Contractor/Supervisor Annual Review (Certified 8/8/89).

(xxx)(a) *Training Provider:* Northern Asbestos Abatement Co.

Address: 757 A Turnpike St., North Andover, MA 01845, Contact: J. William Vitta, Phone: (508) 681-8711.

(b) *Approved Courses:*

Abatement Worker (Certified 3/18/89 to 4/15/89 **only**).
Abatement Worker Annual Review (Certified 3/18/89 to 4/15/89 **only**).
Contractor/Supervisor (Certified 3/18/89 to 4/15/89 **only**).
Contractor/Supervisor Annual Review (Certified 3/18/89 to 4/15/89 **only**).

(xxxi)(a) *Training Provider:* O'Brien & Gere Engineers, Inc.

Address: 1304 Buckley Rd., Syracuse, NY 13221, Contact: Edwin Tifft, Phone: (315) 451-4700.

(b) *Approved Courses:*

Inspector/Management Planner (Certified 11/7/88).
Project Designer (Certified 11/7/88).

(xxxii)(a) *Training Provider:* Quality Control Services, Inc.

Address: 10 Lowell Junction Rd., Andover, MA 01810, Contact: Ajay Pathak, Phone: (508) 475-0623.

(b) *Approved Courses:*

Abatement Worker (Certified 5/6/88).
Abatement Worker Annual Review (Certified 5/16/89).
Contractor/Supervisor (Certified 5/6/88).
Contractor/Supervisor Annual Review (Certified 5/16/89).

(xxxiii)(a) *Training Provider:* Safety Council of Western Massachusetts.

Address: 90 Berkshire Ave., Springfield, MA 01109, Contact: Tate Berkan, Phone: (413) 737-7908.

(b) *Approved Courses:*

Abatement Worker (Certified 6/21/88).
Abatement Worker Annual Review (Certified 6/21/89).

(xxxiv)(a) *Training Provider:* The Environmental Institute.

Address: 350 Franklin Rd., Suite 300, Marietta, GA 30067, Contact: Bill Ewing, Phone: (404) 425-2000.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 10/28/88).
Contractor/Supervisor Annual Review (Certified 10/28/88).
Inspector/Management Planner (Certified 10/28/88).
Project Designer (Certified 10/28/88).

(xxxv)(a) *Training Provider:* Tufts University Asbestos Information Center.

Address: 474 Boston Ave., Medford, MA 02155, Contact: Anne Chabot, Phone: (617) 381-3531.

(b) *Approved Courses:*

Abatement Worker (Certified 3/16/88).
Abatement Worker Annual Review (Certified 3/16/89).
Contractor/Supervisor (Certified 3/16/88).
Contractor/Supervisor Annual Review (Certified 3/16/89).
Inspector/Management Planner (Certified 3/16/88).
Inspector/Management Planner Annual Review (Certified 3/16/89).
Project Designer (Certified 3/16/88).
Project Designer Annual Review (Certified 3/16/89).

(xxxvi)(a) *Training Provider:* University of Massachusetts Environmental Health & Safety.

Address: N 414 Morrill Science Center, Amherst, MA 01003, Contact: Al Soreuseu, Phone: (413) 545-2682.

(b) *Approved Course:*

Abatement Worker Annual Review (Certified 10/3/89).

(xxxvii)(a) *Training Provider:* Weston-Atc, Inc.

Address: 1635 Pumphrey Ave., Auburn, AL 36830, Contact: Ron Thompson, Phone: (205) 826-6100.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 5/25/89).
Contractor/Supervisor Annual Review (Certified 5/25/89).
Inspector/Management Planner (Certified 5/25/89).
Inspector/Management Planner Annual Review (Certified 5/25/89).
Project Designer (Certified 5/25/89).
Project Designer Annual Review (Certified 5/25/89).

(xxxviii)(a) *Training Provider:* Young Sales Corp.

Address: 1054 Central Industrial Drive, St. Louis, MO 63110, Contact: W. Todd McCane, Phone: (314) 771-3080.

(b) *Approved Course:*

Abatement Worker (Certified 6/13/89).

Michigan

(10)(a) *State Agency:* State of Michigan Dept. of Public Health, Address: 3500 North Logan, P.O. Box 30035, Lansing, MI 48909, Contact: Bill DeLiefde, Phone: (517) 335-8186.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 4/13/89).
Contractor/Supervisor (full from 4/13/89).
Inspector (full from 4/13/89).
Inspector/Management Planner (full from 4/13/89).
Project Designer (full from 4/13/89).

(i)(a) *Training Provider:* Alderink & Associates, Inc.

Address: 3221 3 Miles Rd., NW., Grand Rapids, MI 49504, Contact: David Lutheuhoff, Phone: (616) 791-0730.

(b) *Approved Courses:*

Abatement Worker (Certified 11/28/89).
Abatement Worker Annual Review (Certified 11/28/89).
Contractor/Supervisor (Certified 11/28/89).
Contractor/Supervisor Annual Review (Certified 11/28/89).

(ii)(a) *Training Provider:* Asbestos Management, Inc.

Address: 36700 S. Huron Rd., New Boston, MI 48164, Contact: LaDonna Slifco, Phone: (313) 961-6135.

(b) *Approved Courses:*

Abatement Worker (Certified 12/20/89).
Abatement Worker Annual Review (Certified 12/20/89).
Contractor/Supervisor (Certified 12/20/89).
Contractor/Supervisor Annual Review (Certified 12/20/89).
Inspector/Management Planner (Certified 12/20/89).
Inspector/Management Planner Annual Review (Certified 12/20/89).

(iii)(a) *Training Provider:* Asbestos Services Inc.

Address: 9028 Hills Rd., Baroda, MI 49101, Contact: Dennis W Calkins, Phone: (616) 422-2174.

(b) *Approved Courses:*

Abatement Worker (Certified 1/11/90).
Abatement Worker Annual Review (Certified 1/11/90).
Contractor/Supervisor (Certified 1/11/90).
Contractor/Supervisor Annual Review (Certified 1/11/90).

(iv)(a) *Training Provider:* Asbestos Workers Local 25.

Address: 29200 Vasser, Livonia, MI 48152, Contact: Dan A. Somenauer, Phone: (313) 471-1007.

(b) *Approved Courses:*

Abatement Worker (Certified 4/25/90).
Abatement Worker Annual Review (Certified 4/25/90).
Contractor/Supervisor (Certified 7/12/90).
Contractor/Supervisor Annual Review (Certified 7/12/90).

(v)(a) *Training Provider:* Asbestos Workers Local 47.

Address: 125 S. Michigan Ave., Room 217, Coldwater, MI 49036, Contact: LaVern Max Bowman, Phone: (517) 279-8054.

(b) *Approved Courses:*

Abatement Worker (Certified 3/20/90).
Abatement Worker Annual Review (Certified 3/20/90).

(vi)(a) *Training Provider:* BDN Industrial Hygiene Consultants.

Address: 8105 Valleywood Ln., Portage, MI 49002, Contact: Brent Bassett, Phone: (616) 329-1237.

(b) *Approved Courses:*

Abatement Worker (Certified 11/13/89).
Abatement Worker Annual Review (Certified 11/13/89).
Contractor/Supervisor (Certified 11/13/89).
Contractor/Supervisor Annual Review (Certified 11/13/89).
Inspector/Management Planner (Certified 12/14/89).
Inspector/Management Planner Annual Review (Certified 4/24/90).

(vii)(a) *Training Provider:* Barton Associates.

Address: 1265 Westport Rd., Ann Arbor, MI 48103, Contact: Sara Bassett, Phone: (313) 665-3681.

(b) *Approved Courses:*

Abatement Worker (Certified 1/19/90).
Abatement Worker Annual Review (Certified 4/5/90).
Contractor/Supervisor (Certified 9/18/89).
Contractor/Supervisor Annual Review (Certified 4/5/90).

(viii)(a) *Training Provider:* Bierlein Demolition.

Address: 2903 S. Graham Rd., Saginaw, MI 48603, Contact: Ramond E. Passeno, Phone: (517) 781-1810.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 11/20/89).
Contractor/Supervisor Annual Review (Certified 11/20/90).

(ix)(a) *Training Provider:* Clayton Environmental Conslt.

Address: 22345 Roethel Dr., Novi, MI 48050, Contact: Charlotte Heideman, Phone: (313) 344-1770.

(b) *Approved Courses:*

Inspector/Management Planner (Certified 2/9/90).
Inspector/Management Planner Annual Review (Certified 1/9/90).

(x)(a) *Training Provider:* Clean Air Management, Inc.

Address: 39319 Plymouth Rd., Livonia, MI 48150, Contact: James Kukalis, Phone: (313) 462-0800.

(b) *Approved Courses:*

Abatement Worker (Certified 5/29/90).
Contractor/Supervisor (Certified 5/29/90).

(xi)(a) *Training Provider:* DeLisle Associates, LTD.

Address: 8225 Moorsbridge Rd., Portage, MI 49002, Contact: Mark DeLisle, Phone: (616) 385-1018.

(b) *Approved Courses:*

Abatement Worker (Certified 12/12/89).
Abatement Worker Annual Review (Certified 12/12/89).
Contractor/Supervisor (Certified 12/12/89).
Contractor/Supervisor Annual Review (Certified 12/12/89).
Inspector/Management Planner (Certified 12/12/89).
Inspector/Management Planner Annual Review (Certified 12/12/89).

(xii)(a) *Training Provider:* Dore & Associates Contracting.

Address: P.O. Box 146, Bay City, MI 48707, Contact: Joseph P. Goldring, Phone: (517) 684-8358.

(b) *Approved Courses:*

Abatement Worker (Certified 5/16/90).
Abatement Worker Annual Review (Certified 4/26/90).
Contractor/Supervisor (Certified 5/16/90).
Contractor/Supervisor Annual Review (Certified 4/26/90).

(xiii)(a) *Training Provider:* EMU Corporate Services.

Address: 3075 Washtenaw Ave., Ypsilanti, MI 48197, Contact: Bertrand Ramsay, Phone: (313) 487-2259.

(b) *Approved Courses:*

Abatement Worker (Certified 1/5/90).
Abatement Worker Annual Review (Certified 11/1/89).
Contractor/Supervisor (Certified 1/5/90).
Contractor/Supervisor Annual Review (Certified 1/5/90).
Inspector/Management Planner (Certified 1/5/90).
Inspector/Management Planner Annual Review (Certified 1/5/90).

(xiv)(a) *Training Provider:* ENTELA Engineering Service.

Address: 4020 W. River Dr., Comstock Park, MI 49321, Contact: Bruce H. Connell, Phone: (616) 784-7774.

(b) *Approved Courses:*

Abatement Worker (Certified 9/26/89).
Abatement Worker Annual Review (Certified 12/14/89).
Contractor/Supervisor (Certified 9/26/89).
Contractor/Supervisor Annual Review (Certified 12/14/89).

(xv)(a) *Training Provider:* Environmental & Occupational, Consulting & Training.

Address: 3410 East Cork St., Kalamazoo, MI 49001, Contact: A. Clark Kahn, Phone: (616) 388-6085.

(b) *Approved Courses:*

Abatement Worker (Certified 11/14/89).
Abatement Worker Annual Review (Certified 11/14/89).
Contractor/Supervisor (Certified 11/14/89).
Contractor/Supervisor Annual Review (Certified 11/14/89).

(xvi)(a) *Training Provider:* Environmental Abatement System.

Address: 6416 Ellsworth Rd., Detroit, MI 48238, Contact: Farrell Davis, Phone: (313) 345-3154.

(b) *Approved Courses:*

Abatement Worker (Certified 4/25/90).
Abatement Worker Annual Review (Certified 4/25/90).
Contractor/Supervisor (Certified 4/25/90).
Contractor/Supervisor Annual Review (Certified 4/25/90).

(xvii)(a) *Training Provider:* Environmental Diversified Service.

Address: 24356 Sherwood, Centerline, MI 48015, Contact: John Rempel, Phone: (313) 757-4800.

(b) *Approved Course:*

Abatement Worker (Certified 6/13/90).

(xviii)(a) *Training Provider:* Fibertec Inc.

Address: 700 Abbott Rd., East Lansing, MI 48823, Contact: Matthew H. Frisch, Phone: (517) 351-0345.

(b) *Approved Course:*

Contractor/Supervisor (Certified 10/4/89).

(xix)(a) *Training Provider:* G & H Contracting Assoc.

Address: 300 Acron St., Plainwell, MI 49080, Contact: Gregory G. Moe, Phone: (616) 685-1606.

(b) *Approved Courses:*

Abatement Worker (Certified 12/20/89).
Contractor/Supervisor (Certified 12/20/89).

(xx)(a) *Training Provider:* Hall-Kimbrell Environ Services.

Address: 4840 W. 15th St., Lawrence, KS 66044, Contact: Alice Hart, Phone: (800) 346-2860.

(b) *Approved Courses:*

Abatement Worker (Certified 4/2/90).
Abatement Worker Annual Review (Certified 4/2/90).
Contractor/Supervisor (Certified 4/2/90).
Contractor/Supervisor Annual Review (Certified 4/2/90).

(xxi)(a) *Training Provider:* Howard Abatement Inc.

Address: 25415 Glendale Ave., Redford, MI 48239, Contact: William R. Wyler, Phone: (313) 537-4974.

(b) *Approved Courses:*

Abatement Worker (Certified 5/29/90).
Contractor/Supervisor (Certified 5/29/90).

(xxii)(a) *Training Provider:* Industrial Environmental Consulting.

Address: 2875 Northwind, E. Lansing, MI 48823, Contact: Michael Tillotson, Phone: (517) 332-7026.

(b) *Approved Courses:*

Abatement Worker (Certified 1/2/90).
Abatement Worker Annual Review (Certified 1/2/90).
Contractor/Supervisor (Certified 1/2/90).
Contractor/Supervisor Annual Review (Certified 1/2/90).
Inspector/Management Planner (Certified 1/2/90).
Inspector/Management Planner Annual Review (Certified 1/2/90).

(xxiii)(a) *Training Provider:* Jensen Environmental & Training.

Address: 651 Fisher Rd., Grosse Pointe, MI 48230, Contact: Leonard L. Jensen, Phone: (313) 882-2021.

(b) *Approved Courses:*

Abatement Worker (Certified 5/7/90).
Abatement Worker Annual Review (Certified 8/25/89).
Contractor/Supervisor (Certified 5/7/90).
Contractor/Supervisor Annual Review (Certified 8/25/89).
Inspector/Management Planner Annual Review (Certified 6/25/90).

(xxiv)(a) *Training Provider:* Kemron Environmental Services.

Address: 32740 Northwestern Hwy., Farmington Hills, MI 48018, Contact: Henry D. Baier, Phone: (313) 626-2426.

(b) *Approved Courses:*

Abatement Worker (Certified 1/22/90).
Abatement Worker Annual Review (Certified 1/22/90).
Contractor/Supervisor (Certified 1/22/90).
Contractor/Supervisor Annual Review (Certified 1/22/90).
Inspector (Certified 3/15/90).
Inspector Annual Review (Certified 3/15/90).

(xxv)(a) *Training Provider:* Manage Right Asbestos.

Address: 314 W. Genesee Ave., Saginaw, MI 48602, Contact: Mary Margaret Brown, Phone: (517) 753-9290.

(b) *Approved Courses:*

Abatement Worker (Certified 1/2/90).
Contractor/Supervisor (Certified 1/2/90).

(xxvi)(a) *Training Provider:* Michigan Laborers' Training.

Address: 11155 S. Beardslee Rd., Perry, MI 48872, Contact: Edwin H. McDonald, Phone: (517) 625-4919.

(b) *Approved Courses:*

Abatement Worker (Certified 9/21/90).
Abatement Worker Annual Review (Certified 9/21/90).
Contractor/Supervisor (Certified 9/21/90).
Contractor/Supervisor Annual Review (Certified 9/21/90).

(xxvii)(a) *Training Provider:* NTH Consultants, Ltd.

Address: 38955 Hills Tech Drive, Farmington Hills, MI 48331, Contact: Vickie Jo Armstrong, Phone: (313) 553-6300.

(b) *Approved Courses:*

Abatement Worker (Certified 9/14/90).
Abatement Worker Annual Review (Certified 8/6/90).

(xxviii)(a) *Training Provider:* National Asbestos Abatement.

Address: 3080 N Center Rd., Flint, MI 48506, Contact: James Sheaffer, Phone: (313) 736-7911.

(b) *Approved Courses:*

Abatement Worker (Certified 3/20/90).
Abatement Worker Annual Review (Certified 3/20/90).
Contractor/Supervisor (Certified 3/20/90).
Contractor/Supervisor Annual Review (Certified 3/20/90).

(xxix)(a) *Training Provider:* National Training Fund/Workers Institute.

Address: 1126 Sixteenth St., NW., Washington, DC 20036, Contact: Scott Schneider, Phone: (202) 887-1980.

(b) *Approved Courses:*

Abatement Worker (Certified 6/21/90).
Abatement Worker Annual Review (Certified 6/21/90).
Contractor/Supervisor (Certified 6/21/90).
Contractor/Supervisor Annual Review (Certified 6/21/90).

(xxx)(a) *Training Provider:* Northern Safety Consultants.

Address: 1406 Lincoln Ave., Marquette, MI 49855, Contact: Christopher Baker, Phone: (906) 228-5161.

(b) *Approved Courses:*

Abatement Worker (Certified 3/14/90).
Abatement Worker Annual Review (Certified 3/14/90).
Contractor/Supervisor (Certified 3/14/90).
Contractor/Supervisor Annual Review (Certified 3/14/90).
Project Designer (Certified 3/14/90).
Project Designer Annual Review (Certified 3/14/90).

(xxxi)(a) *Training Provider:* Nova Environmental, Inc.

Address: 5340 Plymouth Rd., Suite 210, Ann Arbor, MI 48105, Contact: Kary S. Amin, Phone: (313) 930-0995.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 4/13/90).
Contractor/Supervisor Annual Review (Certified 1/2/90).
Inspector/Management Planner (Certified 9/14/90).
Inspector/Management Planner Annual Review (Certified 12/14/89).

(xxxii)(a) *Training Provider:* Onikepo Inc.

Address: 3843 W. Outer Dr., Detroit, MI 48221, Contact: Constance S. Molette, Phone: (313) 862-9321.

(b) *Approved Courses:*

Abatement Worker (Certified 5/7/90).
Abatement Worker Annual Review (Certified 5/7/90).
Contractor/Supervisor (Certified 5/7/90).

(xxxiii)(a) *Training Provider:* SE MI Coalition on Occ Safety.

Address: 2727 Second Ave., Detroit, MI 48201, Contact: Barbara Boylan, Phone: (313) 961-3345.

(b) *Approved Courses:*

Abatement Worker (Certified 11/28/89).
Abatement Worker Annual Review (Certified 11/28/89).

(xxxiv)(a) *Training Provider:* Sierra Analytical & Consulting.

Address: 307 N. First St., Ann Arbor, MI 48103, Contact: Randy Gamble, Phone: (313) 662-1155.

(b) *Approved Courses:*

Abatement Worker (Certified 3/27/90).
Abatement Worker Annual Review (Certified 3/14/90).
Contractor/Supervisor (Certified 12/18/89).
Contractor/Supervisor Annual Review (Certified 3/14/90).
Inspector (Certified 6/25/90).

(xxxv)(a) *Training Provider:* Summit Abatement Contracting.

Address: 7255 Tower Rd., Battle Creek, MI 49017, Contact: William Morris, Phone: (616) 968-4242.

(b) *Approved Courses:*

Abatement Worker (Certified 11/22/89).
Abatement Worker Annual Review (Certified 11/22/89).
Contractor/Supervisor (Certified 11/22/89).
Contractor/Supervisor Annual Review (Certified 11/22/89).

(xxxvi)(a) *Training Provider:* Testing Engineers & Consultants.

Address: 1333 Rochester Rd., Troy, MI 48099, Contact: Karen Brunch, Phone: (313) 588-6200.

(b) *Approved Courses:*

Abatement Worker (Certified 7/13/90).
Contractor/Supervisor (Certified 12/1/89).
Contractor/Supervisor Annual Review (Certified 6/28/90).

Inspector/Management Planner (Certified 11/13/89).
Inspector/Management Planner Annual Review (Certified 11/13/89).

(xxxvii)(a) *Training Provider:* The Brand Companies, Inc.

Address: 1420 Renaissance Dr., Park Ridge, IL 60068, Contact: Dolores A. Lott, Phone: (708) 298-1200.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 6/27/90).
Contractor/Supervisor Annual Review (Certified 6/27/90).

(xxxviii)(a) *Training Provider:* The Environmental Management.

Address: 314 S. State Ave., Indianapolis, IN 46201, Contact: Joseph Parker, Phone: (317) 269-3618.

(b) *Approved Courses:*

Abatement Worker (Certified 5/16/90).
Abatement Worker Annual Review (Certified 5/16/90).

(xxxix)(a) *Training Provider:* Thermico Inc.

Address: 3405 Centennial Dr., Midland, MI 48640, Contact: Kevin Otis, Phone: (517) 496-2927.

(b) *Approved Courses:*

Abatement Worker (Certified 4/2/90).
Abatement Worker Annual Review (Certified 4/24/90).
Contractor/Supervisor (Certified 4/25/90).
Contractor/Supervisor Annual Review (Certified 4/25/90).

(xl)(a) *Training Provider:* Trust Thermal Systems.

Address: 13109 Schavey Rd., Suite 2 Dewitt, Dewitt, MI 48820, Contact: Thomas J. Lowe, Phone: (517) 669-8834.

(b) *Approved Courses:*

Abatement Worker (Certified 1/8/90).
Abatement Worker Annual Review (Certified 1/8/90).
Contractor/Supervisor (Certified 1/8/90).
Contractor/Supervisor Annual Review (Certified 1/8/90).

(xli)(a) *Training Provider:* Wonder Makers, Inc.

Address: 3101 Darmo, Kalamaoo, MI 49008, Contact: Michael Pinto, Phone: (616) 382-4154.

(b) *Approved Courses:*

Abatement Worker (Certified 11/20/89).
Abatement Worker Annual Review (Certified 11/20/89).
Contractor/Supervisor (Certified 11/20/89).
Contractor/Supervisor Annual Review (Certified 11/20/89).
Inspector/Management Planner (Certified 11/20/89).
Inspector/Management Planner Annual Review (Certified 11/20/89).

Minnesota

(11)(a) *State Agency:* Minnesota Dept. of Health, Division of Environmental Health, Section of Occupational Health, Address: 925 Southeast Delaware St., P.O. Box 59040, Minneapolis, MN 55459-0040, Contact: William A. Fetzner, Phone: (612) 627-5097.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 10/3/88).
Contractor/Supervisor (full from 10/3/88).

(i)(a) *Training Provider:* Applied Environmental Sciences, Inc. (AES).

Address: Minneapolis Business & Tec. Center, Box 220, 511 11th Ave. South, Minneapolis, MN 55415, Contact: Franklin H. Dickson, Phone: (612) 339-5559.

(b) *Approved Courses:*

Abatement Worker (Certified 1/16/90).
Abatement Worker Annual Review (Certified 12/11/89).
Contractor/Supervisor (Certified 1/16/90).
Contractor/Supervisor Annual Review (Certified 12/11/89).

(ii)(a) *Training Provider:* Asbestos Technology & Training, Inc.

Address: 840 Hampden Ave., Suite 110, St. Paul, MN 55114, Contact: James Risimini, Phone: (612) 649-0043.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 12/29/89).
Contractor/Supervisor Annual Review (Certified 12/29/89).

(iii)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: 4840 West 15th St., Lawrence, KS 66049, Contact: Alice M. Hartz, Phone: (800) 346-2860.

(b) *Approved Courses:*

Abatement Worker (Certified 1/12/90).
Abatement Worker Annual Review (Certified 1/12/90).
Contractor/Supervisor (Certified 1/12/90).
Contractor/Supervisor Annual Review (Certified 1/12/90).

(iv)(a) *Training Provider:* Ilse Engineering Inc.

Address: 205 Board of Trade Building, Duluth, MN 55802, Contact: John F. Ilse, Phone: (218) 720-3526.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 1/23/90).
Contractor/Supervisor Annual Review (Certified 1/23/90).

(v)(a) *Training Provider:* Institute for Environmental Assessment, Inc.

Address: 433 Jackson St., Anoka, MN 55303, Contact: Jesse Lee, Phone: (612) 323-9770.

(b) *Approved Courses:*

Abatement Worker (Certified 11/12/89).
Abatement Worker Annual Review (Certified 11/12/89).
Contractor/Supervisor (Certified 11/12/89).
Contractor/Supervisor Annual Review (Certified 11/12/89).

(vi)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local No. 34.

Address: 708 South 10th St., Minneapolis, MN 55404, Contact: Lee Houske, Phone: (612) 332-3216.

(b) *Approved Courses:*

Abatement Worker (Certified 11/2/89).
Abatement Worker Annual Review (Certified 6/27/89).
Contractor/Supervisor (Certified 11/2/89).
Contractor/Supervisor Annual Review (Certified 6/27/89).

(vii)(a) *Training Provider:* Mayhew Environmental Training Associates, Inc. (META).

Address: P.O. Box 1961, Lawrence, KS 66044, Contact: Brad Mayhew/Betty Fenstemaker, Phone: (800) 444-6382.

(b) *Approved Courses:*

Abatement Worker (Certified 3/5/90).
Abatement Worker Annual Review (Certified 3/5/90).
Contractor/Supervisor (Certified 3/5/90).
Contractor/Supervisor Annual Review (Certified 3/5/90).

(viii)(a) *Training Provider:* McNeil Environmental, Inc.

Address: 755 East Cliff Rd., Burnsville, MN 55337, Contact: Philip Allmon, Phone: (612) 890-3452.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 10/22/89).
Contractor/Supervisor Annual Review (Certified 10/22/89).

(ix)(a) *Training Provider:* Midwest Center for Occupational Health & Safety.

Address: 640 Jackson St., St. Paul, MN 55101, Contact: Jeanne F. Ayers, Phone: (612) 221-3992.

(b) *Approved Courses:*

Abatement Worker (Certified 1/22/90).
Abatement Worker Annual Review (Certified 1/22/90).
Contractor/Supervisor (Certified 1/22/90).
Contractor/Supervisor Annual Review (Certified 11/14/89).

(x)(a) *Training Provider:* Midwest Consultants, Inc.

Address: 219 23rd St. North, Box 1708, Fargo, ND 58102, Contact: Jerry Day, Phone: (701) 280-2286.

(b) *Approved Courses:*

Abatement Worker (Certified 4/25/90).
Abatement Worker Annual Review (Certified 4/25/90).

(xi)(a) *Training Provider:* Nova Environmental Services, Inc.

Address: Suite 420, Hazeltine Gates, 1107 Hazeltine Blvd., Chaska, MN 55318, Contact: Deborah S. Green, Phone: (612) 448-9393.

(b) *Approved Courses:*

Abatement Worker (Certified 11/20/89).
Abatement Worker Annual Review (Certified 11/20/89).
Contractor/Supervisor (Certified 11/20/89).
Contractor/Supervisor Annual Review (Certified 11/20/89).

(xii)(a) *Training Provider:* Southwest Technical College.

Address: Continuing Education, SW State University, FT 103, Marshall, MN 53103, Contact: Carole Treadway, Phone: (507) 537-7396.

(b) *Approved Courses:*

Abatement Worker (Certified 4/27/89).
Abatement Worker Annual Review (Certified 7/24/89).
Contractor/Supervisor (Certified 4/27/89).
Contractor/Supervisor Annual Review (Certified 7/24/89).

(xiii)(a) *Training Provider:* The Brand Companies, Inc.

Address: 1420 Renaissance Dr., Park Ridge, IL 60068, Contact: Dolores A. Lott, Phone: (708) 298-1200.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 5/30/90).
Contractor/Supervisor Annual Review (Certified 5/30/90).

(xiv)(a) *Training Provider:* Twin City Area Carpenter's Joint Apprenticeship Committee/United Brotherhood of Carpenters & Joiners.

Address: 2203 County Rd. C2, Roseville, MN 55113, Contact: Gerald W. Setterholm, Phone: (612) 633-8096.

(b) *Approved Courses:*

Abatement Worker (Certified 6/14/89).
Abatement Worker Annual Review (Certified 3/19/90).
Contractor/Supervisor (Certified 6/14/89).
Contractor/Supervisor Annual Review (Certified 3/19/90).

Montana

(12)(a) *State Agency:* Department of Health & Environmental Sciences,

Address: Cogswell Building, Helena, MT 59620, Contact: Adrian C. Howe, Phone: (406) 444-3671.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 5/16/90).
Contractor/Supervisor (full from 5/16/90).
Inspector/Management Planner (full from 5/16/90).
Project Designer (full from 5/16/90).

(i)(a) *Training Provider:* Bison Engineering.

Address: 30 5 Ewing, Helena, MT 59601, Contact: Don Hurst, Phone: (406) 442-5768.

(b) *Approved Courses:*

Abatement Worker (Certified 4/24/90).
Abatement Worker Annual Review (Certified 4/24/90).
Contractor/Supervisor (Certified 4/24/90).
Contractor/Supervisor Annual Review (Certified 4/24/90).

(ii)(a) *Training Provider:* Black Hills Special Services Cooperative.

Address: P.O. Box 218, Sturgis, SD 57785, Contact: Randy Morris, Phone: (605) 347-4467.

(b) *Approved Courses:*

Abatement Worker (Certified 8/8/90).
Contractor/Supervisor (Certified 10/5/90).

(iii)(a) *Training Provider:* Brand Companies, Inc.

Address: 1420 Renaissance Dr., Park Ridge, IL 60068, Contact: Dolores Lott, Phone: (708) 298-1200.

(b) *Approved Course:*

Abatement Worker (Certified 1/19/90).

(iv)(a) *Training Provider:* Chen-Northern, Inc.

Address: 600 South 25th St., Billings, MT 59601, Contact: Kathy Smit, Phone: (406) 248-9161.

(b) *Approved Courses:*

Abatement Worker (Certified 1/24/90).
Abatement Worker Annual Review (Certified 2/5/90).
Contractor/Supervisor (Certified 1/24/90).
Contractor/Supervisor Annual Review (Certified 2/5/90).

(v)(a) *Training Provider:* Georgia Tech Research Institute.

Address: Georgia Institute of Technology, Atlanta, GA 30332, Contact: Margaret Ojala, Phone: (404) 894-8078.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 10/5/90).
Contractor/Supervisor Annual Review (Certified 10/5/90).

(vi)(a) *Training Provider:* Hall-Kimbrell.

Address: 3333 Quebec St., Suite 460, Denver, CO 80207, Contact: Perry Ford, Phone: (800) 346-2860.

(b) *Approved Courses:*

Abatement Worker (Certified 4/24/90).
Abatement Worker Annual Review (Certified 4/24/90).
Contractor/Supervisor (Certified 4/24/90).
Contractor/Supervisor Annual Review (Certified 4/24/90).
Inspector/Management Planner (Certified 10/1/90).
Inspector/Management Planner Annual Review (Certified 2/21/90).
Project Designer (Certified 4/26/90).
Project Designer Annual Review (Certified 2/21/90).

(vii)(a) *Training Provider:* Laborer's AGC, Training Program of Montana.

Address: RR2, Box 221-D, Helena, MT 59601, Contact: Dan Holland, Phone: (406) 442-9964.

(b) *Approved Courses:*

Abatement Worker (Certified 1/17/90).
Abatement Worker Annual Review (Certified 1/17/90).

(viii)(a) *Training Provider:* Montana State Council of Carpenters.

Address: P.O. Box 821, Helena, MT 59624, Contact: Bruce Morris, Phone: (406) 442-5256.

(b) *Approved Courses:*

Abatement Worker (Certified 3/1/90).
Abatement Worker Annual Review (Certified 3/1/90).

(ix)(a) *Training Provider:* Rocky Mountain Center.

Address: University of Utah, Bldg. 512, Salt Lake City, UT 84112, Contact: Jeff Lee, Phone: (801) 581-5710.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 6/19/90).
Contractor/Supervisor Annual Review (Certified 6/27/90).
Inspector/Management Planner (Certified 7/27/90).
Inspector/Management Planner Annual Review (Certified 7/27/90).

Nebraska

(13)(a) *State Agency:* Department of Health Division of Asbestos Control,
Address: 301 Centennial Mall South, P.O. Box 95007, Lincoln, NE 68509-5007, Contact: Jacqueline M. Fiedler, Phone: (402) 471-2541.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 5/9/89).

Contractor/Supervisor (full from 5/9/89).
Inspector (full from 5/9/89).
Inspector/Management Planner (full from 5/9/89).
Project Designer (full from 5/9/89).

(i)(a) *Training Provider:* Environmental Salvage, LTD.

Address: 4930 South 23rd St., Omaha, NE 68107, Contact: Lynn Knudtson, Phone: (402) 733-2595.

(b) *Approved Courses:*

Abatement Worker (Certified 3/14/89).
Abatement Worker Annual Review (Certified 8/3/89).
Contractor/Supervisor (Certified 3/14/89).
Contractor/Supervisor Annual Review (Certified 8/3/89).

(ii)(a) *Training Provider:* Institute for Environmental Assessment.

Address: 433 Jackson St., Anoka, MN 55303, Contact: Jesse Lee, Phone: (800) 233-9513.

(b) *Approved Course:*

Contractor/Supervisor Annual Review (Certified 12/19/89).

(iii)(a) *Training Provider:* Insulators & Asbestos Workers Midwest States Health & Training Council.

Address: Route 2, Wahoo, NE 68066, Contact: Ray Richmond, Phone: (402) 443-4810.

(b) *Approved Courses:*

Abatement Worker (Certified 5/22/89).
Abatement Worker Annual Review (Certified 4/12/90).
Contractor/Supervisor (Certified 5/22/89).
Contractor/Supervisor Annual Review (Certified 11/27/89).

(iv)(a) *Training Provider:* National Asbestos Council.

Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact: Tina Smith, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker (Certified 1/31/90).
Abatement Worker Annual Review (Certified 12/15/89).

New Jersey

(14)(a) *State Agency:* State of New Jersey Dept. of Health, Address: CN 360, Trenton, NJ 08625-0360, Contact: James A. Brownlee, Phone: (609) 984-2193.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 6/18/85).
Contractor/Supervisor (full from 6/18/85).

(i)(a) *Training Provider:* A & S Training School, Inc.

Address: 99 South Cameron St., Harrisburg, PA 17101, Contact: Robert Bradshaw/Robyn Brunson, Phone: (717) 257-1360.

(b) *Approved Courses:*

Abatement Worker (Certified 5/20/85).
Contractor/Supervisor (Certified 5/20/85).

(ii)(a) *Training Provider:* Alternative Ways, Inc.

Address: 53 Haddonfield Road, Suite 316, Cherry Hill, NJ 08002, Contact: James Mitchell/Linda Pardi, Phone: (609) 482-1311.

(b) *Approved Courses:*

Abatement Worker (Certified 4/25/85).
Abatement Worker Annual Review (Certified 3/15/90).
Contractor/Supervisor (Certified 4/25/85).
Contractor/Supervisor Annual Review (Certified 3/15/90).

(iii)(a) *Training Provider:* Asbestos Abatement Council, AWCI.

Address: 1600 Cameron St., Alexandria, VA 22314-2705, Contact: Carol Pacquin, Phone: (703) 684-2924.

(b) *Approved Courses:*

Abatement Worker (Certified 6/17/87 to 9/28/89 **only**).
Contractor/Supervisor (Certified 6/17/87 to 9/28/89 **only**).

(iv)(a) *Training Provider:* Asbestos Training Academy, Inc. - NJ.

Address: 218 Cooper Center, Pennsauken, NJ 08109, Contact: Joseph Bower, Phone: (609) 488-9200.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/85).
Abatement Worker Annual Review (Certified 6/6/90).
Contractor/Supervisor (Certified 5/1/85).
Contractor/Supervisor Annual Review (Certified 6/6/90).

(v)(a) *Training Provider:* Asbestos Training Academy, Inc. - NY.

Address: 315 West 36th St., 9th Fl., New York, NY 10018, Contact: Richard Green/Charlotte Hicks, Phone: (212) 971-0370.

(b) *Approved Courses:*

Abatement Worker (Certified 9/20/88 to 9/19/90 **only**).
Contractor/Supervisor (Certified 9/20/88 to 9/19/90 **only**).

(vi)(a) *Training Provider:* Asbestos Training Institute, Inc.

Address: 345 Hudson St., New York, NY 10014, Contact: Jean Bodman/Ron Rominski, Phone: (212) 620-8556.

(b) *Approved Courses:*

Abatement Worker (**Approval Suspended** 4/30/90).
Abatement Worker Annual Review (Certified 5/30/90).
Contractor/Supervisor (**Approval Suspended** 4/30/90).
Contractor/Supervisor Annual Review (Certified 5/30/90).

(vii)(a) *Training Provider:* BCM Eastern, Inc.

Address: One Plymouth Meeting Mall, Plymouth Meeting, PA 19462, Contact: R. Ferguson or C. Sterchak, Phone: (215) 825-3800.

(b) *Approved Courses:*

Abatement Worker (Certified 6/7/87 to 12/13/89 **only**).
Contractor/Supervisor (Certified 6/7/87 to 12/13/89 **only**).

(viii)(a) *Training Provider:* Building Laborers of N.J. - Training Center.

Address: P.O. Box 163, Jamesburg, NJ 08831, Contact: Emmanuel Riggi/Pat Collura, Phone: (201) 521-0200.

(b) *Approved Courses:*

Abatement Worker (Certified 7/19/85).
Abatement Worker Annual Review (Certified 12/5/89).
Contractor/Supervisor (Certified 7/19/85).
Contractor/Supervisor Annual Review (Certified 12/5/89).

(ix)(a) *Training Provider:* Drexel University, Office of Continuing Education.

Address: 32nd & Chestnut Sts., Philadelphia, PA 19104, Contact: Robert T. Ross/Rita Karmiol, Phone: (215) 895-2156.

(b) *Approved Courses:*

Abatement Worker (Certified 4/13/88).
Contractor/Supervisor (Certified 4/13/88).

(x)(a) *Training Provider:* E.I. DuPont DeNemours & Co.

Address: Chamber Works, Deepwater, NJ 08023, Contact: Charles Battle/Jane Layne, Phone: (609) 540-2434.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/86).
Abatement Worker Annual Review (Certified 6/12/89).
Contractor/Supervisor (Certified 5/1/86).
Contractor/Supervisor Annual Review (Certified 6/12/89).

(xi)(a) *Training Provider:* Hazard Management Division of Curtin Management Consultants, Inc.

Address: 47 Midland Ave., Elmwood Park, NJ 07407, Contact: Daniel Curtin/Denise Timmerman, Phone: (201) 796-9589.

(b) *Approved Courses:*

Abatement Worker (Certified 6/3/87).
Contractor/Supervisor (Certified 6/3/87).

(xii)(a) *Training Provider:* Hunter College Asbestos Training Center.

Address: c/o Carpenters Union-No. 455, 1931 Route 22 West, Bound Brook, NJ 08805-1519, Contact: Jack Caravanos/Joseph Marino, Phone: (201) 526-1116.

(b) *Approved Courses:*

Abatement Worker (Certified 8/31/90).
Contractor/Supervisor (Certified 8/31/90).

(xiii)(a) *Training Provider:* IT Corporation.

Address: 17461 Derian Ave., Suite 190, Irvine, CA 92714, Contact: Keith Soesbe, Phone: (714) 261-6441.

(b) *Approved Courses:*

Abatement Worker (Certified 8/29/85 to 9/13/90 **only**).
Contractor/Supervisor (Certified 8/29/85 to 9/13/90 **only**).

(xiv)(a) *Training Provider:* Kaselaan & D'Angelo Associates - NJ.

Address: 515 Grove St., Haddon Heights, NJ 08035, Contact: Jim Capritti/Patricia Cancglin, Phone: (609) 547-6500.

(b) *Approved Courses:*

Abatement Worker (Certified 5/8/85).
Abatement Worker Annual Review (Certified 12/5/89).
Contractor/Supervisor (Certified 5/8/85).
Contractor/Supervisor Annual Review (Certified 12/5/89).

(xv)(a) *Training Provider:* Kaselaan & D'Angelo Associates - NY.

Address: 220 5th Ave; 17th Floor, New York, NY 10001, Contact: L. Fredericks/M. Cox-Abdalla, Phone: (212) 216-6340.

(b) *Approved Courses:*

Abatement Worker (Certified 8/28/89).
Contractor/Supervisor (Certified 8/28/89).

(xvi)(a) *Training Provider:* Local Union No. 14.

Address: 6513 Bustleton Ave., Philadelphia, PA 19149, Contact: James Aikens/Lewis Fitzgerald, Phone: (215) 533-0395.

(b) *Approved Courses:*

Abatement Worker (Certified 8/9/85).
Abatement Worker Annual Review (Certified 11/1/89).
Contractor/Supervisor (Certified 8/9/85).
Contractor/Supervisor Annual Review (Certified 11/1/89).

(xvii)(a) *Training Provider:* Local Union No. 32.

Address: 870 Broadway, Newark, NJ 07104, Contact: Paul Ielmini/John Dwyer, Phone: (201) 485-3626.

(b) *Approved Courses:*

Abatement Worker (Certified 5/8/87).
Abatement Worker Annual Review (Certified 8/14/89).
Contractor/Supervisor (Certified 5/8/87).
Contractor/Supervisor Annual Review (Certified 8/14/89).

(xviii)(a) *Training Provider:* Local Union No. 42.

Address: 1188 River Rd., New Castle, DE 19720, Contact: Joseph Noble, Phone: (302) 328-4203.

(b) *Approved Courses:*

Abatement Worker (Certified 10/30/85).
Abatement Worker Annual Review (Certified 8/23/90).
Contractor/Supervisor (Certified 10/30/85).
Contractor/Supervisor Annual Review (Certified 8/23/90).

(xix)(a) *Training Provider:* Local Union No. 89.

Address: 2733 Nottingham Way, Trenton, NJ 08619, Contact: Charles DaBronzo/John DaBronzo, Phone: (609) 587-0092.

(b) *Approved Courses:*

Abatement Worker (Certified 5/13/86).
Abatement Worker Annual Review (Certified 11/27/89).
Contractor/Supervisor (Certified 5/13/86).
Contractor/Supervisor Annual Review (Certified 11/27/89).

(xx)(a) *Training Provider:* Mid-Atlantic Asbestos Training Center UMDNJ.

Address: 45 Knightsbridge Rd., Piscataway, NJ 08854, Contact: Lee Laustsen/Doris Daneluk, Phone: (201) 463-5062.

(b) *Approved Courses:*

Abatement Worker (Certified 7/1/86).
Abatement Worker Annual Review (Certified 1/17/90).
Contractor/Supervisor (Certified 7/1/86).
Contractor/Supervisor Annual Review (Certified 1/17/90).

(xxi)(a) *Training Provider:* NDI Training Institute.

Address: 7112 Airport Highway, Pennsauken, NJ 08109, Contact: J. Rodney Walton/John O'Brien, Phone: (609) 663-5042.

(b) *Approved Courses:*

Abatement Worker (Certified 9/13/86).
Contractor/Supervisor (Certified 9/13/86).

(xxii)(a) *Training Provider:* National Asbestos Council Training Dept.

Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact: Raymond McQueen, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker (Certified 1/13/87 to 10/3/90 **only**).
Contractor/Supervisor (Certified 1/13/87 to 10/3/90 **only**).

(xxiii)(a) *Training Provider:* National Asbestos Training Institute.

Address: 1776 Bloomsbury Ave., Ocean, NJ 07712, Contact: Doris Adler/Lisa Criscuolo, Phone: (201) 918-0610.

(b) *Approved Courses:*

Abatement Worker (Certified 5/3/85).
Abatement Worker Annual Review (Certified 8/14/89).
Contractor/Supervisor (Certified 5/3/85).
Contractor/Supervisor Annual Review (Certified 8/14/89).

(xxiv)(a) *Training Provider:* National Institute on Abatement Sciences and Technology.

Address: 114 West State St., P.O. Box 1780, Trenton, NJ 08607, Contact: Glenn Phillips, Phone: (800) 422-2836.

(b) *Approved Courses:*

Abatement Worker (Certified 1/16/88 to 10/24/89 **only**).
Contractor/Supervisor (Certified 1/16/88 to 10/24/89 **only**).

(xxv)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).

Address: 1126 16th St., NW., Washington, DC 20036, Contact: Scott Schneider/Matthew Gillen, Phone: (202) 887-1980.

(b) *Approved Courses:*

Abatement Worker (Certified 3/31/89).
Contractor/Supervisor (Certified 3/31/89).

(xxvi)(a) *Training Provider:* Northeastern Analytical Corporation.

Address: 4 Stow Rd., Marlton, NJ 08053, Contact: R. Holwitt/M. Dutkiewicz, Phone: (609) 985-8000.

(b) *Approved Courses:*

Abatement Worker (Certified 5/20/85).
Abatement Worker Annual Review (Certified 6/30/89).
Contractor/Supervisor (Certified 5/20/85).
Contractor/Supervisor Annual Review (Certified 6/30/89).

(xxvii)(a) *Training Provider:* Princeton Testing Laboratory.

Address: 3490 U.S. Rte. 1, Princeton, NJ 08540-3108, Contact: Charles Schneekloth, Phone: (609) 452-9050.

(b) *Approved Courses:*

Abatement Worker (Certified 5/8/85).
Abatement Worker Annual Review (Certified 6/14/89).
Contractor/Supervisor (Certified 5/8/85).

Contractor/Supervisor Annual Review (Certified 6/14/89).

(xxviii)(a) *Training Provider:* Temple University.

Address: CECSA, 12th & Norris St., Philadelphia, PA 19122, Contact: Melvin Denarde/Diane Dymski, Phone: (215) 787-6394.

(b) *Approved Courses:*

Abatement Worker (Certified 11/24/87).
Contractor/Supervisor (Certified 11/24/87).

(xxix)(a) *Training Provider:* White Lung Association - NY.

Address: 12 Warren St., 4th Floor, New York, NY 10007, Contact: Nelson Helu/Barbara Zeluck, Phone: (212) 619-2270.

(b) *Approved Courses:*

Abatement Worker (Certified 9/21/88 to 12/21/89 **only**).
Contractor/Supervisor (Certified 9/28/88 to 12/21/89 **only**).

(xxx)(a) *Training Provider:* White Lung Association of NJ.

Address: 901 Broad St., 2nd Floor, Newark, NJ 07102, Contact: Myles O'Malley/Gregory Camacho, Phone: (201) 824-2623.

(b) *Approved Courses:*

Abatement Worker (Certified 5/21/85).
Contractor/Supervisor (Certified 5/21/85).

North Dakota

(15)(a) *State Agency:* State Dept. of Health & Consolidated Laboratories, Address: 1200 Missouri Ave., Box 5520, Bismark, ND 58505, Contact: Ken Wangler, Phone: (701) 224-2348.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 4/21/89).
Contractor/Supervisor (full from 4/21/89).
Inspector (full from 4/21/89).
Inspector/Management Planner (full from 4/21/89).
Project Designer (full from 4/21/89).

(i)(a) *Training Provider:* Midwest Asbestos Consultants, Inc.

Address: Box 1708, Fargo, ND 58107, Contact: Jerry Day, Phone: (701) 280-2286.

(b) *Approved Courses:*

Abatement Worker (Certified 6/30/89).
Abatement Worker Annual Review (Certified 7/31/89).

(ii)(a) *Training Provider:* Survey Management and Design.

Address: 2605 35th Ave. SW#N9., Fargo, ND 58104, Contact: Peter L. Mehl, Phone: (701) 234-9556.

(b) *Approved Courses:*

Abatement Worker (Certified 6/13/89).
Abatement Worker Annual Review (Certified 1/5/90).
Contractor/Supervisor (Certified 6/13/89).
Contractor/Supervisor Annual Review (Certified 8/10/89).
Inspector/Management Planner (Certified 8/24/89).
Inspector/Management Planner Annual Review (Certified 3/28/90).

(iii)(a) *Training Provider:* University of North Dakota.

Address: University Station, Grand Forks, ND 58201, Contact: Dale Patrick, Phone: (701) 777-3341.

(b) *Approved Courses:*

Abatement Worker (Certified 6/13/89).
Abatement Worker Annual Review (Certified 3/28/90).
Contractor/Supervisor (Certified 6/13/89).
Contractor/Supervisor Annual Review (Certified 3/28/90).

Oregon

(16)(a) *State Agency:* State of Oregon Dept. of Environmental Quality, Address: 811 Southwest Sixth Ave., Portland, OR 97204-1390, Contact: Bruce E. Arnold, Phone: (503) 229-5506.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 9/23/88).
Contractor/Supervisor (full from 9/23/88).

(i)(a) *Training Provider:* Asbestos Training Project Workplace Resources.

Address: 1906 Southeast Pershing St., Portland, OR 97203, Contact: Wendy Wiles, Phone: (503) 233-7707.

(b) *Approved Courses:*

Abatement Worker (Certified 9/23/88).
Contractor/Supervisor (Certified 9/23/89).

(ii)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: 5319 Southwest Westgate, Suite 239, Portland, OR 97221, Contact: Kelly Champion, Phone: (503) 292-9406.

(b) *Approved Courses:*

Abatement Worker (Certified 12/28/88).
Contractor/Supervisor (Certified 9/7/89).

(iii)(a) *Training Provider:* Hazcon, Inc.

Address: 9500 Southwest Barbur, Portland, OR 97219, Contact: Randi Olson, Phone: (503) 244-8045.

(b) *Approved Courses:*

Abatement Worker (Certified 9/23/88).
Contractor/Supervisor (Certified 9/23/88).

(iv)(a) *Training Provider:* Laborers/AGC Apprenticeship & Training Program.

Address: Route 5, Box 325A, Corvallis, OR 97330, Contact: Bill Duke, Phone: (503) 745-5513.

(b) *Approved Courses:*

Abatement Worker (Certified 9/23/88).
Contractor/Supervisor (Certified 9/23/88).

(v)(a) *Training Provider:* Marine & Environmental Testing, Inc.

Address: P.O. Box 1142, Beaverton, OR 97075, Contact: Martin Finkel, Phone: (503) 286-2950.

(b) *Approved Course:*

Abatement Worker (Certified 12/3/88 to 9/18/89 **only**).

(vi)(a) *Training Provider:* NAC Corporation.

Address: 1005 Northwest Galveston, Suite E, Bend, OR 97701, Contact: Dale Schmidt, Phone: (503) 389-9727.

(b) *Approved Courses:*

Abatement Worker (Certified 3/23/89).
Contractor/Supervisor (Certified 4/1/90).

(vii)(a) *Training Provider:* Northwest Envirocon, Inc.

Address: P.O. Box 4638, Vancouver, WA 98682, Contact: Debbie Dunn, Phone: (206) 699-4015.

(b) *Approved Courses:*

Abatement Worker (Certified 12/14/88).
Contractor/Supervisor (Certified 12/14/88).

Rhode Island

(17)(a) *State Agency:* State of Rhode Island & Providence Plantations, Department of Health, Address: 206 Cannon Bldg., Three Capitol Hill, Providence, RI 02908, Contact: William Dundulis, Jr., Phone: (401) 277-3601.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 2/4/86).
Contractor/Supervisor (full from 2/4/86).
Inspector/Management Planner (full from 8/3/89).
Project Designer (full from 8/3/89).

(i)(a) *Training Provider:* A & S Training School, Inc.

Address: 99 South Cameron St., Harrisburg, PA 17101, Contact: William I. Roberts, Phone: (717) 257-1360.

(b) *Approved Course:*

Contractor/Supervisor (Certified 3/31/89).

(ii)(a) *Training Provider:* Analytical Testing Services, Inc.

Address: 180 Weeden St., Pawtucket, RI 02860, Contact: Robert Weisberg, Phone: (401) 723-7978.

(b) *Approved Courses:*
Abatement Worker Annual Review (Certified 12/10/86).
Contractor/Supervisor Annual Review (Certified 12/10/86).

(iii)(a) *Training Provider:* Applied Occupational Health Systems.
Address: 29 River Rd., Suite 18, Concord, NH 03301, Contact: H. Charles Claridge II, Phone: (603) 228-3610.

(b) *Approved Courses:*
Abatement Worker (Certified 6/11/90).
Contractor/Supervisor (Certified 6/11/90).

(iv)(a) *Training Provider:* Asbestos Consulting & Training Systems.
Address: 903 Northwest Sixth Ave., Fort Lauderdale, FL 33311, Contact: James F. Stump, Phone: (305) 524-7208.

(b) *Approved Course:*
Abatement Worker (Certified 11/21/89).

(v)(a) *Training Provider:* Center for Environmental Management-Tufts University.
Address: 474 Boston Ave., Medford, MA 02155, Contact: Brenda Cole, Phone: (617) 381-3531.

(b) *Approved Courses:*
Abatement Worker (Certified 7/1/86).
Abatement Worker Annual Review (Certified 3/31/89).
Contractor/Supervisor (Certified 7/1/86).
Contractor/Supervisor Annual Review (Certified 3/31/89).

(vi)(a) *Training Provider:* Certified Engineering & Testing Co., Inc.
Address: 100 Grossman Dr., Braintree, MA 02184, Contact: Robert Thornburgh, Phone: (617) 849-0111.

(b) *Approved Courses:*
Abatement Worker (Certified 8/22/89).
Abatement Worker Annual Review (Certified 8/22/89).
Contractor/Supervisor (Certified 8/22/89).
Contractor/Supervisor Annual Review (Certified 8/22/89).

(vii)(a) *Training Provider:* Community College of Rhode Island.
Address: 1762 Louisquisset Pk., Lincoln, RI 02865, Contact: Richard Tessier, Phone: (401) 333-7166.

(b) *Approved Courses:*
Abatement Worker (Certified 11/13/87).
Abatement Worker Annual Review (Certified 3/31/89).
Contractor/Supervisor (Certified 3/31/89).
Contractor/Supervisor Annual Review (Certified 3/31/89).

(viii)(a) *Training Provider:* Con-Test Educational Center.
Address: 39 Spruce St., East Longmeadow, MA 01028, Contact: Brenda Bolduc, Phone: (413) 525-1198.

(b) *Approved Courses:*
Abatement Worker (Certified 3/1/86).
Abatement Worker Annual Review (Certified 2/8/89).
Contractor/Supervisor (Certified 3/1/86).
Contractor/Supervisor Annual Review (Certified 2/8/89).

(ix)(a) *Training Provider:* Dennison Environmental, Inc.
Address: 74 Commerce Way, Woburn, MA 01801, Contact: Joan Lion, Phone: (617) 932-9400.

(b) *Approved Courses:*
Abatement Worker (Certified 4/30/89).
Abatement Worker Annual Review (Certified 4/30/89).
Contractor/Supervisor (Certified 4/30/89).
Contractor/Supervisor Annual Review (Certified 4/30/89).

(x)(a) *Training Provider:* Environmed Services, Inc.
Address: 25 Science Park, New Haven, CT 06511, Contact: George Giacco, Jr., Phone: (203) 786-5580.

(b) *Approved Courses:*
Abatement Worker (Certified 9/28/89).
Contractor/Supervisor (Certified 9/28/89).

(xi)(a) *Training Provider:* Environmental Training Services.
Address: 62 - H Montvale Pl., Stoneham, MA 02180, Contact: Maryann Martin, Phone: (617) 279-0855.

(b) *Approved Courses:*
Abatement Worker (Certified 1/23/90).
Abatement Worker Annual Review (Certified 1/23/90).
Contractor/Supervisor (Certified 1/23/90).
Contractor/Supervisor Annual Review (Certified 1/23/90).

(xii)(a) *Training Provider:* Georgia Institute of Technology/GTRI.
Address: 151 6th St., Atlanta, GA 30332, Contact: Mark Demyanek, Phone: (404) 894-3806.

(b) *Approved Courses:*
Abatement Worker (Certified 7/22/88).
Abatement Worker Annual Review (Certified 2/14/89).
Contractor/Supervisor (Certified 7/22/88).
Contractor/Supervisor Annual Review (Certified 2/14/89).

(xiii)(a) *Training Provider:* Harvard School of Public Health.
Address: 677 Huntington Ave., Boston, MA 02115, Contact: Louis DiBerardinis, Phone: (617) 732-1171.

(b) *Approved Courses:*
Abatement Worker (Certification Pending).
Contractor/Supervisor (Certification Pending).

(xiv)(a) *Training Provider:* Heat & Frost Insulation Union Local No. 6.
Address: 56 Roland St., Boston, MA 02129, Contact: Anthony Pistorino, Phone: (617) 625-6666.

(b) *Approved Courses:*
Abatement Worker (Certified 3/2/89).
Contractor/Supervisor (Certified 3/2/89).

(xv)(a) *Training Provider:* Hygeia, Inc.
Address: 303 Bear Hill Rd., Waltham, MA 02154, Contact: Cynthia Whalen, Phone: (617) 890-4999.

(b) *Approved Courses:*
Abatement Worker (Certified 1/31/89).
Abatement Worker Annual Review (Certified 3/6/90).
Contractor/Supervisor (Certified 12/7/89).
Contractor/Supervisor Annual Review (Certified 3/6/90).

(xvi)(a) *Training Provider:* Hygienetics, Inc.
Address: 150 Causeway St., Boston, MA 02114, Contact: Russell Matthews, Phone: (617) 723-4664.

(b) *Approved Courses:*
Abatement Worker (Certified 5/10/89).
Abatement Worker Annual Review (Certified 5/10/89).
Contractor/Supervisor (Certified 5/10/89).
Contractor/Supervisor Annual Review (Certified 5/10/89).

(xvii)(a) *Training Provider:* Institute for Environmental Education.
Address: 208 West Cummings Pk., Woburn, MA 01801, Contact: Lisa Stammer, Phone: (617) 935-7370.

(b) *Approved Courses:*
Abatement Worker (Certified 9/9/87).
Abatement Worker Annual Review (Certified 5/8/89).
Contractor/Supervisor (Certified 9/9/87).
Contractor/Supervisor Annual Review (Certified 5/8/89).

(xviii)(a) *Training Provider:* Mystic Air Quality Consultants.
Address: 1085 Buddington Rd., Groton, CT 06340, Contact: Christopher Eident, Phone: (203) 449-8903.

(b) *Approved Courses:*
Abatement Worker Annual Review (Certified 1/29/90).
Contractor/Supervisor (Certified 1/31/89).
Contractor/Supervisor Annual Review (Certified 1/29/90).

(xix)(a) *Training Provider:* NAACO.

Address: 790 Turnpike St., North Andover, MA 01845, Contact: Martin Levitt, Phone: (508) 681-8711.

(b) *Approved Courses:*

Abatement Worker (Certified 4/28/88).
Abatement Worker Annual Review (Certified 4/3/89).
Contractor/Supervisor Annual Review (Certified 4/3/89).

(xx)(a) *Training Provider:* National Asbestos Council (NAC), Training Dept.

Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact: Tom Laubenthal, Phone: (404) 633-2622.

(b) *Approved Course:*

Abatement Worker (Certified 9/5/86).

(xxi)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).

Address: 1126 16th St., NW., Washington, DC 20036, Contact: Mathew Gillen, Phone: (202) 887-1980.

(b) *Approved Courses:*

Abatement Worker (Certified 1/31/89).
Abatement Worker Annual Review (Certified 1/31/89).
Contractor/Supervisor (Certified 1/31/89).
Contractor/Supervisor Annual Review (Certified 1/31/89).

(xxii)(a) *Training Provider:* New England Laborers Training Trust Fund.

Address: 37 East St., Hopkinton, MA 01748, Contact: James Merloni, Phone: (508) 435-6316.

(b) *Approved Courses:*

Abatement Worker (Certified 7/1/86).
Abatement Worker Annual Review (Certified 2/15/89).
Contractor/Supervisor Annual Review (Certified 2/15/89).

(xxiii)(a) *Training Provider:* Quality Control Services, Inc.

Address: 10 Lowell Junction Rd., Andover, MA 01810, Contact: Ajay Pathak, Phone: (508) 475-0623.

(b) *Approved Courses:*

Abatement Worker (Certified 4/27/88).
Abatement Worker Annual Review (Certified 3/10/89).
Contractor/Supervisor (Certified 4/27/88).
Contractor/Supervisor Annual Review (Certified 3/10/89).

(xxiv)(a) *Training Provider:* Safe Environment Corp.

Address: 100 Moody St., Suite 200, Ludlow, MA 01056, Contact: Anne Folta, Phone: (413) 289-1409.

(b) *Approved Courses:*

Abatement Worker (Certified 1/31/89).
Abatement Worker Annual Review (Certification Pending).
Contractor/Supervisor (Certified 1/31/89).
Contractor/Supervisor Annual Review (Certification Pending).

South Dakota

(18)(a) *State Agency:* Dept. of Water & Natural Resources Division of Air Quality & Solid Waste, Address: Joe Foss Building, 523 East Capitol St., Pierre, SD 57501, Contact: Tammy LeBeau, Phone: (605) 773-3153.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 9/15/88).
Contractor/Supervisor (full from 9/15/88).
Inspector/Management Planner (full from 9/15/88).
Project Designer (full from 9/15/88).

(i)(a) *Training Provider:* ATC Environmental.

Address: 1515 East 10th St., Sioux Falls, SD 57701, Contact: Jim Stout, Phone: (605) 338-0555.

(b) *Approved Courses:*

Abatement Worker (Certified 2/6/90).
Contractor/Supervisor (Certified 2/6/90).
Inspector/Management Planner (Certified 2/6/90).

(ii)(a) *Training Provider:* Asbestos Consulting and Training Systems.

Address: 903 NW. 6th Ave., Fort Lauderdale, FL 33311, Contact: Marl Knick, Phone: (305) 524-7208.

(b) *Approved Courses:*

Abatement Worker (Certified 6/20/90).
Abatement Worker Annual Review (Certified 6/20/90).
Contractor/Supervisor (Certified 6/20/90).
Contractor/Supervisor Annual Review (Certified 6/20/90).

(iii)(a) *Training Provider:* Black Hills Special Services Cooperative.

Address: Box 218, Sturgis, SD 57784, Contact: Steve Miller, Phone: (605) 347-4467.

(b) *Approved Courses:*

Abatement Worker (Certified 3/22/89).
Abatement Worker Annual Review (Certified 8/9/88).
Contractor/Supervisor (Certified 3/22/89).
Contractor/Supervisor Annual Review (Certified 8/9/88).
Inspector/Management Planner (Certified 3/22/89).
Inspector/Management Planner Annual Review (Certified 2/26/90).

(iv)(a) *Training Provider:* Cleveland Environmental Services, Inc.

Address: 1400 Harrison Avenue, P.O. Box 14643, Cleveland, OH 45214, Contact: Eugene B. Rose, Phone: (513) 921-1160.

(b) *Approved Courses:*

Abatement Worker (Certified 9/10/90).
Abatement Worker Annual Review (Certified 9/10/90).

(v)(a) *Training Provider:* Enviro-safe Inc.

Address: P.O. Box 328, Wakonda, SD 57073, Contact: John Mathrol, Phone: (605) 267-2539.

(b) *Approved Courses:*

Abatement Worker (Certified 2/28/89 to 1/1/90 only).
Contractor/Supervisor (Certified 2/28/89 to 1/1/90 only).
Inspector/Management Planner (Certified 2/28/89 to 1/1/90 only).

(vi)(a) *Training Provider:* Fargo - Moorhead Carpenters Joint Apprenticeship & Training Committee.

Address: 3002 1st Ave., N., Fargo, ND 58102, Contact: Raymond Such, Phone: (701) 235-4981.

(b) *Approved Courses:*

Abatement Worker (Certified 4/20/89).
Abatement Worker Annual Review (Certified 4/25/90).
Contractor/Supervisor (Certified 4/20/89).
Contractor/Supervisor Annual Review (Certified 4/25/90).

(vii)(a) *Training Provider:* Fox & Fox, Inc.

Address: 1904 Willow Creek Rd., Casper, WY 82604, Contact: David Fox, Phone: (307) 234-0084.

(b) *Approved Courses:*

Abatement Worker (Certified 1/29/90).
Abatement Worker Annual Review (Certified 1/29/90).
Contractor/Supervisor (Certified 1/29/90).
Contractor/Supervisor Annual Review (Certified 1/29/90).

(viii)(a) *Training Provider:* Iowa Laborers Training Fund.

Address: 5806 Meredith Ave., Suite C, Des Moines, IA 50322, Contact: Jack Jones, Phone: (515) 270-6965.

(b) *Approved Course:*

Abatement Worker (Certified 3/22/88).

(ix)(a) *Training Provider:* National Asbestos Training Center, University of Kansas.

Address: 6600 College Blvd., Suite 315, Overland Park, KS 66211, Contact: Karen Wilson, Phone: (913) 491-0181.

(b) *Approved Courses:*

Abatement Worker (Certified 4/3/90).
Abatement Worker Annual Review (Certified 4/3/90).

Contractor/Supervisor (Certified 4/3/90).
Contractor/Supervisor Annual Review (Certified 4/3/90).
Inspector/Management Planner Annual Review (Certified 4/3/90).

(x)(a) *Training Provider:* Pickering Environmental.

Address: 1750 Madison Ave., Memphis, TN 38104, Contact: David Wright, Phone: (901) 726-0810.

(b) *Approved Course:*

Inspector/Management Planner (Certified 2/8/89).

(xi)(a) *Training Provider:* South Dakota State University, College of Engineering.

Address: P.O. Box 2218, Brookings, SD 57007-0597, Contact: James Ceglian, Phone: (605) 688-4107.

(b) *Approved Courses:*

Abatement Worker (Certified 5/18/88).
Abatement Worker Annual Review (Certified 9/8/88).
Contractor/Supervisor (Certified 5/18/88).
Contractor/Supervisor Annual Review (Certified 9/8/88).
Inspector/Management Planner (Certified 5/18/88).
Inspector/Management Planner Annual Review (Certified 9/8/88).

Utah

(19)(a) *State Agency:* Utah Dept. of Health Bureau of Air Quality, Address: 288 North 1460 West, P.O. Box 16690, Salt Lake City, UT 84116-0690, Contact: F. Burnell Cordner, Phone: (801) 538-6108.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 7/8/89).
Contractor/Supervisor (full from 7/8/89).
Inspector/Management Planner (full from 7/8/89).
Project Designer (full from 7/8/89).

(i)(a) *Training Provider:* Asbestos Training Associates (ATA).

Address: 10256 S. Flanders Road, Sandy, UT 84092, Contact: Joseph B Liqori, Phone: (801) 571-4116.

(b) *Approved Course:*

Contractor/Supervisor (Certified 4/5/90).

(ii)(a) *Training Provider:* JKL Asbestos, Inc.

Address: P.O. Box 406, Lehi, UT 84043, Contact: James K. Libberton, Phone: (801) 768-4231.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 7/2/90).
Contractor/Supervisor Annual Review (Certified 7/2/90).

(iii)(a) *Training Provider:* R.S. Christiansen Asbestos Consultants, Inc.

Address: 4980 Holladay Blvd., Salt Lake City, UT 84117, Contact: Stanley Christiansen, Phone: (801) 277-2323.

(b) *Approved Course:*

Abatement Worker Annual Review (Certified 7/28/89).

(iv)(a) *Training Provider:* Utah Carpenters Joint Apprenticeship & Training Committee.

Address: 2261 S. Redwood Rd., Suite J, Salt Lake City, UT 84119, Contact: Ken Mayne, Phone: (801) 972-5147.

(b) *Approved Courses:*

Abatement Worker (Certified 10/16/89).
Contractor/Supervisor (Certified 10/16/89).

(v)(a) *Training Provider:* Utah Correctional Industries.

Address: P.O. Box 850, Draper, UT 84020-850, Contact: Vic Middleton, Phone: (801) 571-9264.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 9/25/89).
Contractor/Supervisor Annual Review (Certified 4/5/90).

Virginia

(20)(a) *State Agency:* Commonwealth of Virginia Dept. of Commerce, Address: 3600 West Broad St., Richmond, VA 23230-4917, Contact: Peggy J. Wood, Phone: (804) 367-8595.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 7/1/88).
Contractor/Supervisor (full from 7/1/88).
Inspector/Management Planner (full from 7/1/88).
Project Designer (full from 7/1/88).

(i)(a) *Training Provider:* Aerosol Monitoring & Analysis.

Address: The Commons Corporate Center, 1341 Ashton Rd., Suite A, Hanover, MD 21076, Contact: Steve Blizzard, Phone: (800) 221-1745.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 10/18/89).
Contractor/Supervisor (Certified 10/31/89).
Contractor/Supervisor Annual Review (Certified 10/18/89).
Inspector/Management Planner (Certified 10/18/89).

(ii)(a) *Training Provider:* Alice Hamilton Occupational Health Center.

Address: 410 7th St., SE., 2nd Floor, Washington, DC 20003, Contact: Brian Christopher, Phone: (202) 543-0005.

(b) *Approved Courses:*

Abatement Worker (Certified 3/2/88).
Abatement Worker Annual Review (Certified 1/1/89).
Contractor/Supervisor (Certified 3/2/88).
Contractor/Supervisor Annual Review (Certified 1/1/89).
Inspector/Management Planner (Certified 3/2/88).
Inspector/Management Planner Annual Review (Certified 3/1/89).

(iii)(a) *Training Provider:* Asbestos Analytical Association.

Address: 3208-B George Washington Hwy., Portsmouth, VA 23704, Contact: Carol Holden, Phone: (804) 397-0695.

(b) *Approved Courses:*

Abatement Worker (Certified 7/27/88).
Abatement Worker Annual Review (Certified 2/1/89).
Contractor/Supervisor (Certified 7/27/88).
Contractor/Supervisor Annual Review (Certified 2/1/89).
Inspector/Management Planner (Certified 7/27/88).
Inspector/Management Planner Annual Review (Certified 6/1/89).

(iv)(a) *Training Provider:* Asbestos Consulting & Training Systems.

Address: 903 Northwest Sixth Ave., Ft. Lauderdale, FL 33311, Contact: Mark Knick, Phone: (305) 524-7208.

(b) *Approved Courses:*

Abatement Worker (Certified 10/6/89).
Abatement Worker Annual Review (Certified 2/1/90).
Contractor/Supervisor (Certified 10/6/89).
Contractor/Supervisor Annual Review (Certified 2/1/90).

(v)(a) *Training Provider:* Asbestos Removal Corp. of Maryland.

Address: 521-D Pulaski Highway, Joppa, MD 21085, Contact: John Therappas, Phone: (301) 679-6062.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 7/19/90).
Contractor/Supervisor Annual Review (Certified 7/19/90).

(vi)(a) *Training Provider:* Atlantic Environmental Resources.

Address: 10111-B Bacon Dr., Beltsville, MD 20705, Contact: John Profitt, Phone: (301) 595-1737.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 7/19/90).
Contractor/Supervisor Annual Review (Certified 7/19/90).

(vii)(a) *Training Provider:* BCM Engineers, Inc.

Address: 108 St. Anthony St., Mobile, AL 36602, Contact: H. Conrad Freeman, Phone: (205) 433-3981.

(b) *Approved Courses:*

Inspector/Management Planner Annual Review (Certified 9/1/89).
Project Designer Annual Review (Certified 9/1/89).

(viii)(a) *Training Provider:* Biospherics, Inc.

Address: 12051 Indian Creek Ct., Beltsville, MD 20705, Contact: Jean Fisher, Phone: (301) 369-3900.

(b) *Approved Courses:*

Abatement Worker (Certified 9/13/88).
Abatement Worker Annual Review (Certified 4/1/89).
Contractor/Supervisor (Certified 9/13/88).
Contractor/Supervisor Annual Review (Certified 3/1/89).
Inspector/Management Planner (Certified 9/13/88).
Inspector/Management Planner Annual Review (Certified 3/1/89).

(ix)(a) *Training Provider:* Briggs Assoc. Inc.

Address: 8325 Guilford Rd., Suite E, Columbia, MD 21046, Contact: J. Roos Voorhees, Phone: (301) 381-4434.

(b) *Approved Course:*

Abatement Worker (Certification Pending).

(x)(a) *Training Provider:* Critical Environmental.

Address: 5815 Gulf Freeway, Houston, TX 77023, Contact: Ronald F. Dodson, Phone: (713) 921-8921.

(b) *Approved Courses:*

Abatement Worker (Certification Pending).
Contractor/Supervisor (Certification Pending).
Inspector/Management Planner (Certification Pending).

(xi)(a) *Training Provider:* E.I. DuPont DeNemours & Co., Inc.

Address: Spruance Plant, P.O. Box 27001, Richmond, VA 23261, Contact: Clarence Mihal, Phone: (804) 743-2948.

(b) *Approved Courses:*

Abatement Worker (Certified 5/11/88).
Abatement Worker Annual Review (Certified 2/1/89).
Contractor/Supervisor (Certified 5/11/88).
Contractor/Supervisor Annual Review (Certified 6/1/89).

(xii)(a) *Training Provider:* EME, Inc.

Address: P.O. Box 8843, Greensboro, NC 27409, Contact: Russ Luther, Phone: (919) 855-5752.

(b) *Approved Course:*

Abatement Worker (Certified 4/1/90).

(xiii)(a) *Training Provider:* Environmental Specialties, Inc.

Address: P.O. Box 130, Hopewell, VA 23860, Contact: Lewis Stevenson, Phone: (804) 452-1212.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/89).
Abatement Worker Annual Review (Certified 6/1/89).
Contractor/Supervisor (Certified 5/1/89).
Contractor/Supervisor Annual Review (Certified 6/1/89).

(xiv)(a) *Training Provider:* Fluor Daniel.

Address: The Daniel Bldg., 301 North Main St., Greenville, SC 29601, Contact: Rick Florence, Phone: (803) 298-2166.

(b) *Approved Courses:*

Abatement Worker (Certified 6/24/88).
Contractor/Supervisor (Certified 6/24/88).

(xv)(a) *Training Provider:* GST Company.

Address: 1341 Old Freedom Rd., Suite 3B, Mars, PA 16046, Contact: Norma Stanford, Phone: (412) 772-7488.

(b) *Approved Courses:*

Abatement Worker (Certified 6/1/89).
Abatement Worker Annual Review (Certified 7/1/89).
Contractor/Supervisor (Certified 6/1/89).
Contractor/Supervisor Annual Review (Certified 7/1/89).

(xvi)(a) *Training Provider:* Georgia Tech Research Group.

Address: Georgia Tech Institute of Technology, Atlanta, GA 30332, Contact: Vicki H. Ainslie, Phone: (404) 895-3806.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 5/1/89).
Contractor/Supervisor Annual Review (Certified 4/1/89).

(xvii)(a) *Training Provider:* Global Waste System Inc.

Address: Smith Reynolds Airport Hangar 14, Winston Salem, NC 27105, Contact: Carl Reid, Phone: (919) 744-9382.

(b) *Approved Courses:*

Abatement Worker (Certified 3/2/90).
Abatement Worker Annual Review (Certified 3/1/90).
Contractor/Supervisor (Certified 3/2/90).
Contractor/Supervisor Annual Review (Certified 3/1/90).

(xviii)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: 4840 West 15th St., P.O. Box 307, Lawrence, KS 66046, Contact: Steve Davis, Phone: (804) 270-7235.

(b) *Approved Courses:*

Abatement Worker (Certified 5/23/88).
Abatement Worker Annual Review (Certified 6/1/89).
Contractor/Supervisor (Certified 5/23/88).
Contractor/Supervisor Annual Review (Certified 6/1/89).
Inspector/Management Planner Annual Review (Certified 2/1/90).

(xix)(a) *Training Provider:* Harman Engineering Associates, Inc.

Address: 1550 Pumphrey Ave., Auburn, AL 36830, Contact: Dave Schrimsher, Phone: (205) 821-9250.

(b) *Approved Course:*

Abatement Worker (Certified 9/21/89).

(xx)(a) *Training Provider:* Hazard Abatement Consultants.

Address: 5 Breechwood Rd., Hampton, VA 23666, Contact: Thomas Priesman, Phone: (804) 825-0302.

(b) *Approved Course:*

Abatement Worker (Certified 6/1/89).

(xxi)(a) *Training Provider:* Ind-Tra-Co., Ltd.

Address: 511 W. Grace St., Richmond, VA 23220, Contact: Ernest Drew, Phone: (804) 648-7836.

(b) *Approved Courses:*

Abatement Worker (Certified 3/7/88).
Abatement Worker Annual Review (Certified 3/1/89).
Contractor/Supervisor (Certified 3/7/88).
Contractor/Supervisor Annual Review (Certified 3/1/89).
Inspector/Management Planner (Certified 3/7/88).
Inspector/Management Planner Annual Review (Certified 3/1/89).

(xxii)(a) *Training Provider:* Industrial Training & Support Services.

Address: P.O. Box 496, Lightfoot, VA 23090, Contact: Virginia Graham, Phone: (804) 565-3308.

(b) *Approved Courses:*

Abatement Worker (Certified 10/22/88).
Abatement Worker Annual Review (Certified 6/1/89).
Contractor/Supervisor Annual Review (Certified 6/1/89).

(xxiii)(a) *Training Provider:* Institute for Environmental Education.

Address: 208 West Cummings Pk., Woburn, MA 01801, Contact: Lisa Stammer, Phone: (617) 935-0664.

(b) *Approved Courses:*

Abatement Worker (Certification Pending).
Abatement Worker Annual Review (Certified 2/1/90).
Contractor/Supervisor (Certification Pending).

Contractor/Supervisor Annual Review (Certified 12/1/89).
Inspector (Certification Pending).

(xxiv)(a) *Training Provider:* Jenkins Professionals Inc.

Address: 5502 Campbell Blvd., Suite F, Baltimore, MD 21236, Contact: Larry Jenkins, Phone: (301) 529-3553.

(b) *Approved Courses:*

Abatement Worker (Certified 12/27/89).
Contractor/Supervisor (Certified 12/27/89).

(xxv)(a) *Training Provider:* Laborers District Council of Virginia Training Trust Fund.

Address: 4191 Rochambeau Dr., Williamsburg, VA 23185, Contact: Roy Brightwell, Phone: (804) 564-8148.

(b) *Approved Courses:*

Abatement Worker (Certified 8/8/88).
Abatement Worker Annual Review (Certified 6/1/89).

(xxvi)(a) *Training Provider:* META.

Address: P.O. Box 1961, Lawrence, KS 66044, Contact: Katy Nitcher, Phone: (913) 842-6362.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 3/1/90).
Contractor/Supervisor Annual Review (Certified 3/1/90).

(xxvii)(a) *Training Provider:* Marcus Environmental.

Address: 6345 Courthouse Rd., P.O. Box 227, Prince George, VA 23875, Contact: Marshall Marcus, Phone: (804) 733-1855.

(b) *Approved Courses:*

Abatement Worker (Certified 2/13/89).
Contractor/Supervisor (Certified 2/13/89).

(xxviii)(a) *Training Provider:* Maryland Center for Environmental Training-Charles County Community College.

Address: Mitchell Rd., P.O. Box 910, LaPlata, MD 20646-0910, Contact: Jake Bair, Phone: (301) 934-2251.

(b) *Approved Courses:*

Abatement Worker (Certified 5/19/89).
Abatement Worker Annual Review (Certified 6/1/89).
Contractor/Supervisor (Certified 5/19/89).
Contractor/Supervisor Annual Review (Certified 6/1/89).

(xxix)(a) *Training Provider:* Medical College of Virginia, Dept. of Preventive Medicine.

Address: P.O. Box 212, Richmond, VA 23298, Contact: Leonard Vance, Phone: (804) 786-9785.

(b) *Approved Courses:*

Abatement Worker (Certified 12/8/87).
Abatement Worker Annual Review (Certified 4/1/89).
Contractor/Supervisor (Certified 3/8/87).
Contractor/Supervisor Annual Review (Certified 11/1/88).
Inspector/Management Planner (Certified 12/8/87).
Inspector/Management Planner Annual Review (Certified 1/1/89).
Project Designer (Certified 8/25/89).

(xxx)(a) *Training Provider:* Metropolitan Laboratories.

Address: P.O. Box 8921, Norfolk, VA 23503, Contact: Ethel Holmes, Phone: (804) 583-9444.

(b) *Approved Courses:*

Abatement Worker (Certified 8/4/88).
Contractor/Supervisor (Certified 8/4/88).

(xxxi)(a) *Training Provider:* National Asbestos Council, Inc.

Address: 1777 Northeast Expressway, Route 150, Atlanta, GA 30329, Contact: Cynthia Clavon, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker (Certified 3/1/88).
Abatement Worker Annual Review (Certified 10/1/89).

(xxxii)(a) *Training Provider:* Norfolk Shipbuilding & Dry Dock Co.

Address: P.O. Box 2100, Norfolk, VA 23501, Contact: Thomas Beacham, Phone: (804) 494-2940.

(b) *Approved Courses:*

Abatement Worker (Certified 6/15/88).
Abatement Worker Annual Review (Certified 7/1/89).

(xxxiii)(a) *Training Provider:* OMC.

Address: 4451 Parliament Place, Lanham, MD 20706, Contact: Ellen J. Kite, Phone: (301) 306-0632.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 8/17/90).
Contractor/Supervisor (Certified 8/25/89).
Contractor/Supervisor Annual Review (Certified 8/17/90).

(xxxiv)(a) *Training Provider:* Old Dominion University.

Address: Office of Health Sciences, Norfolk, VA 23529, Contact: Shirley Glover, Phone: (804) 683-4256.

(b) *Approved Courses:*

Abatement Worker (Certified 6/8/88).
Abatement Worker Annual Review (Certified 5/1/89).
Contractor/Supervisor (Certified 6/8/88).
Contractor/Supervisor Annual Review (Certified 5/1/89).
Inspector/Management Planner (Certified 6/8/88).
Inspector/Management Planner Annual Review (Certified 4/1/89).

(xxxv)(a) *Training Provider:* Quality Specialties, Inc.

Address: One Westover Park, 501 Westover Ave., Hopewell, VA 23860, Contact: Bowen Hyatt, Phone: (804) 748-9637.

(b) *Approved Course:*

Abatement Worker Annual Review (Certified 7/20/90).

(xxxvi)(a) *Training Provider:* Retra Services.

Address: 200 Oxford Blvd., Allison Park, PA 15101, Contact: David Sarvadi, Phone: (800) 229-8724.

(b) *Approved Courses:*

Abatement Worker (Certified 8/18/89).
Abatement Worker Annual Review (Certified 2/1/90).
Contractor/Supervisor Annual Review (Certified 2/1/90).

(xxxvii)(a) *Training Provider:* Roy F. Weston, Inc.

Address: 1635 Pumphrey Ave., Auburn, AL 36830, Contact: Michael Skotnick, Phone: (205) 826-6100.

(b) *Approved Course:*

Inspector/Management Planner (Certified 12/27/89).

(xxxviii)(a) *Training Provider:* S.G. Brown, Inc.

Address: 2701 Sonic Dr., Virginia Beach, VA 23334, Contact: George Torrence, Phone: (804) 468-0027.

(b) *Approved Courses:*

Abatement Worker (Certified 6/10/88).
Abatement Worker Annual Review (Certified 7/1/89).
Contractor/Supervisor Annual Review (Certified 7/1/89).

(xxxix)(a) *Training Provider:* State Council of Carpenters of Virginia.

Address: 3801 Jefferson Davis Hwy., Richmond, VA 23234, Contact: Frank Hollis, Phone: (804) 275-0701.

(b) *Approved Courses:*

Abatement Worker (Certified 8/31/89).
Contractor/Supervisor (Certified 8/31/89).

(xl)(a) *Training Provider:* The Environmental Institute.

Address: Cobb Corporate Center/300, 350 Franklin Rd., Marietta, GA 30067, Contact: Rachel McCain, Phone: (404) 425-2000.

(b) *Approved Course:*

Contractor/Supervisor Annual Review (Certified 12/1/89).

(xli)(a) *Training Provider:* The Francis L. Greenfield Institute.

Address: Route 6344, P.O. Box 217, Sterling, VA 22170, Contact: Bengamin Bostic, Phone: (703) 450-5950.

(b) *Approved Courses:*

Abatement Worker (Certified 10/10/88).
Abatement Worker Annual Review (Certified 10/1/89).

(xlii)(a) *Training Provider:* The Glaser Company.

Address: 200 Kanawha Terrace, St. Albans, WV 25177, Contact: Gina Silbaugh, Phone: (304) 722-2832.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 6/1/90).
Contractor/Supervisor Annual Review (Certified 6/1/90).

(xliii)(a) *Training Provider:* Tidewater Community College.

Address: VA Beach Campus, 1700 College Cresent, Virginia Beach, VA 23456, Contact: Sam Lamb, Phone: (804) 427-7198.

(b) *Approved Course:*

Abatement Worker (Certified 3/21/89).

(xliv)(a) *Training Provider:* University of Virginia National Asbestos Council Division of Continuing Education.

Address: 106 Midmont Lake, Charlottesville, VA 22903, Contact: Gregory Pels, Phone: (804) 924-7114.

(b) *Approved Course:*

Abatement Worker (Certified 3/7/88).

(xlv)(a) *Training Provider:* Waco, Inc.

Address: 4407 Theodore Green Blvd., White Plains, MD 20695-0740, Contact: Wayne Cooper, Phone: (301) 870-3323.

(b) *Approved Courses:*

Abatement Worker (Certified 10/31/88).
Abatement Worker Annual Review (Certified 2/1/89).
Contractor/Supervisor (Certified 10/31/88).
Contractor/Supervisor Annual Review (Certified 2/1/89).

(xlvi)(a) *Training Provider:* White Lung Association.

Address: 1601 St. Paul St., Baltimore, MD 21202, Contact: James Fite, Phone: (301) 727-6029.

(b) *Approved Courses:*

Inspector/Management Planner (Certified 7/11/88).
Inspector/Management Planner Annual Review (Certified 2/1/90).

Washington

(21)(a) *State Agency:* Washington Department of Labor and Industries, Division of Industrial Safety and Health, Address: 300 West Harrison St., Seattle, WA 98119, Contact: James Catalano, Phone: (206) 281-5325.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (interim from 12/28/87).
Abatement Worker (full from 11/10/89).
Contractor/Supervisor (interim from 12/28/87).
Contractor/Supervisor (full from 11/10/89).

(i)(a) *Training Provider:* Asbestos Training Project/Workplace Resources.

Address: 1906 Southeast Pershing St., Portland, OR 97202, Contact: Wendy Wiles, Phone: (503) 233-7707.

(b) *Approved Courses:*

Abatement Worker (Certified 3/1/88).
Abatement Worker Annual Review (Certified 3/1/88).

(ii)(a) *Training Provider:* Bison Engineering/Research.

Address: 1020 S. 344th No. 204, Federal Way, WA 98003, Contact: Don Hurst, Phone: (206) 838-7261.

(b) *Approved Course:*

Abatement Worker (Certified 5/12/87 to 5/12/89 **only**).

(iii)(a) *Training Provider:* Carpenters-Employers Apprenticeship & Training Trust Fund of Western Washington.

Address: 1709 Hickox Rd., Mt. Vernon, WA 98273, Contact: Emil Lippert, Phone: (206) 428-2933.

(b) *Approved Courses:*

Abatement Worker (Certified 4/23/90).
Abatement Worker Annual Review (Certified 4/23/90).

(iv)(a) *Training Provider:* Chen-Northern, Inc.

Address: 600 South 25th St., P.O. Box 30615, Billings, MT 59107, Contact: Kathleen Smit, Phone: (406) 248-9282.

(b) *Approved Course:*

Abatement Worker (Certified 12/22/88 to 12/22/89 **only**).

(v)(a) *Training Provider:* Enviro-tec, Inc.

Address: 2825 - 152nd Ave. NE., Redmond, WA 98052, Contact: Lawrence Short, Phone: (206) 867-5111.

(b) *Approved Course:*

Abatement Worker (Certified 6/22/88 to 6/22/89 **only**).

(vi)(a) *Training Provider:* Environmental Health Sciences, Inc.

Address: 9 Lake Bellevue Bldg., Suite 104, Bellevue, WA 98005, Contact: Robert Gilmore, Phone: (206) 455-2959.

(b) *Approved Courses:*

Abatement Worker (Certified 3/1/88).
Abatement Worker Annual Review (Certified 3/1/88).
Contractor/Supervisor (Certified 3/1/88).

(vii)(a) *Training Provider:* Environmental Management, Inc.

Address: P.O. Box 91477, Anchorage, AK 99509, Contact: Kenneth Johnson, Phone: (907) 272-8056.

(b) *Approved Course:*

Abatement Worker (Certified 1/1/89 to 1/10/90 **only**).

(viii)(a) *Training Provider:* Environmental Management, Inc.

Address: P.O. Box 363, Wauna, WA 98395, Contact: Ray Donahue, Phone: (206) 857-3222.

(b) *Approved Course:*

Abatement Worker (Certified 1/10/89 to 1/10/90 **only**).

(ix)(a) *Training Provider:* Hall-Kimbrell Environmental Services, Inc.

Address: 5319 SW. Westgate, No. 239, Portland, OR 97221, Contact: Peter Clark, Phone: (503) 292-9406.

(b) *Approved Courses:*

Abatement Worker (Certified 6/1/88).
Abatement Worker Annual Review (Certified 6/1/88).

(x)(a) *Training Provider:* Hazcon, Inc.

Address: 9500 SW. Barbur Blvd., Suite 100, Portland, OR 97219, Contact: Harvey McGill, Phone: (503) 244-8045.

(b) *Approved Courses:*

Abatement Worker (Certified 3/1/88).
Abatement Worker Annual Review (Certified 3/1/88).
Contractor/Supervisor (Certified 11/1/89).

(xi)(a) *Training Provider:* Hazcon, Inc.

Address: 5950 Sixth Ave. S., No. 200, Seattle, WA 98108, Contact: Mike Krause, Phone: (206) 763-7364.

(b) *Approved Courses:*

Abatement Worker (Certified 3/1/86).
Abatement Worker Annual Review (Certified 3/1/86).
Contractor/Supervisor (Certified 11/1/89).

(xii)(a) *Training Provider:* Heavey Engineers, Inc.

Address: P.O. Box 832, Stevenson, WA 98648, Contact: Bernard Heavey, Phone: (509) 427-8936.

(b) *Approved Courses:*

Abatement Worker (Certified 11/7/87 to 8/1/89 **only**).
Abatement Worker Annual Review (Certified 7/1/88 to 8/1/89 **only**).

(xiii)(a) *Training Provider:* Long Services.

Address: 8025 10th Ave. S., P.O. Box C 81435, Seattle, WA 98018-4498, Contact: Michael Cole, Phone: (206) 763-8422.

(b) *Approved Course:*

Abatement Worker (Certified 8/5/85).

(xiv)(a) *Training Provider:* M & M Environmental, Inc.

Address: 3902 N. 34th St., Tacoma, WA 98407, Contact: Mike Reid, Phone: (206) 759-3443.

(b) *Approved Courses:*

Abatement Worker (Certified 9/1/86 to 2/4/90 **only**).
Abatement Worker Annual Review (Certified 1/1/89 to 2/4/90 **only**).

(xv)(a) *Training Provider:* NW Envirocon, Inc.

Address: 285 SW. 41St., Renton, WA 98055, Contact: Matt Johnson, Phone: (206) 251-6033.

(b) *Approved Courses:*

Abatement Worker (Certified 1/1/88).
Abatement Worker Annual Review (Certified 1/1/88).

(xvi)(a) *Training Provider:* NW Envirocon, Inc.

Address: P.O. Box 169, Washoughal, WA 98671, Contact: Ed Hemsley, Phone: (206) 835-8576.

(b) *Approved Courses:*

Abatement Worker (Certified 1/1/88).
Abatement Worker Annual Review (Certified 1/1/88).

(xvii)(a) *Training Provider:* NW Laborers - Employers Training Trust Fund.

Address: 27055 Ohio Ave., Kingston, WA 98346, Contact: Harold Avery, Phone: (206) 297-3035.

(b) *Approved Courses:*

Abatement Worker (Certified 8/1/85).
Abatement Worker Annual Review (Certified 8/1/85).

(xviii)(a) *Training Provider:* NW Washington Painting, Drywall Joint Apprenticeship Committee.

Address: 6770 E. Marginal Way S., Seatle, WA 98108, Contact: Paul Norling, Phone: (206) 762-8332.

(b) *Approved Courses:*

Abatement Worker (Certified 5/25/88 to 6/30/89 **only**).
Abatement Worker Annual Review (Certified 5/25/88 to 6/30/89 **only**).

(xix)(a) *Training Provider:* Oregon, Southern Idaho, Wyoming, SW Washington Apprenticeship.

Address: Route 5, Box 325A, Corvallis, OR 97330, Contact: Larry Porter, Phone: (503) 745-5513.

(b) *Approved Courses:*

Abatement Worker (Certified 9/1/85).
Abatement Worker Annual Review (Certified 9/1/85).

(xx)(a) *Training Provider:* Prezant Associates, Inc.

Address: 711 6th Ave. N., Suite 200, Seattle, WA 98109, Contact: Sue Nelson, Phone: (206) 281-8858.

(b) *Approved Courses:*

Abatement Worker (Certified 6/1/88).
Abatement Worker Annual Review (Certified 6/1/88).
Contractor/Supervisor (Certified 9/1/89).

(xxi)(a) *Training Provider:* Seattle Area Roofers Joint Apprenticeship Committee.

Address: 2800 1st Ave., Rm. 318, Seattle, WA 98121, Contact: Pat Gilliland, Phone: (206) 728-2777.

(b) *Approved Course:*

Abatement Worker (Certified 1/26/90).

Wisconsin

(22)(a) *State Agency:* Department of Health & Social Services Division of Health, Address: 1414 East Washington, Ave., Rm. 117, Madison, WI 53703, Contact: Regina Cowell, Phone: (608) 267-2289.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 11/10/89).
Contractor/Supervisor (full from 11/10/89).
Inspector (full from 11/10/89).
Inspector/Management Planner (full from 11/10/89).
Project Designer (full from 11/10/89).

(i)(a) *Training Provider:* Aerostat Environmental Engineering.

Address: P.O. Box 3096, 2817 Atchison Ave., Lawrence, KS 66046, Contact: Joseph Stimac, Phone: (913) 749-4747.

(b) *Approved Course:*

Project Designer (Certified 4/9/90).

(ii)(a) *Training Provider:* Biological & Environmental Control Laboratories Inc.

Address: 615 Front St., Toledo, OH 43605, Contact: James Burk, Phone: (419) 693-5307.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 4/11/90).
Inspector/Management Planner (Certified 3/28/90).

(iii)(a) *Training Provider:* Brand Companies.

Address: 1420 Renaissance Dr., Park Ridge, IL 60068, Contact: Ann Lot, Phone: (708) 298-1200.

(b) *Approved Course:*

Abatement Worker (Certified 5/8/90).

(iv)(a) *Training Provider:* Daniel J. Hartwig & Associates.

Address: P.O. Box 80, Oregon, WI 53575, Contact: Barb Ellis, Phone: (608) 835-5781.

(b) *Approved Courses:*

Abatement Worker (Certified 6/14/90).
Abatement Worker Annual Review (Certified 3/2/90).
Contractor/Supervisor (Certified 6/14/90).
Contractor/Supervisor Annual Review (Certified 3/2/90).
Inspector/Management Planner (Certified 6/27/90).
Inspector/Management Planner Annual Review (Certified 2/26/90).

(v)(a) *Training Provider:* Environmental Rehab. Inc.

Address: 1030 Parkview Rd., Greenbay, WI 54304, Contact: Randy Lacrosse, Phone: (414) 337-0650.

(b) *Approved Courses:*

Abatement Worker (Certified 4/9/90).
Abatement Worker Annual Review (Certified 4/9/90).

(vi)(a) *Training Provider:* Good Armstrong and Associates.

Address: 7709 West Beloit Rd., Milwaukee, WI 53219, Contact: Bonnie Good, Phone: (414) 541-9740.

(b) *Approved Courses:*

Abatement Worker (Certified 3/29/90).
Abatement Worker Annual Review (Certified 6/1/90).
Contractor/Supervisor (Certified 3/29/90).
Contractor/Supervisor Annual Review (Certified 6/1/90).

(vii)(a) *Training Provider:* Hall-Kimbrell.

Address: 72 Executive Dr., Suite 434, Aurora, IL 60504-8137, Contact: Greg Corder, Phone: (708) 898-9414.

(b) *Approved Courses:*

Abatement Worker (Certified 7/27/90).
Abatement Worker Annual Review (Certified 7/27/90).
Contractor/Supervisor (Certified 7/27/90).
Contractor/Supervisor Annual Review (Certified 7/27/90).

(viii)(a) *Training Provider:* Mayhew Environmental Training Associates, Inc. (META).

Address: 901 Kentucky, Suite 305, P.O. Box 786, Lawrence, KS 66044, Contact: Thomas Mayhew, Phone: (800) 444-6381.

(b) *Approved Courses:*

Abatement Worker (Certified 5/17/90).
Abatement Worker Annual Review (Certified 5/17/90).
Contractor/Supervisor (Certified 5/17/90).
Contractor/Supervisor Annual Review (Certified 8/20/90).

(ix)(a) *Training Provider:* Milwaukee Asbestos Information Center (MACI).

Address: 2224 Kinnickinnic Ave., Milwaukee, WI 53707, Contact: Tom Ortell, Phone: (414) 747-0700.

(b) *Approved Courses:*

Abatement Worker (Certified 7/30/90).
Abatement Worker Annual Review (Certified 4/26/90).
Contractor/Supervisor (Certified 7/30/90).
Contractor/Supervisor Annual Review (Certified 4/26/90).
Project Designer (Certified 8/27/90).
Project Designer Annual Review (Certified 8/27/90).

(x)(a) *Training Provider:* National Asbestos Council (NAC).

Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact: Thomas Laubenthal, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker (Certified 5/9/90).
Abatement Worker Annual Review (Certified 5/9/90).

(xi)(a) *Training Provider:* Northland Environmental Services Inc.

Address: 15 Park Ridge Dr., Stevens Point, WI 54481, Contact: Bob Voborsky, Phone: (715) 341-9699.

(b) *Approved Courses:*

Abatement Worker (Certified 7/11/90).
Abatement Worker Annual Review (Certified 7/11/90).
Contractor/Supervisor (Certified 7/11/90).
Contractor/Supervisor Annual Review (Certified 7/11/90).

(xii)(a) *Training Provider:* Wisconsin Asbestos Advisory Team, Inc. (WAAT).

Address: North 9420 Lakeshore Dr., Van Dyne, WI 54979, Contact: Jerry Martin, Phone: (414) 922-8110.

(b) *Approved Courses:*

Abatement Worker (Certified 4/23/90).
Abatement Worker Annual Review (Certified 4/23/90).
Contractor/Supervisor (Certified 4/6/90).
Contractor/Supervisor Annual Review (Certified 4/9/90).

(xiii)(a) *Training Provider:* Wisconsin Laborers Training Center.

Address: P.O. Box 150, Route 1, Almond, WI 54909, Contact: Dean Jensen, Phone: (715) 366-8221.

(b) *Approved Courses:*

Abatement Worker (Certified 4/2/90).
Abatement Worker Annual Review (Certified 4/2/90).
Contractor/Supervisor (Certified 3/20/90).
Contractor/Supervisor Annual Review (Certified 4/2/90).

EPA-Approved Training Courses

REGION I -- Boston, MA

T3Acting Regional Asbestos Coordinator: T1Greg Roscoe, EPA, Region I, Air and Management Division (APT-2311), JFK Federal Building, Boston, MA 02203. (617) 565-3835, (FTS) 835-3835.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region I training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* Applied Occupational Health Systems.

Address: P.O. Box 894, Concord, NH 03301, Contact: Karen Long, Phone: (603) 228-3610.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/13/90).
Abatement Worker Refresher Course (contingent from 7/20/90).
Contractor/Supervisor (contingent from 3/13/90).
Contractor/Supervisor Refresher Course (contingent from 7/20/90).
Inspector/Management Planner (contingent from 1/29/90).
Inspector/Management Planner Refresher Course (contingent from 7/19/90).

(2)(a) *Training Provider:* Brooks Safe & Sound, Inc.

Address: 44 Codfish Ln., Weston, CT 06883, Contact: Keith Brooks, Phone: (203) 226-6970.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/27/89).
Abatement Worker Refresher Course (contingent from 11/27/89).
Contractor/Supervisor (contingent from 11/27/89).
Contractor/Supervisor Refresher Course (contingent from 11/27/89).
Inspector/Management Planner (contingent from 11/1/89).
Inspector/Management Planner Refresher Course (contingent from 11/1/89).

(3)(a) *Training Provider:* Con-Test, Inc.

Address: P.O. Box 591, East Longmeadow, MA 01028, Contact: Brenda Bolduc, Phone: (413) 525-1198.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/2/87).
Abatement Worker Refresher Course (full from 11/22/88).
Contractor/Supervisor (contingent from 10/2/87).
Contractor/Supervisor Refresher Course (contingent from 10/2/87).
Contractor/Supervisor Refresher Course (full from 12/21/88).
Inspector/Management Planner (contingent from 10/2/87).
Inspector/Management Planner Refresher Course (contingent from 10/2/87).
Inspector/Management Planner Refresher Course (full from 2/1/89).

(4)(a) *Training Provider:* Ecosystems, Inc.

Address: 2 Deerwood Rd., Westport, CT 06880, Contact: Richard Doyle, Phone: (203) 226-4421.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 10/5/87).

(5)(a) *Training Provider:* Enviromed Services, Inc.

Address: 25 Science Park, New Haven, CT 06511, Contact: Lawrence J. Cannon, Phone: (203) 786-5580.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/8/88).
Abatement Worker (full from 1/12/90).
Abatement Worker Refresher Course (contingent from 6/19/89).
Contractor/Supervisor (contingent from 2/23/89).
Contractor/Supervisor (full from 1/12/90).
Contractor/Supervisor Refresher Course (contingent from 6/19/89).
Inspector/Management Planner (contingent from 1/30/89).

(6)(a) *Training Provider:* Environmental Training Services Inc.

Address: 62-H Montvale Pl., Stoneham, MA 02180, Contact: Maryann Martin, Phone: (617) 279-0855.

(b) *Approved Course:*

Abatement Worker (contingent from 4/22/88).

(7)(a) *Training Provider:* Hygienetics, Inc.

Address: 150 Causeway St., Boston, MA 02114, Contact: Mary Beth Carver, Phone: (617) 723-4664.

(b) *Approved Course:*

Inspector (contingent from 10/2/87).

(8)(a) *Training Provider:* Industrial Health & Safety Consultants, Inc.

Address: 915 Bridgeport Ave., Shelton, CT 06484, Contact: Angela D. Rath, Phone: (203) 929-1131.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/15/89).
Abatement Worker Refresher Course (contingent from 6/19/89).
Contractor/Supervisor (contingent from 5/12/89).
Contractor/Supervisor Refresher Course (contingent from 6/19/89).

Inspector/Management Planner (contingent from 11/1/89).
Inspector/Management Planner Refresher Course (contingent from 11/1/89).

(9)(a) *Training Provider:* Institute for Environmental Education.
Address: 208 West Cummings Park, Woburn, MA 01801, Contact: Starla L. Engelhardt, Phone: (617) 935-7370.

(b) *Approved Courses:*
Abatement Worker (contingent from 4/28/88).
Abatement Worker Refresher Course (full from 11/3/88).
Contractor/Supervisor (full from 9/18/87).
Contractor/Supervisor Refresher Course (full from 11/3/88).
Inspector/Management Planner (contingent from 10/2/87).
Inspector/Management Planner Refresher Course (contingent from 10/31/88).
Project Designer (contingent from 2/28/89).
Project Designer (full from 6/7/90).
Project Designer Refresher Course (contingent from 8/8/89).
Project Designer Refresher Course (full from 4/5/90).

(10)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 33.
Address: 15 South Elm St., Wallingford, CT 06492, Contact: Joseph V. Soli, Phone: (203) 265-3547.

(b) *Approved Course:*
Contractor/Supervisor (contingent from 7/27/88).

(11)(a) *Training Provider:* Maine Labor Group on Health, Inc.
Address: P.O. Box V, Augusta, ME 04332-1042, Contact: Diana White, Phone: (207) 622-7823.

(b) *Approved Courses:*
Abatement Worker (contingent from 8/11/87).
Abatement Worker (full from 3/22/90).
Abatement Worker Refresher Course (contingent from 10/17/88).
Abatement Worker Refresher Course (full from 5/25/90).
Contractor/Supervisor (contingent from 5/18/87).
Contractor/Supervisor (full from 3/2/90).
Contractor/Supervisor Refresher Course (full from 3/26/88).

(12)(a) *Training Provider:* New England Laborers Training Trust Fund.
Address: Route 97 & Murdock Rd., P.O. Box 77, Pomfret Center, CT 06259, Contact: Gennaro Lepore, Phone: (203) 974-1455.

(b) *Approved Course:*
Abatement Worker (contingent from 5/25/89).

(13)(a) *Training Provider:* New England Laborers Training Trust Fund.
Address: 37 East St., Hopkinton, MA 01748-2699, Contact: Jim Merloni, Jr., Phone: (617) 435-6316.

(b) *Approved Courses:*
Abatement Worker (contingent from 10/5/87).
Abatement Worker Refresher Course (contingent from 5/20/88).

(14)(a) *Training Provider:* Radiation Safety Associates, Inc.
Address: P.O. Box 107, 10 Pendleton Dr., Hebron, CT 06248, Contact: K. Paul Steinmeyer, Phone: (203) 228-0487.

(b) *Approved Courses:*
Contractor/Supervisor (contingent from 5/16/89).
Inspector/Management Planner (contingent from 5/16/89).

(15)(a) *Training Provider:* Tufts University Asbestos Information Center.
Address: 474 Boston Ave., Medford, MA 02155, Contact: Anne Chabot, Phone: (617) 381-3531.

(b) *Approved Courses:*
Contractor/Supervisor (interim from 9/1/85 to 5/31/87).
Contractor/Supervisor (full from 6/1/87).
Inspector/Management Planner (full from 11/16/87).

REGION II -- Edison, NJ

T3Acting Regional Asbestos Coordinator: T1Albert Kramer, EPA, Region II, 2890 Woodbridge Ave., Raritan Depot, Bldg. 5, (MS-500), Edison, NJ 08837. (201) 321-6793, (FTS) 340-6793.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region II training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* AAC Contracting, Inc.
Address: 243 Paul Rd., Rochester, NY 14624, Contact: Kevin T. Cannan, Phone: (716) 328-7010.

(b) *Approved Courses:*
Abatement Worker (contingent from 5/8/89).
Abatement Worker (full from 1/25/90).

(2)(a) *Training Provider:* ATC Environmental, Inc.
Address: 104 East 25th St., New York, NY 10010, Contact: David V. Chambers, Phone: (212) 353-8280.

(b) *Approved Courses:*
Abatement Worker (full from 11/7/88).
Contractor/Supervisor (full from 11/7/88).
Inspector/Management Planner (contingent from 6/5/88).
Inspector/Management Planner (full from 3/6/89).

(3)(a) *Training Provider:* Abatement Safety Training Institute.
Address: 323 West 39th St., New York, NY 10018, Contact: Rosemarie Bascianilli, Phone: (212) 629-8400.

(b) *Approved Courses:*
Abatement Worker (contingent from 10/25/88).
Abatement Worker (full from 12/11/89).
Contractor/Supervisor (contingent from 10/25/88).
Contractor/Supervisor (full from 2/9/90).
Inspector/Management Planner (contingent from 3/9/88).
Inspector/Management Planner (full from 3/21/88).
Inspector/Management Planner Refresher Course (contingent from 1/11/89).
Inspector/Management Planner Refresher Course (full from 1/30/89).

(4)(a) *Training Provider:* Adelaide Environmental Health Associates.
Address: 61 Front St., Binghamton, NY 13905-4705, Contact: William S. Carter, Phone: (607) 722-6839.

(b) *Approved Course:*
Abatement Worker (contingent from 11/14/88).

(5)(a) *Training Provider:* Albany Environmental Technologies (A.E. Technologies).
Address: P.O. Box 1346, Schenectady, NY 12301, Contact: Kevin Pilgrim, Phone: (518) 374-4801.

(b) *Approved Courses:*
Abatement Worker (contingent from 6/8/89).
Contractor/Supervisor (contingent from 6/8/89).

(6)(a) *Training Provider:* Allegheny Council on Occupational Health.
Address: 100 East Second St., Suite 3, Jamestown, NY 14701, Contact: Linda Berlin, Phone: (716) 488-0720.

(b) *Approved Course:*
Abatement Worker (contingent from 7/26/89).

(7)(a) *Training Provider:* Allwash of Syracuse, Inc.
Address: P.O. Box 605, Syracuse, NY 13201, Contact: Paul D. Watson, Phone: (315) 454-4476.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/16/87).
Abatement Worker (full from 12/7/88).
Abatement Worker Refresher Course (contingent from 12/15/88).
Contractor/Supervisor (contingent from 1/30/89).
Contractor/Supervisor Refresher Course (contingent from 10/17/89).

(8)(a) *Training Provider:* Alternative Ways, Inc. Educational Services.

Address: Barclay Pavilion E, Suite 222, Route 70, Cherry Hill, NJ 08034, Contact: Linda A. Pardi, Phone: (609) 795-1991.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/11/88).
Abatement Worker (full from 12/1/89).
Contractor/Supervisor (contingent from 4/11/88).
Contractor/Supervisor (full from 12/1/89).
Inspector/Management Planner (contingent from 4/22/88).
Inspector/Management Planner (full from 5/26/88).
Inspector/Management Planner Refresher Course (contingent from 1/18/89).
Inspector/Management Planner Refresher Course (full from 2/14/90).

(9)(a) *Training Provider:* Anderson International.

Address: RD 2, North Main Street Extension, Jamestown, NY 14701, Contact: Sally L. Gould, Phone: (716) 664-4028.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/29/88).
Abatement Worker (full from 9/23/90).
Contractor/Supervisor (contingent from 12/29/88).
Contractor/Supervisor (full from 9/24/90).

(10)(a) *Training Provider:* Applied Respiratory Technology.

Address: P.O. Box 399, Hughsonville, NY 12537-0399, Contact: Paul M. Madigan, Phone: (914) 265-4330.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).
Abatement Worker (full from 11/28/88).
Abatement Worker Refresher Course (contingent from 10/19/88).
Contractor/Supervisor (contingent from 8/11/88).
Contractor/Supervisor (full from 11/28/88).
Contractor/Supervisor Refresher Course (contingent from 10/31/88).

(11)(a) *Training Provider:* Asbestos Control Management, Inc.

Address: 126 South Third St., Olean, NY 14760, Contact: Clar D. Anderson, Phone: (716) 372-6393.

(b) *Approved Course:*

Abatement Worker (contingent from 5/5/89).

(12)(a) *Training Provider:* Asbestos Training Academy, Inc.

Address: 218 Cooper Center, Pennsauken, NJ 08109, Contact: S.J. Sieracki, Phone: (609) 488-9200.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/15/88).
Abatement Worker (full from 11/7/88).
Contractor/Supervisor (contingent from 9/15/88).
Contractor/Supervisor (full from 11/7/88).
Inspector (contingent from 4/27/89).
Inspector (full from 1/24/90).

(13)(a) *Training Provider:* Asteco, Inc.

Address: 140 Telegraph Rd., P.O. Box 179, Middleport, NY 14105, Contact: Claudine R. Larocque, Phone: (716) 735-3894.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/88).
Abatement Worker (full from 4/13/88).
Abatement Worker Refresher Course (contingent from 12/20/88).

(14)(a) *Training Provider:* Astoria Industries, Inc.

Address: 538 Stewart Ave., Brooklyn, NY 11222, Contact: Gary DiPaolo, Jr., Phone: (718) 387-0011.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/8/88).
Abatement Worker (full from 4/18/88).
Contractor/Supervisor (contingent from 9/20/89).
Contractor/Supervisor (full from 1/4/90).
Inspector (contingent from 1/18/89).

(15)(a) *Training Provider:* BOCES-Albany-Schoharie-Schenectady Counties.

Address: 47 Cornell Rd., Latham, NY 12110, Contact: Charlene Vespi, Phone: (518) 786-3211.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/20/89).
Abatement Worker (full from 3/7/90).
Abatement Worker Refresher Course (contingent from 7/31/89).
Contractor/Supervisor (contingent from 7/20/89).
Inspector/Management Planner (full from 1/26/90).
Inspector/Management Planner Refresher Course (contingent from 10/6/89).

(16)(a) *Training Provider:* BOCES-Cayuga-Onondaga Counties.

Address: 234 South St. Rd., Auburn, NY 13021, Contact: Peter Pirnie, Phone: (315) 253-0361.

(b) *Approved Course:*

Abatement Worker (contingent from 6/17/88).

(17)(a) *Training Provider:* BOCES-Schuyler, Chemung, Tioga Counties.

Address: 431 Philo Road, Elmira, NY 14903, Contact: L. Eugene Ferro, Phone: (607) 739-3581.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/1/89).
Abatement Worker Refresher Course (contingent from 6/1/89).
Abatement Worker Refresher Course (full from 7/31/90).
Contractor/Supervisor (contingent from 6/1/89).
Contractor/Supervisor Refresher Course (contingent from 6/1/89).
Contractor/Supervisor Refresher Course (full from 7/31/90).
Inspector/Management Planner Refresher Course (contingent from 6/1/89).
Inspector/Management Planner Refresher Course (full from 4/18/90).

(18)(a) *Training Provider:* Board of Cooperative Educational Services (BOCES) No. 3.

Address: 507 Deer Park Rd., Dix Hills, NY 11746, Contact: Ciro Aiello, Phone: (516) 667-6000 Ext. 300.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/6/89).
Abatement Worker (full from 11/27/89).
Contractor/Supervisor (contingent from 2/6/89).

(19)(a) *Training Provider:* Board of Cooperative Educational Services of Rensselaer, Columbia & Green Counties of New York.

Address: Brookview Rd., P.O. Box 26, Brookview, NY 12026, Contact: Paul D. Bowler, Phone: (518) 732-7266.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/10/89).
Abatement Worker (full from 3/22/90).
Inspector/Management Planner (contingent from 4/10/89).

(20)(a) *Training Provider:* Board of Cooperative Educational Services-Suffolk County Boces 2, Adult Occup. & Continuing Ed.

Address: 375 Locust Ave., Oakdale, NY 11769, Contact: Edward J. Milliken, Phone: (516) 563-6159.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/27/89).
Abatement Worker Refresher Course (contingent from 6/16/89).
Abatement Worker Refresher Course (full from 5/17/90).
Contractor/Supervisor (contingent from 3/27/89).
Contractor/Supervisor (full from 5/9/90).
Contractor/Supervisor Refresher Course (contingent from 6/16/89).

(21)(a) *Training Provider:* Branch Services, Inc.

Address: 1255 Lakeland Ave., Bohemia, NY 11716, Contact: Luis Sanders, Phone: (516) 563-7300.

(b) *Approved Course:*

Abatement Worker (contingent from 6/1/89).

(22)(a) *Training Provider:* Buffalo Laborers Training Fund.

Address: 1370 Seneca St., Buffalo, NY 14210-1647, Contact: Victor J. Sansanese, Phone: (716) 825-0883.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/30/88).
Abatement Worker (full from 3/9/90).
Abatement Worker Refresher Course (contingent from 8/8/89).

(23)(a) *Training Provider:* Building Laborers Local Union No. 17.

Address: P.O. Box 252, Vails Gate, NY 12584, Contact: Victor P. Mandia, Phone: (914) 562-1121.

(b) *Approved Course:*

Abatement Worker (contingent from 10/31/88).

(24)(a) *Training Provider:* Calibrations, Inc.

Address: 802 Watervliet - Shaker Rd., Latham, NY 12110, Contact: James Percent, Phone: (518) 786-1865.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/28/88).
Abatement Worker (full from 12/5/88).
Abatement Worker Refresher Course (contingent from 3/6/89).
Abatement Worker Refresher Course (full from 9/6/90).
Contractor/Supervisor (contingent from 9/28/88).
Contractor/Supervisor (full from 12/5/88).
Contractor/Supervisor Refresher Course (contingent from 3/6/89).
Inspector/Management Planner (contingent from 9/28/88).
Inspector/Management Planner (full from 1/26/90).
Inspector/Management Planner Refresher Course (contingent from 3/6/89).
Inspector/Management Planner Refresher Course (full from 5/2/90).
Project Designer (full from 5/23/88).
Project Designer Refresher Course (contingent from 3/6/89).

(25)(a) *Training Provider:* Comprehensive Analytical Group.

Address: 147 Midler Park Dr., Syracuse, NY 13206, Contact: Susan Richardson, Phone: (315) 432-1332.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/9/89).
Abatement Worker (full from 2/16/90).
Abatement Worker Refresher Course (contingent from 4/25/89).
Abatement Worker Refresher Course (full from 3/27/90).
Contractor/Supervisor (contingent from 3/29/89).
Contractor/Supervisor (full from 2/16/90).
Contractor/Supervisor Refresher Course (contingent from 5/18/89).
Contractor/Supervisor Refresher Course (full from 3/27/90).
Inspector (contingent from 10/27/89).

(26)(a) *Training Provider:* Ecology & Environment, Inc.

Address: Buffalo Corporate Center, 368 Pleasantview Dr., Lancaster, NY 14086, Contact: Thomas G. Siener, Phone: (716) 684-8060.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 4/7/89).

(27)(a) *Training Provider:* Education & Training Fund Laborers' Local No. 91.

Address: 2556 Seneca Ave., Niagra Falls, NY 14305, Contact: Joel Cicero, Phone: (716) 297-6001.

(b) *Approved Courses:*

Abatement Worker (full from 7/27/87).
Abatement Worker Refresher Course (contingent from 10/20/88).
Abatement Worker Refresher Course (full from 10/22/88).

(28)(a) *Training Provider:* Edward O. Watts & Associates.

Address: 1331 North Forest Rd., Suite 340, Buffalo, NY 14221, Contact: Edward O. Watts, Phone: (716) 688-4827.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).
Abatement Worker (full from 1/20/90).
Abatement Worker Refresher Course (contingent from 3/3/89).
Contractor/Supervisor (contingent from 7/12/89).
Contractor/Supervisor (full from 1/20/90).
Contractor/Supervisor Refresher Course (contingent from 3/3/89).

(29)(a) *Training Provider:* General Bldg. Laborer's Local Union No. 66.

Address: 288 Middle Island Rd., Medford, NY 11763, Contact: Peter Purrazzella, Phone: (516) 696-2280.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/10/89).
Abatement Worker (full from 12/1/89).

(30)(a) *Training Provider:* Hazardous Waste Management Corp. Training Center of Buffalo, New York.

Address: 3816 Union Rd., Buffalo, NY 14225-5301, Contact: Donald Larder, Phone: (716) 634-3000.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/31/88).
Contractor/Supervisor (contingent from 10/31/88).

(31)(a) *Training Provider:* Hudson Asbestos Training Institute.

Address: 604 Manhattan Ave., Brooklyn, NY 11222, Contact: Henry Kawiorski, Phone: (718) 383-2656.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/30/89).
Abatement Worker (full from 3/13/89).
Contractor/Supervisor (contingent from 1/30/89).

(32)(a) *Training Provider:* Hunter College Asbestos Training Center.

Address: 425 East 25th St., New York, NY 10010, Contact: Jack Caravanos, Phone: (212) 481-7569.

(b) *Approved Courses:*

Abatement Worker (full from 7/1/88).
Abatement Worker Refresher Course (contingent from 6/20/89).
Contractor/Supervisor (full from 7/1/88).
Contractor/Supervisor Refresher Course (contingent from 6/20/89).
Inspector/Management Planner (contingent from 12/21/89).

(33)(a) *Training Provider:* Hygeia Research & Training.

Address: P.O. Box 4506, Utica, NY 13501, Contact: Richard A. Gigliotti, Phone: (315) 732-8567.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/9/88).
Abatement Worker (full from 5/6/88).
Abatement Worker Refresher Course (contingent from 12/12/88).
Abatement Worker Refresher Course (full from 1/17/90).
Contractor/Supervisor (contingent from 1/26/89).
Contractor/Supervisor (full from 3/8/90).

Contractor/Supervisor Refresher Course (contingent from 12/20/88).
Contractor/Supervisor Refresher Course (full from 1/17/90).

(34)(a) *Training Provider:* Institute of Asbestos Awareness.

Address: 2 Heitz Pl., Suite 1000, Hicksville, NY 11801, Contact: Henry R. Clegg, Phone: (516) 937-1600.

(b) *Approved Courses:*

Abatement Worker (full from 10/24/88 to 10/12/90 **only**).
Abatement Worker Refresher Course (contingent from 3/8/89 to 10/12/90 **only**).
Contractor/Supervisor (full from 10/24/88 to 10/12/90 **only**).
Contractor/Supervisor Refresher Course (contingent from 3/8/89 to 10/12/90 **only**).
Inspector/Management Planner (contingent from 9/28/88 to 10/12/90 **only**).
Inspector/Management Planner (full from 3/2/89 to 10/12/90 **only**).
Inspector/Management Planner Refresher Course (contingent from 3/8/89 to 10/12/90 **only**).
Project Designer (contingent from 9/26/89 to 10/12/90 **only**).

(35)(a) *Training Provider:* Institute of Asbestos Technology Corp.

Address: 5900 Butternut Dr., East Syracuse, NY 13057, Contact: Charles Kirch, Phone: (315) 437-1307.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/18/88).
Abatement Worker (full from 6/27/88).
Abatement Worker Refresher Course (contingent from 12/20/88).
Abatement Worker Refresher Course (full from 6/15/90).
Contractor/Supervisor (contingent from 4/7/89).
Contractor/Supervisor Refresher Course (contingent from 6/8/89).
Inspector/Management Planner (contingent from 10/19/89).
Inspector/Management Planner Refresher Course (contingent from 10/27/89).

(36)(a) *Training Provider:* Kaselaan & D'Angelo Associates, Inc.

Address: 220 Fifth Ave., New York, NY 10001, Contact: Lance Fredericks, Phone: (212) 216-6340.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/15/89).
Abatement Worker (full from 3/16/90).
Contractor/Supervisor (contingent from 3/27/89).
Inspector/Management Planner (contingent from 2/12/88).
Inspector/Management Planner (full from 3/7/88).
Inspector/Management Planner Refresher Course (full from 4/27/89).

(37)(a) *Training Provider:* Korean Asbestos Training Center.

Address: 46-12 Queens Blvd, Long Island City, NY 11104, Contact: Tchang S. Bahrk, Phone: (718) 361-6464.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/11/89).
Abatement Worker (full from 4/25/90).
Abatement Worker Refresher Course (contingent from 5/22/89).
Abatement Worker Refresher Course (full from 4/19/90).
Contractor/Supervisor (contingent from 5/11/89).
Contractor/Supervisor (full from 5/19/90).
Contractor/Supervisor Refresher Course (contingent from 5/22/89).

(38)(a) *Training Provider:* Laborers Local Union No. 214 of Oswego New York & Vicinity Training & Education Fund.

Address: 23 Mitchell St., Oswego, NY 13126, Contact: John T. Shannon, Phone: (315) 343-8553.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/1/88).
Abatement Worker (full from 1/23/89).
Abatement Worker Refresher Course (contingent from 2/15/89).
Contractor/Supervisor (contingent from 10/7/89).

(39)(a) *Training Provider:* Lozier Architects/Engineers.

Address: 600 Perinton Hills, Fairport, NY 14450, Contact: Dyke Coyne, Phone: (716) 223-7610.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/12/89).
Abatement Worker Refresher Course (contingent from 7/12/89).

(40)(a) *Training Provider:* McDonnell-Gamble Environmental Services, Inc.

Address: 444 Park Ave. South, 5th Fl., Suite 503, New York, NY 10016, Contact: Yelena Goodman, Phone: (212) 545-1122.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/15/88).
Abatement Worker (full from 12/5/88).
Abatement Worker Refresher Course (contingent from 8/25/89).
Contractor/Supervisor (contingent from 10/18/88).
Contractor/Supervisor (full from 12/5/88).

(41)(a) *Training Provider:* Monroe Community College of Rochester, New York.

Address: P.O. Box 9720, Rochester, NY 14623-0720, Contact: Dusty Swanger, Phone: (716) 272-9839.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).
Abatement Worker (full from 4/26/89).

(42)(a) *Training Provider:* National Asbestos Training Institute (NATI).

Address: 1776 Bloomsbury Ave., Ocean, NJ 07712, Contact: Doris L. Adler, Phone: (201) 918-0610.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/3/89).
Abatement Worker (full from 12/1/89).
Abatement Worker Refresher Course (contingent from 10/20/89).
Abatement Worker Refresher Course (full from 1/31/90).
Contractor/Supervisor (contingent from 11/3/89).
Contractor/Supervisor (full from 12/1/89).
Contractor/Supervisor Refresher Course (contingent from 10/20/89).
Contractor/Supervisor Refresher Course (full from 1/31/90).
Inspector/Management Planner (contingent from 6/13/88).
Inspector/Management Planner (full from 4/17/89).
Inspector/Management Planner Refresher Course (contingent from 5/25/89).
Inspector/Management Planner Refresher Course (full from 1/31/90).
Project Designer (contingent from 11/3/89).
Project Designer (full from 2/7/90).
Project Designer Refresher Course (contingent from 10/20/89).
Project Designer Refresher Course (full from 7/13/90).

(43)(a) *Training Provider:* National Institute on Abatement Science & Technology (NIAST).

Address: 114 West State St., P.O. Box 1780, Trenton, NJ 08607-1780, Contact: Glenn W. Phillips, Phone: (800) 422-2836.

(b) *Approved Courses:*

Inspector (contingent from 3/8/88).
Inspector (full from 4/11/88).

(44)(a) *Training Provider:* New York University School of Continuing Education.

Address: 11 West 42nd St., New York, NY 10036, Contact: Charles Schwartz, Phone: (212) 790-1647.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/18/89).
Abatement Worker (full from 11/17/89).

Abatement Worker Refresher Course (contingent from 6/8/89).
Contractor/Supervisor (contingent from 5/18/89).
Contractor/Supervisor (full from 11/17/89).
Contractor/Supervisor Refresher Course (contingent from 6/8/89).
Inspector/Management Planner (contingent from 5/18/89).
Inspector/Management Planner (full from 12/8/89).
Inspector/Management Planner Refresher Course (contingent from 6/8/89).
Inspector/Management Planner Refresher Course (full from 3/27/90).
Project Designer (contingent from 5/18/89).
Project Designer (full from 1/10/90).
Project Designer Refresher Course (contingent from 6/8/89).

(45)(a) *Training Provider:* Niagara County Community College.

Address: Corporate Training Center, P.O. Box 70, Lockport, NY 14095, Contact: Eugene Zinni, Phone: (716) 433-1856.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/5/88).
Abatement Worker (full from 1/25/88).
Abatement Worker Refresher Course (contingent from 1/23/89).
Abatement Worker Refresher Course (full from 9/14/90).
Contractor/Supervisor (contingent from 1/5/88).
Contractor/Supervisor (full from 2/19/88).
Contractor/Supervisor Refresher Course (contingent from 2/8/89).
Inspector/Management Planner (contingent from 5/18/88).
Inspector/Management Planner (full from 12/5/88).
Inspector/Management Planner Refresher Course (contingent from 3/6/89).

(46)(a) *Training Provider:* Northeastern Analytical Corporation.

Address: 4 Stow Rd., Marlton, NJ 08053, Contact: Robert Howlitt, Phone: (609) 985-8000.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/17/89).
Abatement Worker Refresher Course (contingent from 8/17/89).
Contractor/Supervisor (contingent from 8/17/89).
Contractor/Supervisor Refresher Course (contingent from 8/17/89).

(47)(a) *Training Provider:* O'Brien & Gere Engineers, Inc.

Address: 5000 Brittonfield Pkwy., P.O. Box 4873, Syracuse, NY 13221, Contact: Michael P. Quirk, Phone: (315) 437-6100.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/19/89).
Abatement Worker (full from 4/10/89).
Abatement Worker Refresher Course (contingent from 9/21/89).
Contractor/Supervisor (contingent from 1/19/89).
Contractor/Supervisor (full from 4/10/89).
Contractor/Supervisor Refresher Course (contingent from 9/21/89).
Inspector/Management Planner (full from 10/27/88).
Inspector/Management Planner Refresher Course (contingent from 2/24/89).
Inspector/Management Planner Refresher Course (full from 1/17/90).

(48)(a) *Training Provider:* Orange/Ulster BOCES Risk Management Dept.

Address: RD 2 Gibson Rd., Goshen, NY 10924, Contact: Arthur J. Lange, Phone: (914) 294-5431.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).
Abatement Worker (full from 5/18/90).
Contractor/Supervisor (contingent from 3/2/89).
Contractor/Supervisor (full from 5/18/90).

(49)(a) *Training Provider:* P.A. Environmental Corp.

Address: 4240-24F Hutchinson River Pkwy. E., Bronx, NY 10475, Contact: Pichai Arjarasumpun, Phone: (212) 379-6716.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/31/89).
Abatement Worker Refresher Course (contingent from 5/31/89).
Contractor/Supervisor (contingent from 5/31/89).
Contractor/Supervisor Refresher Course (contingent from 5/31/89).

(50)(a) *Training Provider:* Paradigm Environmental Services, Inc.

Address: 961 Lyell Ave., Building 2, Suite 8, Rochester, NY 14606, Contact: Marsha R. Cummings, Phone: (716) 647-2530.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/19/89).
Abatement Worker Refresher Course (contingent from 10/3/89).
Contractor/Supervisor (contingent from 12/28/89).
Contractor/Supervisor Refresher Course (contingent from 10/6/89).

(51)(a) *Training Provider:* Princeton Testing Laboratory, Inc.

Address: 3490 US Route 1, Princeton Service Center, Princeton, NJ 08543, Contact: Charles Schneekloth, Phone: (609) 452-9050.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 3/21/88).

(52)(a) *Training Provider:* Puerto Rico Environmental Consultants and Training Center, Inc.

Address: Cond. Banco Cooperativo Plaza Office, 302-B, Hato Rey, PR 00917, Contact: Roberto Berberena, Phone: (809) 250-6052.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/1/89).
Abatement Worker Refresher Course (contingent from 11/20/89).
Contractor/Supervisor (contingent from 11/1/89).
Contractor/Supervisor Refresher Course (contingent from 11/20/89).
Inspector/Management Planner (contingent from 11/1/89).
Inspector/Management Planner Refresher Course (contingent from 11/20/89).

(53)(a) *Training Provider:* R. J. Fletcher, Inc.

Address: P.O. Box 5021, Utica, NY 13505, Contact: Robert J. Fletcher, Phone: (315) 724-0141.

(b) *Approved Courses:*

Abatement Worker Refresher Course (contingent from 2/24/89).
Inspector/Management Planner Refresher Course (contingent from 2/24/89).

(54)(a) *Training Provider:* SUNY College of Technology at Farmingdale.

Address: Biology Department, Nathan Hale Hall, Farmingdale, NY 11735, Contact: Charles Erlanger, Phone: (516) 420-2000.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/24/89).
Inspector/Management Planner (full from 4/27/90).
Inspector/Management Planner Refresher Course (contingent from 4/24/89).

(55)(a) *Training Provider:* Safe Air Environmental Group, Inc.

Address: P.O. Box 1767, Williamsville, NY 14231, Contact: L.J. Beenau or Cronan Long, Phone: (716) 632-0707.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/8/88).
Abatement Worker (full from 4/4/88).
Abatement Worker Refresher Course (contingent from 3/2/89).

Contractor/Supervisor (contingent from 3/8/88).
Contractor/Supervisor (full from 4/4/88).
Contractor/Supervisor Refresher Course (contingent from 3/2/89).

(56)(a) *Training Provider:* Safety Training, Inc.
Address: 114 Durst Pl., Yonkers, NY 10704, Contact: Nelson Helu, Phone: (914) 963-6831.

(b) *Approved Course:*
Abatement Worker (contingent from 4/25/88).

(57)(a) *Training Provider:* State University of New York at Buffalo Toxicology Research Center.
Address: 111 Farber Hall, Buffalo, NY 14214, Contact: Paul J. Kostyniak/J. Syracuse, Phone: (716) 831-2125.

(b) *Approved Courses:*
Abatement Worker (contingent from 10/19/89).
Abatement Worker (full from 6/8/90).
Abatement Worker Refresher Course (contingent from 2/2/89).
Contractor/Supervisor (contingent from 10/19/89).
Contractor/Supervisor (full from 6/8/90).
Contractor/Supervisor Refresher Course (contingent from 2/2/89).
Inspector/Management Planner (contingent from 1/25/89).
Inspector/Management Planner Refresher Course (contingent from 2/2/89).

(58)(a) *Training Provider:* State of New Jersey Dept. of Health.
Address: CN 360, Trenton, NJ 08625-0360, Contact: James A. Brownlee, Phone: (609) 984-2193.

(b) *Approved Course:*
Inspector/Management Planner Refresher Course (contingent from 3/28/89).

(59)(a) *Training Provider:* Testwell Craig Laboratories of Albany, Inc.
Address: 518 Clinton Ave., Albany, NY 12206, Contact: George W. Stowell, Phone: (518) 436-4114.

(b) *Approved Courses:*
Abatement Worker (contingent from 10/15/88).
Abatement Worker (full from 1/24/89).
Abatement Worker Refresher Course (contingent from 10/17/89).
Contractor/Supervisor (contingent from 6/20/89).

(60)(a) *Training Provider:* Tri-Cities Laborers Training Program.
Address: 666 Wemple Road, Box 100, Glenmont, NY 12077, Contact: Joseph A. Zappone, Phone: (518) 370-3463.

(b) *Approved Courses:*
Abatement Worker (full from 3/21/88).
Abatement Worker Refresher Course (contingent from 10/26/88).
Abatement Worker Refresher Course (full from 2/2/89).

(61)(a) *Training Provider:* Union Occupational Health Center.
Address: 450 Grider St., Buffalo, NY 14215, Contact: Garath L. Tubbs, Phone: (716) 894-9366.

(b) *Approved Courses:*
Abatement Worker (contingent from 10/31/88).
Contractor/Supervisor (contingent from 10/17/89).

(62)(a) *Training Provider:* Univ. Med. & Dentistry of N.J. Robert Wood Med. School, Mid-Atlantic Asbestos Training Center.
Address: Brookwood II, 45 Knightsbridge Rd., Piscataway, NJ 08854, Contact: Lee Laustsen, Phone: (201) 463-5062.

(b) *Approved Courses:*
Abatement Worker (interim from 7/28/86 to 10/17/89).
Abatement Worker (full from 10/17/89).
Abatement Worker Refresher Course (contingent from 10/17/89).
Contractor/Supervisor (interim from 7/28/86 to 10/17/89).
Contractor/Supervisor (full from 10/17/89).
Contractor/Supervisor Refresher Course (contingent from 10/17/89).
Inspector/Management Planner (full from 11/16/87).
Inspector/Management Planner Refresher Course (full from 11/18/88).
Project Designer (contingent from 11/20/89).
Project Designer Refresher Course (contingent from 10/17/89).

(63)(a) *Training Provider:* Utilicom Corp.
Address: 7 Tobey Village Office Park, Pittsford, NY 14534, Contact: Jackie Aab, Phone: (716) 381-8710.

(b) *Approved Courses:*
Abatement Worker (contingent from 10/20/88).
Abatement Worker (full from 10/31/88).
Abatement Worker Refresher Course (contingent from 4/21/89).

(64)(a) *Training Provider:* Warren Mae Associates.
Address: RD 3, Box 390, Endicott, NY 13760, Contact: Janine C. Rogelstad, Phone: (607) 754-8386.

(b) *Approved Courses:*
Abatement Worker (contingent from 8/11/88).
Abatement Worker (full from 1/4/89).
Abatement Worker Refresher Course (contingent from 3/2/89).
Abatement Worker Refresher Course (full from 3/20/90).

(65)(a) *Training Provider:* Western New York Council on Occupational Safety & Health (WNYCOSH).
Address: 450 Grider St., Buffalo, NY 14215, Contact: Jeanne Reilly, Phone: (716) 897-2110.

(b) *Approved Courses:*
Abatement Worker (contingent from 12/28/87).
Abatement Worker (full from 1/24/88).

(66)(a) *Training Provider:* Wetlands & Environmental Technologies, Inc.
Address: 88 Willow Ave., Hackensack, NJ 07601, Contact: John J. Borris, Phone: (201) 361-4799.

(b) *Approved Courses:*
Abatement Worker (contingent from 11/8/89).
Inspector/Management Planner (contingent from 11/8/89).
Project Designer (contingent from 11/8/89).

(67)(a) *Training Provider:* White Lung Association - NY.
Address: 12 Warren St., 4th Fl., New York, NY 10007, Contact: Daniel Manasia, Phone: (212) 619-2270.

(b) *Approved Course:*
Inspector (contingent from 2/23/89).

(68)(a) *Training Provider:* White Lung Association of New Jersey.
Address: 901 Broad St., Newark, NJ 07102, Contact: Antonio Legorreta, Phone: (201) 824-2623.

(b) *Approved Courses:*
Abatement Worker (contingent from 6/19/89).
Contractor/Supervisor (contingent from 6/19/89).
Inspector/Management Planner (contingent from 9/19/89).
Inspector/Management Planner (full from 5/18/90).

(69)(a) *Training Provider:* Zola Sookias Associates Environmental Consultants.
Address: 545 Eighth Ave., Suite 401, New York, NY 10018, Contact: Zola Sookias, Phone: (212) 330-0914.

(b) *Approved Courses:*
Abatement Worker (contingent from 10/6/89).
Contractor/Supervisor (contingent from 10/6/89).

REGION III -- Philadelphia, PA

Regional Asbestos Coordinator: Carole Dougherty, EPA, Region III (3AM-32), 801 Arch St., Philadelphia. PA 19107. (215)597-3160, (FTS) 597-3160.

List of Approved Courses: The following training courses have been

approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region III training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* A & S Training School, Inc.

Address: 99 South Cameron St., Harrisburg, PA 17101, Contact: Anna Marie Sossong, Phone: (717) 257-1360.

(b) *Approved Courses:*

Abatement Worker (full from 5/20/85).
Contractor/Supervisor (full from 5/20/85).

(2)(a) *Training Provider:* Advance Analytical Laboratories Inc.

Address: 30th & North Church Sts., Hazleton, PA 18201, Contact: Steven L. Hahn, Phone: (717) 788-4155.

(b) *Approved Courses:*

Abatement Worker (full from 9/8/88).
Abatement Worker Refresher Course (contingent from 12/29/88).
Contractor/Supervisor (contingent from 8/11/88).
Contractor/Supervisor Refresher Course (contingent from 12/29/88).

(3)(a) *Training Provider:* Aerosol Monitoring & Analysis, Inc.

Address: 1341 Ashton Rd., Suite A, Hanover, MD 21076, Contact: Steve Blizzard, Phone: (301) 684-3327.

(b) *Approved Courses:*

Abatement Worker (full from 11/27/87).
Abatement Worker Refresher Course (contingent from 4/20/89).
Abatement Worker Refresher Course (full from 9/1/89).
Contractor/Supervisor (full from 11/27/87).
Contractor/Supervisor Refresher Course (contingent from 4/20/89).
Contractor/Supervisor Refresher Course (full from 9/1/89).
Inspector/Management Planner (contingent from 3/1/88).
Inspector/Management Planner (full from 3/31/88).

(4)(a) *Training Provider:* Alcam, Inc.

Address: 113 Poplar St., Box 213, Ambler, PA 19002, Contact: Albert Camburn, Phone: (215) 367-2791.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/26/89).
Contractor/Supervisor (contingent from 1/26/89).

(5)(a) *Training Provider:* Alice Hamilton Center for Occupational Health Center.

Address: 410 7th St., SE., 2nd Fl., Washington, DC 20003, Contact: Brian Christopher, Phone: (202) 543-0005.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/12/87).
Abatement Worker (full from 1/16/88).
Abatement Worker Refresher Course (contingent from 12/29/88).
Abatement Worker Refresher Course (full from 2/22/90).
Contractor/Supervisor (full from 1/16/88).
Contractor/Supervisor Refresher Course (contingent from 12/29/88).
Contractor/Supervisor Refresher Course (full from 2/22/90).
Inspector/Management Planner (contingent from 3/9/88).
Inspector/Management Planner (full from 6/20/88).
Inspector/Management Planner Refresher Course (contingent from 3/2/89).

(6)(a) *Training Provider:* American Asbestos Training Institute, Inc.

Address: 2133 Arch St., Philadelphia, PA 19103, Contact: Linda McNeil, Phone: (215) 988-9710.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/16/89).
Contractor/Supervisor (contingent from 5/16/89).

(7)(a) *Training Provider:* American Monitoring & Engineering Services, Inc.

Address: 200 High Tower Boulevard, Suite 205, Pittsburgh, PA 15205, Contact: David J. Drummond, Phone: (412) 788-8300.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 7/21/89).

(8)(a) *Training Provider:* Apex Environmental, Inc.

Address: 7652 Standish Pl., Rockville, MD 20855, Contact: Dorothy Washlick, Phone: (301) 217-9200.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/89).
Contractor/Supervisor (contingent from 7/27/89).

(9)(a) *Training Provider:* Asbestos Abatement Council, AWCI.

Address: 1600 Cameron St., Alexandria, VA 22314-2705, Contact: Gene Fisher, Phone: (703) 684-2924.

(b) *Approved Courses:*

Abatement Worker (full from 6/17/87).
Contractor/Supervisor (full from 6/17/87).

(10)(a) *Training Provider:* Asbestos Analytical Association, Inc.

Address: 3208-B George Washington Hwy., Portsmouth, VA 23704, Contact: Carol A. Holden, Phone: (804) 397-0695.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).
Contractor/Supervisor (contingent from 10/7/88).

(11)(a) *Training Provider:* Asbestos Environmental Services of Maryland, Inc.

Address: P.O. Box 28, Timonium, MD 21093, Contact: David George, Phone: (301) 584-1490.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).
Contractor/Supervisor (contingent from 4/6/89).

(12)(a) *Training Provider:* Asbestos Removal Co.

Address: 521 D Pulaski Hwy., Joppa, MD 21085, Contact: Nick Thrappas, Phone: (301) 679-6062.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).
Contractor/Supervisor (contingent from 12/11/89).

(13)(a) *Training Provider:* Asbestos Training Center.

Address: 628 Spring St., Fairmont, WV 26554, Contact: Theodore Jackson, Phone: (304) 363-3803.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).
Abatement Worker Refresher Course (contingent from 6/20/90).
Contractor/Supervisor Refresher Course (contingent from 6/20/90).
Inspector Refresher Course (contingent from 6/20/90).

(14)(a) *Training Provider:* Asbestos Workers Local Union No. 24.

Address: 6713 Ammendale Rd., Beltsville, MD 20705, Contact: Thomas Haun, Phone: (301) 937-7636.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/15/88).
Abatement Worker Refresher Course (contingent from 12/1/88).
Contractor/Supervisor (contingent from 12/1/88).
Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(15)(a) *Training Provider:* Associated Thermal Services.

Address: 121 Edgewood Ave., Pittsburgh, PA 15218, Contact: Renee Yuhasz, Phone: (412) 247-4003.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).
Abatement Worker Refresher Course (contingent from 4/20/90).

Contractor/Supervisor (contingent from 12/11/89).
Contractor/Supervisor Refresher Course (contingent from 4/20/90).
Inspector/Management Planner (contingent from 12/11/89).
Inspector/Management Planner Refresher Course (contingent from 4/20/90).
Project Designer (contingent from 12/11/89).
Project Designer Refresher Course (contingent from 4/20/90).

(16)(a) *Training Provider:* Atlantic Environmental Resources Inc.

Address: 10111-B-Bacon Dr., Beltsville, MD 20705, Contact: John E Kee, Phone: (301) 595-1014.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).
Contractor/Supervisor (contingent from 12/11/89).

(17)(a) *Training Provider:* BARCO Enterprises, Inc.

Address: 2439 North Charles St., Baltimore, MD 21218, Contact: Bart Harrison, Phone: (301) 889-7770.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).
Contractor/Supervisor (contingent from 12/11/89).

(18)(a) *Training Provider:* Biospherics, Inc.

Address: 12051 Indian Creek Ct., Beltsville, MD 20705, Contact: Marian Meiselman, Phone: (301) 369-3900.

(b) *Approved Courses:*

Abatement Worker (full from 10/1/87).
Abatement Worker Refresher Course (contingent from 8/12/88).
Abatement Worker Refresher Course (full from 10/31/88).
Contractor/Supervisor (full from 10/1/87).
Contractor/Supervisor Refresher Course (contingent from 8/12/88).
Contractor/Supervisor Refresher Course (full from 10/31/88).
Inspector/Management Planner (contingent from 5/20/88).
Inspector/Management Planner (full from 8/15/88).
Inspector/Management Planner Refresher Course (contingent from 2/23/89).
Inspector/Management Planner Refresher Course (full from 3/20/89).

(19)(a) *Training Provider:* Briggs Associates, Inc.

Address: 8300 Guilford Rd., Suite E, Columbia, MD 21046, Contact: J. Ross Voorhees, Phone: (301) 381-4434.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/30/89).
Abatement Worker (full from 1/11/90).
Abatement Worker Refresher Course (contingent from 1/26/90).
Contractor/Supervisor (full from 1/12/90).

(20)(a) *Training Provider:* Brujos Scientific, Inc.

Address: 505 Drury Ln., Baltimore, MD 21229, Contact: Robert Olcerst, Phone: (301) 566-0859.

(b) *Approved Courses:*

Abatement Worker (full from 11/21/88).
Contractor/Supervisor (contingent from 9/29/88).

(21)(a) *Training Provider:* Business Industrial Safety Supplies.

Address: 118 East Patapsco Ave., Baltimore, MD 21225, Contact: Ronald Mace, Phone: (301) 354-2477.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/20/89).
Contractor/Supervisor (contingent from 11/20/89).

(22)(a) *Training Provider:* Calvert Asbestos Training Services Inc.

Address: P.O. Box 799, Huntingtown, MD 20639, Contact: Carol F. Newhouse, Phone: (301) 535-0960.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/1/90).
Contractor/Supervisor (contingent from 8/1/90).
Inspector/Management Planner (contingent from 8/1/90).
Project Designer (contingent from 8/1/90).

(23)(a) *Training Provider:* Camtech, Inc.

Address: 4550 McKnight Rd., Suite 202, Pittsburgh, PA 15237, Contact: Leslie Connors, Phone: (412) 931-1210.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 10/13/89).

(24)(a) *Training Provider:* Carpenters Joint Apprenticeship Committee of Western Pennsylvania.

Address: 495 Mansfield Ave., Pittsburgh, PA 15205, Contact: William Shehab, Phone: (412) 922-6200.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).
Abatement Worker (full from 10/6/89).
Abatement Worker Refresher Course (contingent from 10/20/89).
Contractor/Supervisor (contingent from 11/27/89).
Contractor/Supervisor (full from 11/27/89).
Contractor/Supervisor Refresher Course (full from 11/27/89).

(25)(a) *Training Provider:* Center for Environmental & Occupational Training, Inc.

Address: 814 East Pittsburgh Plaza, Pittsburgh, PA 15112, Contact: David Ginsburg, Phone: (412) 823-1002.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/15/88).
Abatement Worker (full from 12/8/88).
Abatement Worker Refresher Course (full from 1/19/89).
Contractor/Supervisor (contingent from 9/15/88).
Contractor/Supervisor (full from 12/8/88).
Contractor/Supervisor Refresher Course (full from 1/19/89).
Inspector/Management Planner (contingent from 3/1/89).
Inspector/Management Planner Refresher Course (contingent from 3/1/89).
Project Designer (contingent from 6/29/89).
Project Designer (full from 12/21/89).
Project Designer Refresher Course (contingent from 12/13/89).

(26)(a) *Training Provider:* Center for Hazardous Materials Research.

Address: University of Pittsburgh Applied, Research Center, 320 William Pitt Way, Pittsburgh, PA 15238, Contact: Steven T. Ostheim, Phone: (412) 826-5320.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/28/88).
Contractor/Supervisor (contingent from 11/28/88).

(27)(a) *Training Provider:* Charles County Community College.

Address: Mitchell Rd., Box 910, LaPlata, MD 20646-0910, Contact: Jake Bair, Phone: (301) 934-2251.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/26/89).
Abatement Worker Refresher Course (contingent from 4/20/89).
Contractor/Supervisor (contingent from 1/26/89).
Contractor/Supervisor Refresher Course (contingent from 4/20/89).

(28)(a) *Training Provider:* Delaware Technical & Community College, Terry Campus/Stanton Campus.

Address: 1798 North DuPont Pkwy., P.O. Box 897, Dover, DE 19903, Contact: David Stanley, Phone: (302) 454-3900.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/20/88).
Abatement Worker Refresher Course (contingent from 3/1/88).

Contractor/Supervisor (contingent from 4/20/88).
Contractor/Supervisor Refresher Course (contingent from 3/1/88).

(29)(a) *Training Provider:* Drexel University, Office of Continuing Professional Education.

Address: 32nd & Chestnut Sts., Philadelphia, PA 19104, Contact: Robert Ross, Phone: (215) 895-2156.

(b) *Approved Courses:*

Abatement Worker (interim from 9/1/86 to 11/11/87).
Abatement Worker (full from 11/12/87).
Abatement Worker Refresher Course (contingent from 12/29/88).
Contractor/Supervisor (interim from 9/1/86 to 11/11/87).
Contractor/Supervisor (full from 11/12/87).
Contractor/Supervisor Refresher Course (contingent from 12/29/88).
Inspector/Management Planner (contingent from 3/8/88).
Inspector/Management Planner (full from 3/14/88).
Inspector/Management Planner Refresher Course (contingent from 12/29/88).
Inspector/Management Planner Refresher Course (full from 1/19/90).
Project Designer (contingent from 11/27/89).

(30)(a) *Training Provider:* Dynamac Corp.

Address: 11140 Rockville Pike, Rockville, MD 20852, Contact: Richard A. De Blasio, Phone: (301) 468-2500.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).
Contractor/Supervisor (contingent from 3/2/89).
Inspector/Management Planner (contingent from 9/1/88).
Inspector/Management Planner Refresher Course (contingent from 6/26/89).

(31)(a) *Training Provider:* E.I. Dupont De Nemours & Co. Spruance Plant.

Address: P.O. Box 27001, Richmond, VA 23261, Contact: Clarence P. Mihal, Jr., Phone: (804) 743-2948.

(b) *Approved Course:*

Abatement Worker (contingent from 11/14/88).

(32)(a) *Training Provider:* Eagle Industrial Hygiene Association Inc.

Address: 359 Dresher Rd., Horsham, PA 19044, Contact: Stephen R. Bell, Phone: (215) 657-2261.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).
Abatement Worker (full from 7/14/89).
Abatement Worker Refresher Course (contingent from 10/30/89).
Contractor/Supervisor (contingent from 4/6/89).
Contractor/Supervisor (full from 7/14/89).
Contractor/Supervisor Refresher Course (contingent from 10/30/89).
Inspector/Management Planner (contingent from 5/16/89).
Inspector/Management Planner Refresher Course (contingent from 7/20/89).
Project Designer (contingent from 12/11/89).

(33)(a) *Training Provider:* Environmental Education Associates.

Address: 28 West Main St., Plymouth, PA 18651, Contact: Harry H. West, Phone: (717) 779-4242.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/17/89).
Contractor/Supervisor (contingent from 5/17/89).
Inspector (contingent from 5/17/89).

(34)(a) *Training Provider:* Environmental Training & Consultants, Inc.

Address: 2 Bala Plaza, Suite 300, Bala Cynwyd, PA 19004, Contact: Linda L. Kershaw, Phone: (215) 667-4685.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).
Abatement Worker Refresher Course (contingent from 1/13/90).
Contractor/Supervisor (contingent from 4/6/89).
Contractor/Supervisor Refresher Course (contingent from 1/13/90).
Inspector/Management Planner (contingent from 4/6/89).
Inspector/Management Planner Refresher Course (contingent from 1/13/90).

(35)(a) *Training Provider:* Environmental Training, Inc.

Address: 10 Industrial Hwy., Building N, Tinicum Industrial Park, Philadelphia, PA 19113, Contact: Gary D. Hyrne, Phone: (215) 521-5469.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/89).
Abatement Worker Refresher Course (contingent from 6/29/89).
Contractor/Supervisor (contingent from 3/1/89).
Contractor/Supervisor Refresher Course (contingent from 6/29/89).

(36)(a) *Training Provider:* Facilities Management Consultants, Inc.

Address: P.O. Box 309, Cecil, PA 15321, Contact: Edward Monaco, Phone: (412) 745-1770.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/30/88).
Abatement Worker (full from 10/18/88).
Abatement Worker Refresher Course (contingent from 7/21/89).
Abatement Worker Refresher Course (full from 10/5/89).
Contractor/Supervisor (full from 10/18/88).
Contractor/Supervisor Refresher Course (contingent from 7/21/89).
Contractor/Supervisor Refresher Course (full from 10/5/89).

(37)(a) *Training Provider:* GA Environmental Services, Inc.

Address: Pier 5 Penn's Landing, Philadelphia, PA 19106, Contact: Frank E. Cona, Phone: (215) 351-4045.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/17/89).
Abatement Worker Refresher Course (contingent from 12/13/89).
Contractor/Supervisor (contingent from 8/17/89).
Contractor/Supervisor Refresher Course (contingent from 12/13/89).
Inspector/Management Planner (contingent from 11/7/89).
Inspector/Management Planner Refresher Course (contingent from 11/7/89).
Project Designer (contingent from 8/17/89).
Project Designer Refresher Course (contingent from 12/13/89).

(38)(a) *Training Provider:* GST Co.

Address: 50 Progress Ave., Zelienople, PA 16063, Contact: Norma Stanford, Phone: (412) 772-7488.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/14/88).
Abatement Worker (full from 12/5/88).
Abatement Worker Refresher Course (contingent from 1/30/89).
Contractor/Supervisor (contingent from 11/14/88).
Contractor/Supervisor (full from 12/5/88).
Contractor/Supervisor Refresher Course (contingent from 1/30/89).
Inspector/Management Planner (contingent from 12/29/88).
Inspector/Management Planner Refresher Course (contingent from 12/12/89).

(39)(a) *Training Provider:* Galson Technical Services, Inc.

Address: 5170 Campus Dr., Suite 200, Plymouth Meeting, PA 19462, Contact: Ernest L. Sweet, Phone: (215) 432-0506.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 6/17/88).

(40)(a) *Training Provider:* General Physics Corp.

Address: 6700 Alexander Bell Dr., Columbia, MD 21046, Contact: Andrew K. Marsh, Phone: (301) 290-2300.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).

Contractor/Supervisor (contingent from 4/6/89).

(41)(a) *Training Provider:* Genty Associates.

Address: 6080 Woodland Ave., Philadelphia, PA 19143, Contact: Frank Genty, Phone: (215) 727-4420.

(b) *Approved Course:*

Abatement Worker (contingent from 9/14/89).

(42)(a) *Training Provider:* Gerald T. Fenton, Inc.

Address: 3152 Bladensburg Rd., Washington, DC 20018, Contact: James R. Foster, Phone: (202) 269-2112.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).

Contractor/Supervisor (contingent from 12/15/88).

(43)(a) *Training Provider:* Hazard Abatement Training Center.

Address: 101 East Lancaster Ave., Wayne, PA 19087, Contact: Robert Mautner, Phone: (215) 971-0830.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 4/12/88).

(44)(a) *Training Provider:* Hazardous Materials Management.

Address: 932 West Patipso Ave., Baltimore, MD 21230, Contact: Anthony Bizzari, Phone: (301) 355-6586.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).

Contractor/Supervisor (contingent from 12/11/89).

(45)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union No. 2.

Address: P.O. Box 595, Moon-Clinton Rd., Clinton, PA 15026, Contact: Terry Larkin, Phone: (412) 695-2883.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/28/88).

Abatement Worker (full from 10/27/88).

Abatement Worker Refresher Course (contingent from 9/28/88).

Abatement Worker Refresher Course (full from 12/8/88).

Contractor/Supervisor (contingent from 9/26/88).

Contractor/Supervisor (full from 8/28/89).

Contractor/Supervisor Refresher Course (contingent from 9/28/88).

Contractor/Supervisor Refresher Course (full from 8/3/89).

(46)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union No. 23.

Address: 42 Lynwood Dr., Rd. 4, Allentown, PA 18103, Contact: Jos Klocek, Phone: (717) 564-7563.

(b) *Approved Course:*

Abatement Worker (contingent from 10/20/88).

(47)(a) *Training Provider:* Ind. Tra. Co. Ltd.

Address: 18 South 22nd St., Richmond, VA 23223-7024, Contact: Vera Barley, Phone: (804) 648-7836.

(b) *Approved Courses:*

Abatement Worker (full from 9/15/87).

Abatement Worker Refresher Course (contingent from 8/12/88).

Contractor/Supervisor (full from 9/15/87).

Inspector/Management Planner (full from 9/16/88).

Inspector/Management Planner Refresher Course (full from 3/1/89).

(48)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 38.

Address: 315 - 317 North Washington St., Wilkes-Barre, PA 18703, Contact: Robert Hughes, Phone: (717) 829-0634.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).

Abatement Worker (full from 3/20/90).

Abatement Worker Refresher Course (contingent from 6/6/90).

(49)(a) *Training Provider:* JMR Associates.

Address: P.O. Box 9895, Philadelphia, PA 19140, Contact: Joseph Faulk, III, Phone: (215) 227-3035.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/24/89).

Abatement Worker (full from 9/15/89).

Contractor/Supervisor (contingent from 8/24/89).

Contractor/Supervisor (full from 9/15/89).

(50)(a) *Training Provider:* Jenkins Professionals, Inc.

Address: 5022 Campbell Blvd., Suite F, Baltimore, MD 21236, Contact: Larry Jenkins, Phone: (301) 529-3553.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/10/88).

Abatement Worker Refresher Course (contingent from 3/2/89).

Contractor/Supervisor (contingent from 2/10/88).

Contractor/Supervisor Refresher Course (contingent from 3/2/89).

Inspector/Management Planner (contingent from 11/1/89).

(51)(a) *Training Provider:* John H. Lange Associates.

Address: 4623 Northridge Dr., Pittsburgh, PA 15235-3512, Contact: John H. Lange, Phone: (412) 733-1448.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/9/90).

Abatement Worker Refresher Course (contingent from 10/15/89).

Contractor/Supervisor (contingent from 7/9/90).

Contractor/Supervisor Refresher Course (contingent from 10/15/89).

Inspector/Management Planner (contingent from 7/9/90).

Inspector/Management Planner Refresher Course (contingent from 10/15/89).

Project Designer (contingent from 7/9/90).

Project Designer Refresher Course (contingent from 10/15/89).

(52)(a) *Training Provider:* Laborers District Council Training Fund of Baltimore & Vicinity.

Address: 7400 Buttercup Rd., Sykesville, MD 21784, Contact: Robert Williams, Phone: (301) 549-1800.

(b) *Approved Course:*

Abatement Worker (contingent from 4/10/89).

(53)(a) *Training Provider:* Laborers District Council of Eastern Pennsylvania.

Address: 2163 Berryhill St., Harrisburg, PA 17104, Contact: Gerald D. Temarantz, Phone: (717) 564-2707.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/17/88).

Abatement Worker (full from 1/30/89).

Abatement Worker Refresher Course (contingent from 8/17/89).

Abatement Worker Refresher Course (full from 3/20/90).

(54)(a) *Training Provider:* Laborers District Council of Western Pennsylvania.

Address: 1101 Fifth Ave., Pittsburgh, PA 15219, Contact: Robert F. Ferrari, Phone: (412) 391-8533.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/17/88).

Abatement Worker (full from 10/31/88).

Abatement Worker Refresher Course (contingent from 3/2/89).
Contractor/Supervisor (contingent from 6/17/88).
Contractor/Supervisor (full from 10/31/88).
Contractor/Supervisor Refresher Course (contingent from 8/17/89).

(55)(a) *Training Provider:* Laborers District Council, Education Training Fund of Philadelphia & Vicinity.

Address: 500 Lancaster Ave., Exton, PA 19341, Contact: Jerry Roseman, Phone: (215) 836-1175.

(b) *Approved Courses:*

Abatement Worker (interim from 11/1/87 to 12/14/87).
Abatement Worker (contingent from 2/18/88).
Contractor/Supervisor (contingent from 4/30/89).
Contractor/Supervisor Refresher Course (contingent from 4/20/89).

(56)(a) *Training Provider:* Marcus Environmental.

Address: 6345 Courthouse Rd., P.O. Box 227, Prince George, VA 23875, Contact: Susan M. Wilcox, Phone: (804) 733-1855.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/26/89).
Contractor/Supervisor (contingent from 1/26/89).

(57)(a) *Training Provider:* Maryland Department of the Environment.

Address: 2500 Broening Hwy., Baltimore, MD 21224, Contact: Barbara Conrad, Phone: (301) 631-3847.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/16/89).
Contractor/Supervisor (contingent from 11/16/89).
Inspector/Management Planner (contingent from 4/14/89).

(58)(a) *Training Provider:* Maryland Industrial Safety Training Services.

Address: 668 Shore Dr., Joppa, MD 21085, Contact: Brain Stewart, Phone: (301) 679-9362.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).
Contractor/Supervisor (contingent from 12/11/89).

(59)(a) *Training Provider:* Medical College of Virginia, Virginia Commonwealth University Dept. of Preventive Medicine.

Address: P.O. Box 212, Richmond, VA 23298, Contact: Leonard Vance, Phone: (804) 786-9785.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 10/2/87).
Contractor/Supervisor (full from 11/2/87).
Contractor/Supervisor Refresher Course (contingent from 8/12/88).
Inspector/Management Planner (full from 2/29/88).
Inspector/Management Planner Refresher Course (contingent from 12/29/88).

(60)(a) *Training Provider:* National Association of Minority Contractors.

Address: 806 15th St., NW., Washington, DC 20012, Contact: Ralph C. Thomas, III, Phone: (202) 347-8259.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/19/89).
Contractor/Supervisor (contingent from 4/19/89).

(61)(a) *Training Provider:* National Training Fund for the Sheet Metal and Air Conditioning Industry.

Address: 601 North Fairfax St., Suite 240, Alexandria, VA 22314, Contact: Gerald Olejniczak, Phone: (703) 739-7200.

(b) *Approved Courses:*

Abatement Worker (interim from 11/1/86 to 8/1/87).
Abatement Worker (contingent from 9/18/87).
Abatement Worker (full from 9/18/87).
Abatement Worker Refresher Course (contingent from 12/29/88).
Contractor/Supervisor (interim from 11/1/86 to 8/1/87).
Contractor/Supervisor (contingent from 9/18/87).
Contractor/Supervisor (full from 9/18/87).
Contractor/Supervisor Refresher Course (contingent from 5/18/89).
Inspector (contingent from 5/26/88).

(62)(a) *Training Provider:* Occupational Medical Center.

Address: 4451 Parliament Pl., Lanham, MD 20706, Contact: Ellen Kite, Phone: (301) 306-0632.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/28/88).
Abatement Worker Refresher Course (contingent from 12/13/89).
Contractor/Supervisor (contingent from 9/25/89).
Contractor/Supervisor Refresher Course (contingent from 12/13/89).

(63)(a) *Training Provider:* Old Dominion University, Office of Continuing Education, College of Health Services.

Address: 204 Old Science Building, Norfolk, VA 23529-0290, Contact: Shirley Glover, Phone: (804) 440-4256.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/30/88).
Abatement Worker (full from 7/27/88).

(64)(a) *Training Provider:* Oneil M. Banks, Inc.

Address: 336 South Main St., Bel Air, MD 21014, Contact: Oneil M. Banks, Phone: (301) 879-4676.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/5/88).
Abatement Worker (full from 2/20/89).
Abatement Worker Refresher Course (contingent from 10/12/89).
Contractor/Supervisor (contingent from 1/5/88).
Contractor/Supervisor Refresher Course (contingent from 10/12/89).
Inspector (contingent from 3/14/88).

(65)(a) *Training Provider:* Paskal Environmental Services.

Address: 6010 Sonoma Rd., Bethesda, MD 20817, Contact: Steve Paskal, Phone: (301) 571-1507.

(b) *Approved Course:*

Abatement Worker (contingent from 4/28/88).

(66)(a) *Training Provider:* Pennsylvania Dept. of Welfare.

Address: Capitol Associates Bldg., Room 103 P.O. Box 2675, Harrisburg, PA 17105, Contact: Gerald A. Donatucci, Phone: (717) 783-9543.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/3/88).
Abatement Worker (full from 11/15/88).
Abatement Worker Refresher Course (contingent from 8/17/89).
Abatement Worker Refresher Course (full from 12/14/89).

(67)(a) *Training Provider:* Philadelphia Electric Co.

Address: Barbados Training Center, Norristown, PA 19401, Contact: John J. Stankiewiez, Phone: (215) 270-8600.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/19/88).
Abatement Worker (full from 7/28/89).
Abatement Worker Refresher Course (contingent from 2/24/89).
Abatement Worker Refresher Course (full from 11/15/89).

(68)(a) *Training Provider:* Phoenix Safety Associates, Ltd.

Address: P.O. Box 545, Phoenixville, PA 19460, Contact: Janice Sharkey, Phone: (215) 935-1770.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 9/1/88).

(69)(a) *Training Provider:* Quality Specialities, Inc.

Address: P.O. Box 46, 109 South 15th Ave., Hopewell, VA 23860, Contact: Lewis Stevenson, Phone: (804) 458-5855.

(b) *Approved Course:*

Abatement Worker (contingent from 8/8/88).

(70)(a) *Training Provider:* RCW Environmental Consulting & Training.

Address: 711 Shetland St., Rockville, MD 20851, Contact: Robert C. Wyatt, Phone: (301) 251-0291.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/1/89).

Contractor/Supervisor (contingent from 8/1/89).

Inspector/Management Planner (contingent from 11/1/89).

(71)(a) *Training Provider:* Roofer Local No. 30/Roofing & Sheet Metal Contractors of Philadelphia & Vicinity Joint Apprentice Program.

Address: 433 Kelly Dr., Philadelphia, PA 19129, Contact: Richard Harvey, Phone: (215) 849-4800.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/21/89).

Contractor/Supervisor (contingent from 7/21/89).

(72)(a) *Training Provider:* S.G. Brown, Inc.

Address: 2701 Sonic Dr., Virginia Beach, VA 23456, Contact: Sandra A. Akers, Phone: (804) 468-0027.

(b) *Approved Course:*

Abatement Worker (contingent from 7/12/88).

(73)(a) *Training Provider:* SE Technologies., Inc. (SET).

Address: 98 Vanadium Rd., Bridgeville, PA 15017, Contact: Amy Couch Shultz, Phone: (412) 221-1100.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/22/89).

Abatement Worker Refresher Course (contingent from 4/20/89).

Contractor/Supervisor (contingent from 2/22/89).

Contractor/Supervisor Refresher Course (contingent from 4/20/89).

Inspector/Management Planner (contingent from 2/22/89).

Inspector/Management Planner Refresher Course (contingent from 4/20/89).

(74)(a) *Training Provider:* STI, Inc.

Address: P.O. Box 1029, Aberdeen, MD 21001, Contact: Terry F. Carraway, Jr., Phone: (301) 575-7844.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/19/88).

Abatement Worker Refresher Course (contingent from 12/29/88).

Contractor/Supervisor (contingent from 7/19/88).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

Inspector/Management Planner (contingent from 12/15/88).

Inspector/Management Planner Refresher Course (contingent from 10/30/89).

(75)(a) *Training Provider:* STIC Corporation.

Address: Box 347, Wilkes-Barre, PA 18703, Contact: Ed Barrett, Phone: (717) 829-3614.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 4/7/89).

(76)(a) *Training Provider:* Safety Management Institute.

Address: P.O. Box 1844, Altoona, PA 16603, Contact: Christopher Tate, Phone: (814) 946-1221.

(b) *Approved Courses:*

Abatement Worker (**Approval Suspended** 10/2/89).

Abatement Worker Refresher Course (**Approval Suspended** 10/2/89).

Contractor/Supervisor (**Approval Suspended** 10/2/89).

Contractor/Supervisor Refresher Course (**Approval Suspended** 10/2/89).

Inspector/Management Planner (**Approval Suspended** 10/2/89).

Inspector/Management Planner Refresher Course (**Approval Suspended** 10/2/89).

(77)(a) *Training Provider:* Temple University College of Engineering Asbestos Abatement Center.

Address: 12th & Norris Sts., Philadelphia, PA 19122, Contact: Lester Levin, Phone: (215) 787-6479.

(b) *Approved Courses:*

Abatement Worker (full from 10/21/87).

Contractor/Supervisor (contingent from 9/28/87).

Contractor/Supervisor (full from 10/1/87).

Inspector/Management Planner (full from 10/13/87).

Inspector/Management Planner Refresher Course (full from 12/19/88).

Project Designer (contingent from 3/20/89).

(78)(a) *Training Provider:* Tetra Services, Inc.

Address: Pleasant Valley Rd., P.O. Box 295A, Trafford, PA 15085, Contact: Dominic R. Medure, Phone: (412) 744-3377.

(b) *Approved Course:*

Abatement Worker (contingent from 4/20/89).

(79)(a) *Training Provider:* The Glaser Co.

Address: 200 Kanawha Ter., St. Albans, WV 25177, Contact: Stephen P. Glaser, Phone: (304) 722-2832.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).

Contractor/Supervisor (contingent from 4/6/89).

(80)(a) *Training Provider:* The J.O.B.S. Company.

Address: P.O. Box 3763, Charleston, WV 25337, Contact: Ann Hyre, Phone: (304) 344-0048.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/28/89).

Abatement Worker (full from 2/14/90).

Contractor/Supervisor (contingent from 5/25/89).

(81)(a) *Training Provider:* Tracor Jitco, Inc.

Address: 1601 Research Blvd., Rockville, MD 20850, Contact: Daniel O. Chute, Phone: (301) 984-2718.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).

Contractor/Supervisor (contingent from 1/4/89).

Inspector/Management Planner (contingent from 1/4/89).

(82)(a) *Training Provider:* United Brotherhood of Carpenters & Joiners of America.

Address: 101 Constitution Ave. NW., Washington, DC 20001, Contact: Joseph L Durst, Jr., Phone: (202) 546-6206.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).

Abatement Worker Refresher Course (contingent from 3/21/90).

Contractor/Supervisor (contingent from 12/11/89).

Contractor/Supervisor Refresher Course (contingent from 3/21/90).

(83)(a) *Training Provider:* United Environmental Systems, Inc.

Address: 104-106 Arch St., Philadelphia, PA 19106, Contact: Holly Tate, Phone: (215) 829-9454.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/3/88).

Abatement Worker (full from 9/25/89).

Abatement Worker Refresher Course (contingent from 1/30/90).

Contractor/Supervisor (contingent from 6/30/88).

Inspector/Management Planner (contingent from 7/8/88).

(84)(a) *Training Provider:* University of Pittsburgh, Graduate School of Public Health.

Address: Dept. of Industrial Environmental, Health Sciences, Pittsburgh, PA 15261, Contact: Dietrich A. Weyel, Phone: (412) 624-3042.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/6/88).
Abatement Worker (full from 6/6/88).
Abatement Worker Refresher Course (contingent from 4/20/89).
Contractor/Supervisor (contingent from 3/6/88).
Contractor/Supervisor (full from 6/6/88).
Contractor/Supervisor Refresher Course (contingent from 4/20/89).

(85)(a) *Training Provider:* University of Scranton Technology Center.

Address: Scranton, PA 18510-2192, Contact: Jerome P. De Santo, Phone: (717) 961-4050.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 6/26/89).

(86)(a) *Training Provider:* Volz Environmental Services, Inc.

Address: 3010 William Pitt Way, Pittsburgh, PA 15238, Contact: Greg Ashman, Phone: (412) 826-3150.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/3/88).
Abatement Worker (full from 1/23/89).
Abatement Worker Refresher Course (contingent from 4/20/89).
Abatement Worker Refresher Course (full from 11/21/89).
Contractor/Supervisor (contingent from 10/3/88).
Contractor/Supervisor (full from 1/23/89).
Contractor/Supervisor Refresher Course (contingent from 4/20/89).
Contractor/Supervisor Refresher Course (full from 11/21/89).
Inspector/Management Planner (contingent from 10/3/88).
Inspector/Management Planner (full from 1/29/90).
Inspector/Management Planner Refresher Course (contingent from 4/20/89).
Inspector/Management Planner Refresher Course (full from 12/18/89).
Project Designer (contingent from 9/1/89).
Project Designer (full from 12/8/89).
Project Designer Refresher Course (contingent from 12/13/89).

(87)(a) *Training Provider:* W.S. Keyes Associates.

Address: 55 Frazer Rd., Bech 232, Malvern, PA 19355, Contact: W. Scot Keyes, Phone: (215) 647-2878.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/25/90).
Contractor/Supervisor (contingent from 1/25/90).
Inspector/Management Planner (contingent from 1/25/90).

(88)(a) *Training Provider:* Waco, Inc.

Address: Highway 925, N., P.O. Box 740, White Plains, MD 20695, Contact: Wayne Cooper, Phone: (301) 843-2488.

(b) *Approved Courses:*

Abatement Worker (full from 9/15/87).
Abatement Worker Refresher Course (contingent from 8/12/88).
Contractor/Supervisor (full from 9/15/87).
Contractor/Supervisor Refresher Course (contingent from 3/1/89).
Inspector/Management Planner Refresher Course (contingent from 3/11/88).

(89)(a) *Training Provider:* West Virginia Laborers Training Trust Fund.

Address: One Monogalia St., Charleston, WV 25302, Contact: Wetzel Harvey, Phone: (304) 346-0581.

(b) *Approved Course:*

Abatement Worker (contingent from 8/29/88).

(90)(a) *Training Provider:* West Virginia University Extension Service.

Address: 704 Knapp Hall, P.O. Box 6031, Morgantown, WV 26506-6031, Contact: Robert L. Moore, Phone: (304) 293-4013.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/20/88).
Abatement Worker Refresher Course (contingent from 11/2/89).
Contractor/Supervisor (contingent from 10/20/88).
Contractor/Supervisor Refresher Course (contingent from 11/2/89).
Inspector/Management Planner (contingent from 5/9/88).
Inspector/Management Planner Refresher Course (contingent from 4/20/89).
Inspector/Management Planner Refresher Course (full from 4/26/89).

(91)(a) *Training Provider:* White Lung Association.

Address: 1601 St. Paul St., Baltimore, MD 21201, Contact: James Fite, Phone: (301) 727-6029.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/18/88).
Abatement Worker (full from 6/6/88).
Abatement Worker Refresher Course (contingent from 2/23/89).
Contractor/Supervisor (contingent from 2/18/88).
Contractor/Supervisor (full from 6/6/88).
Contractor/Supervisor Refresher Course (contingent from 2/23/89).
Inspector/Management Planner (contingent from 1/4/88).
Inspector/Management Planner (full from 2/15/88).
Inspector/Management Planner Refresher Course (contingent from 12/29/88).

(92)(a) *Training Provider:* William L. James Enterprises, Inc.

Address: P.O. Box 1478, Scranton, PA 18501-1478, Contact: William L. James, Phone: (717) 344-5830.

(b) *Approved Courses:*

Abatement Worker Refresher Course (contingent from 11/7/89).
Contractor/Supervisor (contingent from 4/20/88).
Contractor/Supervisor Refresher Course (contingent from 11/7/87).

REGION IV -- Atlanta, GA

Regional Asbestos Coordinator: T1Larinda Gronner, EPA, Region IV, 345 Courtland St., NE, Atlanta, GA 30365. (404) 347-5014, (FTS) 257-5014.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certificatin indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region IV training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* A.S.C. Consultants, Inc.

Address: P.O. Box 31, Waynesville, NC 28786, Contact: Terry LaDuke, Phone (704) 452-3449.

(b) *Approved Course:*

Abatement Worker (contingent from 6/22/89).

(2)(a) *Training Provider:* AHP Research, Inc.

Address: 1505 Johnson's Ferry Rd., Marietta, GA 30062, Contact: Dwight Brown, Phone: (404) 565-0061.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/3/89).
Contractor/Supervisor (contingent from 11/13/89).
Contractor/Supervisor Refresher Course (contingent from 1/6/89).
Inspector/Management Planner (interim from 5/28/86 to 12/13/87).
Inspector/Management Planner (full from 12/14/87).

(3)(a) *Training Provider:* ARI Institute.

Address: P.O. Box 60599, Nashville, TN 37206, Contact: Mike Carver, Phone: (615) 228-3820.

(b) *Approved Course:*

Abatement Worker (contingent from 12/6/89).

(4)(a) *Training Provider:* ASC Asbestos Training Center.

Address: P.O. Box 291569, Nashville, TN 37229-1569, Contact: Don Hoffman, Phone: (615) 399-2221.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/4/90).
Abatement Worker Refresher Course (contingent from 2/4/90).
Contractor/Supervisor (contingent from 2/4/90).
Inspector/Management Planner (contingent from 2/5/90).
Inspector/Management Planner Refresher Course (contingent from 2/5/90).
Project Designer (contingent from 2/5/90).

(5)(a) *Training Provider:* ATEC Associates, Inc.

Address: 129 West Valley Ave., Birmingham, AL 35209-3691, Contact: W. David Yates, Phone: (205) 945-9224.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/14/89).
Contractor/Supervisor (contingent from 4/14/89).
Inspector/Management Planner (contingent from 4/14/89).

(6)(a) *Training Provider:* ATI Environmental Services.

Address: P.O. Box 3044, Louisville, KY 40201, Contact: Tim Ellis, Phone: (502) 589-5308.

(b) *Approved Courses:*

Abatement Worker (full from 1/12/88).
Abatement Worker Refresher Course (contingent from 2/21/89).
Contractor/Supervisor (full from 1/12/88).
Contractor/Supervisor Refresher Course (contingent from 2/21/89).

(7)(a) *Training Provider:* All Gulf Contractors, Inc.

Address: 3654 Halls Mill Rd., Mobile, AL 36693, Contact: Robert Pettie, Phone: (205) 665-5199.

(b) *Approved Course:*

Abatement Worker (contingent from 2/22/89).

(8)(a) *Training Provider:* American Environmental Safety Institute.

Address: P.O. Box 212116, Columbia, SC 29221-2116, Contact: Kim Cleveland, Phone: (803) 771-7463.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/29/89).
Abatement Worker (full from 6/1/90).
Abatement Worker Refresher Course (contingent from 12/16/88).
Abatement Worker Refresher Course (full from 6/12/90).
Contractor/Supervisor (full from 10/17/88).
Contractor/Supervisor Refresher Course (contingent from 12/16/88).
Contractor/Supervisor Refresher Course (full from 6/13/90).
Inspector/Management Planner (full from 2/8/89).

(9)(a) *Training Provider:* Asbestos Abatement Associates, Inc.

Address: P.O. Box 8178, Spartanburg, SC 29305, Contact: John McNamara, Phone: (803) 582-1222.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/17/89).
Abatement Worker (full from 6/26/89).
Abatement Worker Refresher Course (contingent from 5/1/89).
Abatement Worker Refresher Course (full from 7/19/89).
Contractor/Supervisor (contingent from 3/7/89).
Contractor/Supervisor (full from 7/19/89).
Contractor/Supervisor Refresher Course (contingent from 5/1/89).
Contractor/Supervisor Refresher Course (full from 7/19/89).
Inspector/Management Planner Refresher Course (contingent from 5/1/89).
Inspector/Management Planner Refresher Course (full from 7/31/89).
Project Designer (contingent from 11/14/89).
Project Designer (full from 1/12/90).
Project Designer Refresher Course (contingent from 10/18/89).
Project Designer Refresher Course (full from 11/21/89).

(10)(a) *Training Provider:* Asbestos Consultants, Inc.

Address: P.O. Box 9054, Greensboro, NC 27408, Contact: Thomas Petty, Phone: (919) 275-3907.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 3/9/88).

(11)(a) *Training Provider:* Asbestos Disease Association.

Address: 800 West Platt St., Tampa, FL 33706, Contact: John D. Householter, Phone: (813) 254-0003.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 12/11/89).
Inspector/Management Planner (contingent from 12/11/89).

(12)(a) *Training Provider:* Asbestos Technical Resource Center, Inc.

Address: P.O. Box 2755, Covington, GA 30209-2755, Contact: Timothy E. Fuller, Phone: (404) 361-9182.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/2/89).
Abatement Worker Refresher Course (full from 6/7/89).
Contractor/Supervisor (contingent from 6/2/89).
Contractor/Supervisor (full from 8/10/89).
Contractor/Supervisor Refresher Course (full from 6/7/89).

(13)(a) *Training Provider:* Atlantic Environmental Consulting, Inc.

Address: 12200 Southwest 132 Ct., Miami, FL 33186, Contact: Stephan R. Schanamann, Phone: (305) 232-6364.

(b) *Approved Course:*

Abatement Worker (contingent from 8/11/88).

(14)(a) *Training Provider:* BCM Engineers, Inc.

Address: 104 St. Anthony St., P.O. Box 1784, Mobile, AL 36633, Contact: Conrad Freeman, Phone: (205) 433-3981.

(b) *Approved Courses:*

Inspector/Management Planner (full from 11/11/87).
Inspector/Management Planner Refresher Course (contingent from 11/10/88).
Project Designer (full from 12/8/87).
Project Designer Refresher Course (contingent from 5/4/89).

(15)(a) *Training Provider:* Betchel Construction, Inc.

Address: P.O. Box 3218, Florida City, FL 33034, Contact: R.C. Slover, Phone: (305) 246-6565.

(b) *Approved Course:*

Abatement Worker (contingent from 3/13/89).

(16)(a) *Training Provider:* Big Bend Abatement, Inc.

Address: 3542 West Orange Ave., Tallahassee, FL 32310, Contact: Robert Law, Phone: (904) 576-0130.

(b) *Approved Course:*

Abatement Worker (contingent from 4/28/89).

(17)(a) *Training Provider:* Briggs Associates Int'l. Inc.

Address: 4209 Vineland Rd., Suites J-9/10, Orlando, FL 32811, Contact: Jim McCulloch, Phone: (407) 422-3522.

(b) *Approved Course:*

Abatement Worker (contingent from 5/4/89).

(18)(a) *Training Provider:* CRU Incorporated.

Address: 13029 Middletown Industrial Blvd., Louisville, KY 40223, Contact: Donna Ringo, Phone: (502) 244-8844.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/1/89).
Contractor/Supervisor (contingent from 5/1/89).
Contractor/Supervisor Refresher Course (contingent from 9/1/89).
Inspector/Management Planner (contingent from 5/26/89).

(19)(a) *Training Provider:* Chemalytics.

Address: 33 East 7th St., Covington, KY 41011, Contact: Kenneth Reed, Phone: (606) 431-6224.

(b) *Approved Course:*

Abatement Worker (contingent from 1/17/90).

(20)(a) *Training Provider:* DPC General Contractors, Inc.

Address: 250 Arizona Ave., NE., Bldg. A, Atlanta, GA 30307, Contact: Glen Kahler, Phone: (404) 373-0561.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/5/88).
Abatement Worker (full from 5/9/88).

(21)(a) *Training Provider:* Diversified Industries, Inc.

Address: P.O. Box 10452, 7316 Market St., Wilmington, NC 28405, Contact: Greg Hale, Phone: (919) 686-1736.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/23/90).
Abatement Worker Refresher Course (contingent from 12/13/89).
Contractor/Supervisor (contingent from 1/23/90).
Contractor/Supervisor Refresher Course (contingent from 12/13/89).

(22)(a) *Training Provider:* EEC, Inc.

Address: 2245 North Hills Dr., Suite J, Raleigh, NC 27612, Contact: Mike Shrimanker, Phone: (919) 672-8910.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/7/89).
Abatement Worker (full from 11/16/89).
Abatement Worker Refresher Course (contingent from 5/3/89).
Abatement Worker Refresher Course (full from 5/1/90).
Contractor/Supervisor (contingent from 7/14/89).
Contractor/Supervisor (full from 5/3/90).
Contractor/Supervisor Refresher Course (contingent from 9/28/89).
Contractor/Supervisor Refresher Course (full from 5/2/90).

(23)(a) *Training Provider:* ELB & Associates, Inc.

Address: 605 Eastowne Dr., Chapel Hill, NC 27514, Contact: Michael L. Cannon, Phone: (919) 493-4471.

(b) *Approved Course:*

Abatement Worker (contingent from 6/30/88).

(24)(a) *Training Provider:* Eagle Environmental Laboratory.

Address: 1119 Ellard Rd., Fultondale, AL 35068, Contact: Mark Cambron, Phone: (205) 841-7693.

(b) *Approved Course:*

Abatement Worker (contingent from 11/14/89).

(25)(a) *Training Provider:* Energy Support Services, Inc.

Address: P.O. Box 6098, Ashville, NC 28816, Contact: Edward T. Rochelle, Phone: (704) 258-8888.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/7/89).
Abatement Worker Refresher Course (contingent from 11/8/89).
Contractor/Supervisor (contingent from 11/7/89).
Contractor/Supervisor Refresher Course (contingent from 11/8/89).
Inspector/Management Planner (contingent from 3/5/89).
Inspector/Management Planner Refresher Course (contingent from 11/8/89).

(26)(a) *Training Provider:* Enpuricon Asbestos Management.

Address: 3200 Glen Royal Rd., No. 110, Raleigh, NC 27612-7404, Contact: Terry E. Slate, Phone: (919) 781-0886.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/11/89).
Contractor/Supervisor (contingent from 2/6/89).

(27)(a) *Training Provider:* Enviro Science, Inc.

Address: P.O. Box 5804, Spartanburg, SC 29304, Contact: Andrew Schauder, Phone: (803) 585-4900.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 9/15/89).

(28)(a) *Training Provider:* Enviro-Tech.

Address: 550 Comet St., No. 16, P.O. Box 6752, Jacksonville, FL 32236, Contact: Rafael Abrev, Phone: (904) 384-0732.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/28/89 to 7/6/90 **only**).
Contractor/Supervisor (contingent from 7/11/89 to 7/6/90 **only**).

(29)(a) *Training Provider:* Environmental Aspecs, Inc.

Address: 1527 North Dale Mabry Hwy., Suite 105, Lutz, FL 33549-3010, Contact: Dennis L. Mast, Phone: (813) 948-1387.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/22/89).
Abatement Worker (full from 7/7/89).
Abatement Worker Refresher Course (contingent from 7/18/89).
Abatement Worker Refresher Course (full from 3/29/90).
Contractor/Supervisor (contingent from 4/14/89).
Contractor/Supervisor Refresher Course (contingent from 10/20/89).
Inspector/Management Planner (contingent from 7/7/89).
Inspector/Management Planner Refresher Course (contingent from 10/20/89).

(30)(a) *Training Provider:* Environmental Control Systems Training Institute.

Address: 377 Harrods Woods Rd., Frankfurt, KY 40601, Contact: William A. Sadler, Phone: (502) 896-1245.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 8/10/89).
Inspector/Management Planner (contingent from 11/6/89).

(31)(a) *Training Provider:* Environmental Engineering Co., Inc.

Address: 500 Rivermont Rd., Columbia, SC 29210, Contact: Russell Richard, Phone: (803) 256-7846.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/17/89).
Abatement Worker (full from 9/22/89).
Abatement Worker Refresher Course (contingent from 9/28/89).
Abatement Worker Refresher Course (full from 1/31/90).
Contractor/Supervisor (contingent from 2/17/89).
Contractor/Supervisor (full from 9/22/89).
Contractor/Supervisor Refresher Course (contingent from 9/28/89).
Contractor/Supervisor Refresher Course (full from 2/1/90).

(32)(a) *Training Provider:* Environmental Resources Group.

Address: 3845 Viscount, Memphis, TN 38118, Contact: Lee C. Thompson, Phone: (901) 795-0432.

(b) *Approved Course:*

Abatement Worker (contingent from 11/14/88).

(33)(a) *Training Provider:* Environmental Training Corporation.

Address: 2252 Rocky Ridge Rd., Suite 105, Birmingham, AL 35216, Contact:

William E. Hicks, Phone: (800) 999-1655.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/31/89).
Contractor/Supervisor (contingent from 11/1/89).
Project Designer (contingent from 10/31/89).

(34)(a) *Training Provider:* Evans Environmental & Geological Science & Management, Inc.

Address: 2631 Southwest 27 St., Miami, FL 33133, Contact: Charles Evans, Phone: (305) 856-7458.

(b) *Approved Course:*

Abatement Worker (contingent from 1/31/89).

(35)(a) *Training Provider:* Fayetteville Technical Community College.

Address: P.O. Box 35236, Fayetteville, NC 28303, Contact: John McNeill, Phone: (919) 323-1961.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/1/89).
Contractor/Supervisor (contingent from 5/1/89).

(36)(a) *Training Provider:* Georgia Tech. Institute.

Address: O'Keefe Building, Room 029, Atlanta, GA 30332, Contact: Robert D. Schmitter, Phone: (404) 894-3806.

(b) *Approved Courses:*

Contractor/Supervisor (interim from 6/1/85 to 5/10/87).
Contractor/Supervisor (full from 5/11/87).
Contractor/Supervisor Refresher Course (contingent from 9/23/87).
Contractor/Supervisor Refresher Course (full from 7/7/88).
Inspector/Management Planner (contingent from 9/29/87).
Inspector/Management Planner (full from 10/19/87).
Inspector/Management Planner Refresher Course (contingent from 10/24/88).
Inspector/Management Planner Refresher Course (full from 11/29/88).
Project Designer (contingent from 6/1/88).
Project Designer (full from 6/7/88).
Project Designer Refresher Course (contingent from 1/31/89).
Project Designer Refresher Course (full from 3/22/89).

(37)(a) *Training Provider:* Great Barrier Insulation Co.

Address: Meador Warehouse, Western Dr., Mobile, AL 36607, Contact: Thomas Knotts, Phone: (205) 476-0350.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/13/88).
Abatement Worker (full from 4/4/89).
Abatement Worker Refresher Course (contingent from 3/30/89).

(38)(a) *Training Provider:* Harmon Engineering Associates.

Address: 1550 Pumphrey Ave., Auburn, AL 36830, Contact: Roger W. Thompson, Phone: (205) 821-9250.

(b) *Approved Course:*

Abatement Worker (contingent from 1/4/89).

(39)(a) *Training Provider:* Harrison Contracting, Inc.

Address: 3845 Viscount St., Suite 12, Memphis, TN 38118, Contact: Lee C. Thompson, Phone: (901) 795-0432.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).
Abatement Worker (full from 10/12/88).

(40)(a) *Training Provider:* Howard L. Henson Training Institute.

Address: 3592 Flat Shoals Rd., Decatur, GA 30034, Contact: Stephen Henson, Phone: (404) 243-5107.

(b) *Approved Course:*

Abatement Worker (full from 2/16/88).

(41)(a) *Training Provider:* International Association Heat & Frost Insulators & Asbestos Workers Local Union No. 13.

Address: 145 East First St., Jacksonville, FL 32206, Contact: Tom Mallard, Phone: (904) 355-4881.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/23/89).
Abatement Worker (full from 7/27/90).
Abatement Worker Refresher Course (contingent from 1/23/89).
Abatement Worker Refresher Course (full from 6/14/90).
Contractor/Supervisor (contingent from 1/23/89).
Contractor/Supervisor (full from 4/24/89).
Contractor/Supervisor Refresher Course (contingent from 1/23/89).
Contractor/Supervisor Refresher Course (full from 6/15/90).

(42)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 46.

Address: 7111 Wright Rd., Knoxville, TN 37931, Contact: John Wade, Phone: (615) 938-1274.

(b) *Approved Courses:*

Abatement Worker (full from 10/11/88).
Abatement Worker Refresher Course (contingent from 8/16/89).
Abatement Worker Refresher Course (full from 11/8/89).
Contractor/Supervisor (full from 1/9/89).
Contractor/Supervisor Refresher Course (contingent from 10/11/88).
Contractor/Supervisor Refresher Course (full from 11/9/89).

(43)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 48.

Address: 7815 Old Morrow Rd., Atlanta, GA 30316, Contact: Timothy Fuller, Phone: (404) 478-1393.

(b) *Approved Courses:*

Abatement Worker (full from 5/4/88).
Contractor/Supervisor (full from 6/27/88).
Contractor/Supervisor Refresher Course (full from 11/2/88).
Inspector (contingent from 9/26/88).
Inspector (full from 9/28/88).

(44)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 60.

Address: 13000 Northwest 47th Ave., Miami, FL 33054, Contact: David Cleveland, Phone: (305) 681-0679.

(b) *Approved Courses:*

Abatement Worker (full from 11/15/88).
Contractor/Supervisor (full from 12/12/88).

(45)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 67.

Address: 7930 U.S. Hwy. 301 N., Tampa, FL 33637, Contact: Don Tucker, Phone: (813) 985-3067.

(b) *Approved Courses:*

Abatement Worker (full from 8/23/89).
Abatement Worker Refresher Course (contingent from 11/15/89).
Abatement Worker Refresher Course (full from 11/29/89).
Contractor/Supervisor (full from 11/29/88).
Contractor/Supervisor Refresher Course (contingent from 11/15/89).
Contractor/Supervisor Refresher Course (full from 11/28/89).

(46)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 72.

Address: 2513 Adams St., Wilmington, NC 28401, Contact: Mike Harrell, Phone: (919) 343-1730.

(b) *Approved Course:*

Abatement Worker (full from 8/10/88).

(47)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 78.

Address: 600 Main St., Gardendale, AL 35071, Contact: Bill Boothe, Phone: (205) 631-4640.

(b) *Approved Courses:*

Abatement Worker (full from 10/25/88).
Contractor/Supervisor (contingent from 12/6/89).
Contractor/Supervisor Refresher Course (full from 5/17/89).

(48)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 86.

Address: 4822 Charlotte Ave., Nashville, TN 37209, Contact: Don Cundiff, Phone: (615) 297-7127.

(b) *Approved Courses:*

Abatement Worker (full from 7/10/89).
Contractor/Supervisor (full from 7/10/89).

(49)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 96.

Address: P.O. Box 623, Pooler, GA 31322-0623, Contact: Kem Dugger, Phone: (912) 748-6282.

(b) *Approved Courses:*

Abatement Worker (full from 7/26/88).
Abatement Worker Refresher Course (full from 8/17/89).
Contractor/Supervisor (full from 9/13/88).
Contractor/Supervisor Refresher Course (full from 8/17/89).

(50)(a) *Training Provider:* Kentucky Laborers Training Trust Fund.

Address: US 127 Bypass South, P.O. Box 208, Lawrenceburg, KY 40342, Contact: David Vinson, Phone: (502) 839-3155.

(b) *Approved Course:*

Abatement Worker (contingent from 1/10/89).

(51)(a) *Training Provider:* LCI Training Institute.

Address: 1432 Jocasta Dr., Lexington, KY 40502-5320, Contact: John F. Summersett, Phone: (606) 273-8881.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/9/88).
Contractor/Supervisor (contingent from 6/9/88).

(52)(a) *Training Provider:* Laborers District Council of Southeast Florida.

Address: 799 Northwest 62nd St., Miami, FL 33510, Contact: Albert Houston, Phone: (305) 754-2659.

(b) *Approved Course:*

Abatement Worker (full from 3/15/88).

(53)(a) *Training Provider:* Laborers Local Union No. 517 North & Central Florida Education & Training Fund.

Address: 4625 Old Wintergarden Rd., Bldg. A-6, Orlando, FL 32811, Contact: Patrick O' Donnell, Phone: (407) 298-3446.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/6/88).
Abatement Worker Refresher Course (contingent from 9/22/89).

(54)(a) *Training Provider:* Lang Engineering of Florida, Inc.

Address: 5432 Commerce Park Blvd., Tampa, FL 33610, Contact: Robert Lang, Phone: (813) 622-8311.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/17/89).
Abatement Worker (full from 4/2/90).
Abatement Worker Refresher Course (contingent from 8/9/89).

(55)(a) *Training Provider:* Laseter & Associates, Inc.

Address: P.O. Box 176, Collierville, TN 38017, Contact: Kenneth M. Laseter, Phone: (800) 456-8617.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/7/89).
Contractor/Supervisor (contingent from 11/7/89).
Inspector/Management Planner (contingent from 11/7/89).
Inspector/Management Planner Refresher Course (contingent from 11/8/89).

(56)(a) *Training Provider:* Law Engineering, Inc.

Address: 7616 Southland Blvd., Suite 110, Orlando, FL 32809, Contact: Diana Rigdon, Phone: (407) 855-8740.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/1/89).
Contractor/Supervisor (contingent from 9/1/89).

(57)(a) *Training Provider:* Mississippi State University, Dept. of Continuing Education.

Address: Memorial Hall-Bar Ave., P.O. Drawer 5247, Mississippi State, MS 39762-5247, Contact: Billy G. Smith, Phone: (601) 325-3473.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).
Abatement Worker (full from 3/22/90).
Contractor/Supervisor (contingent from 7/19/88).
Contractor/Supervisor (full from 6/29/89).
Contractor/Supervisor Refresher Course (contingent from 5/26/89).
Contractor/Supervisor Refresher Course (full from 3/19/90).
Inspector/Management Planner (full from 6/20/88).
Inspector/Management Planner Refresher Course (contingent from 5/26/89).
Project Designer (contingent from 12/15/88).
Project Designer Refresher Course (contingent from 5/26/89).

(58)(a) *Training Provider:* Mobile Asbestos Resource Services, Inc.

Address: 10 Airport Lane, Archer, FL 32618, Contact: Walter Heope, Phone: (904) 495-9214.

(b) *Approved Course:*

Abatement Worker (contingent from 12/6/89).

(59)(a) *Training Provider:* Mur-Shel, Inc. Asbestos Abatement.

Address: 1038 Grace Ave., Panama City, FL 32401, Contact: Lois Shelton, Phone: (904) 763-2010.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 9/1/89).

(60)(a) *Training Provider:* Napri/Cisco.

Address: 4545 St. Augustine Rd., Jacksonville, FL 32207, Contact: Otey C. Reynolds, Phone: (904) 730-2222.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/13/89).
Abatement Worker Refresher Course (contingent from 10/16/89).
Contractor/Supervisor (contingent from 10/13/89).
Contractor/Supervisor Refresher Course (contingent from 10/16/89).
Inspector/Management Planner (contingent from 10/13/89).
Inspector/Management Planner Refresher Course (contingent from 10/16/89).
Project Designer (contingent from 10/13/89).
Project Designer Refresher Course (contingent from 10/16/89).

(61)(a) *Training Provider:* National Asbestos Council (NAC) Training Dept.

Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact: Zachary S. Cowan, III, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker (interim from 7/1/86 to 6/1/87).
Abatement Worker (full from 7/1/87).
Abatement Worker Refresher Course (contingent from 2/8/89).
Abatement Worker Refresher Course (full from 9/17/90).

(62)(a) *Training Provider:* National Monitoring Labs, Inc.

Address: 1400 North 46th St., Suite V-28, Tampa, FL 33613, Contact: Gil Bakshi, Phone: (800) 347-3414.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 4/14/89).
Contractor/Supervisor (full from 3/22/90).
Contractor/Supervisor Refresher Course (contingent from 5/23/89).
Inspector/Management Planner (contingent from 4/14/89).
Inspector/Management Planner (full from 1/19/90).
Inspector/Management Planner Refresher Course (contingent from 5/23/89).

(63)(a) *Training Provider:* Occupational Training Academy, Inc.

Address: 8409 Laurel Fair Circle, Suite 102, Tampa, FL 33610, Contact: John Burke, Phone: (813) 621-5586.

(b) *Approved Course:*

Abatement Worker (contingent from 1/17/90).

(64)(a) *Training Provider:* PDR Engineers, Inc.

Address: 2000 Lindell Ave., Nashville, TN 37203, Contact: Ayaja K. Upaphyaya, Phone: (615) 298-2065.

(b) *Approved Course:*

Inspector (contingent from 9/15/88).

(65)(a) *Training Provider:* Practical Environmental Training Institute.

Address: 230 S. Tryon St., Suite 910, Charlotte, NC 28221-6308, Contact: Dianne Christenbery, Phone: (704) 375-9382.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/20/88).
Abatement Worker (full from 10/24/88).
Abatement Worker Refresher Course (contingent from 6/18/89).
Contractor/Supervisor (contingent from 1/17/89).
Contractor/Supervisor (full from 3/20/89).
Contractor/Supervisor Refresher Course (contingent from 6/18/89).
Contractor/Supervisor Refresher Course (full from 2/6/90).

(66)(a) *Training Provider:* Republic Industries, Inc.

Address: P.O. Box 5565, Station 1, Wilmington, NC 28403, Contact: Gerry Phelps, Phone: (919) 799-2664.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/23/89).
Abatement Worker (full from 1/24/90).
Abatement Worker Refresher Course (contingent from 5/5/89).
Abatement Worker Refresher Course (full from 1/25/90).
Contractor/Supervisor (contingent from 9/22/89).
Contractor/Supervisor (full from 4/20/90).
Contractor/Supervisor Refresher Course (contingent from 6/5/89).

(67)(a) *Training Provider:* Retra Services, Inc.

Address: 1730 U.S. Alt. 19 South, Suite H, Tarpon Springs, FL 34689, Contact: Phillip Paroff, Phone: (800) 548-5848.

(b) *Approved Courses:*

Abatement Worker (full from 1/24/89).
Abatement Worker Refresher Course (contingent from 12/29/88).
Abatement Worker Refresher Course (full from 1/24/89).

(68)(a) *Training Provider:* Seagull Environmental Management Asbestos Consulting & Training Systems.

Address: 903 Northwest 6th Ave., Ft. Lauderdale, FL 33311, Contact: James F. Stump, Phone: (305) 524-7208.

(b) *Approved Courses:*

Abatement Worker (full from 5/8/88).
Abatement Worker Refresher Course (contingent from 9/22/89).
Contractor/Supervisor (contingent from 2/22/89).
Contractor/Supervisor Refresher Course (contingent from 9/22/89).
Inspector/Management Planner (contingent from 10/30/89).
Inspector/Management Planner Refresher Course (contingent from 11/1/89).

(69)(a) *Training Provider:* Southeast Asbestos Free Environments, Inc.

Address: 350 South Second Ave., P.O. Box 51267, Jacksonville Beach, FL 32250, Contact: Jim Ilardi, Phone: (904) 246-8000.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).
Contractor/Supervisor (contingent from 1/18/89).

(70)(a) *Training Provider:* Technical Abatement Service, Inc.

Address: 897 East Lemon St., Bartow, FL 33830, Contact: John W. Pevy, Phone: (813) 533-0885.

(b) *Approved Course:*

Abatement Worker (contingent from 6/21/89).

(71)(a) *Training Provider:* Technical Education Resources, Inc.

Address: 2212 Swann Ave., Suite D, Tampa, FL 33606, Contact: Robert Greene, Phone: (813) 251-1095.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/16/89).
Abatement Worker Refresher Course (contingent from 11/14/89).
Contractor/Supervisor (contingent from 11/16/89).
Contractor/Supervisor Refresher Course (contingent from 11/14/89).
Inspector/Management Planner (contingent from 11/16/89).
Inspector/Management Planner Refresher Course (contingent from 11/14/89).

(72)(a) *Training Provider:* Technical Environmental Service Training Institute (T.E.S.T).

Address: Box 28210, Raleigh, NC 27611-8210, Contact: Dennis Mast, Phone: (800) 868-7246.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/22/89).
Abatement Worker (full from 7/7/89).
Abatement Worker Refresher Course (contingent from 7/18/89).
Abatement Worker Refresher Course (full from 3/29/90).
Contractor/Supervisor (contingent from 4/14/89).
Contractor/Supervisor Refresher Course (contingent from 10/20/89).
Inspector/Management Planner (contingent from 7/7/89).
Inspector/Management Planner Refresher Course (contingent from 10/20/89).

(73)(a) *Training Provider:* Technical Training Institute.

Address: P.O. Box 3156, Anderson, SC 29622, Contact: Bill Martin, Phone: (803) 226-2453.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/13/89).
Abatement Worker Refresher Course (contingent from 10/17/89).
Contractor/Supervisor (contingent from 11/13/89).
Contractor/Supervisor (full from 9/7/90).
Contractor/Supervisor Refresher Course (contingent from 10/17/89).
Inspector/Management Planner (contingent from 11/13/89).
Inspector/Management Planner Refresher Course (contingent from 10/17/89).
Project Designer (contingent from 11/13/89).
Project Designer Refresher Course (contingent from 10/17/89).

(74)(a) *Training Provider:* Tennessee Environmental Services.

Address: 1804 Williamson Ct., Brentwood, TN 37027, Contact: Gary J. Lang, Phone: (615) 373-8792.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/26/89).

Abatement Worker (full from 8/15/90).
Abatement Worker Refresher Course (contingent from 11/1/89).
Abatement Worker Refresher Course (full from 8/17/90).
Contractor/Supervisor (contingent from 5/26/89).
Contractor/Supervisor Refresher Course (contingent from 11/1/89).
Contractor/Supervisor Refresher Course (full from 8/16/90).

(75)(a) *Training Provider:* Testwell Craig Labs of Florida, Inc.

Address: 7104 North 51st St., Miami, FL 33166, Contact: George W. Stowell, Phone: (305) 593-0561.

(b) *Approved Course:*

Abatement Worker (contingent from 9/8/89).

(76)(a) *Training Provider:* The Environmental Institute.

Address: COBB Corporate Center/300, 350 Franklin Rd., Marietta, GA 30067, Contact: Eva Clay, Phone: (404) 425-2000.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/10/87).
Abatement Worker (full from 5/2/88).
Contractor/Supervisor (contingent from 12/10/87).
Contractor/Supervisor (full from 2/1/88).
Contractor/Supervisor Refresher Course (full from 5/19/88).
Inspector/Management Planner (contingent from 12/10/87).
Inspector/Management Planner (full from 1/25/88).
Inspector/Management Planner Refresher Course (full from 11/8/88).
Project Designer (contingent from 2/5/88).
Project Designer (full from 2/9/88).
Project Designer Refresher Course (contingent from 4/17/89).
Project Designer Refresher Course (full from 4/19/89).

(77)(a) *Training Provider:* University of Alabama, Tuscaloosa College of Continuing Studies.

Address: P.O. Box 870388, Tuscaloosa, AL 35486-0388, Contact: William Weems, Phone: (800) 452-5923.

(b) *Approved Courses:*

Abatement Worker (full from 4/5/88).
Abatement Worker Refresher Course (contingent from 11/13/89).
Contractor/Supervisor (full from 12/14/87).
Contractor/Supervisor Refresher Course (contingent from 11/13/89).
Inspector/Management Planner (full from 5/16/88).
Inspector/Management Planner Refresher Course (contingent from 11/13/89).

(78)(a) *Training Provider:* University of Alabama-Birmingham Deep South Center.

Address: Birmingham, AL 35294, Contact: Elizabeth Lynch, Phone: (205) 934-7032.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 3/21/88).
Inspector/Management Planner (full from 3/21/88).
Inspector/Management Planner Refresher Course (contingent from 3/3/89).
Inspector/Management Planner Refresher Course (full from 7/30/90).

(79)(a) *Training Provider:* University of Florida TREEO Center.

Address: 3900 Southwest 63rd Blvd., Gainesville, FL 32608, Contact: Peggy Cook, Phone: (904) 392-9570.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).
Abatement Worker Refresher Course (contingent from 1/24/89).
Contractor/Supervisor (interim from 2/9/87 to 4/30/87).
Contractor/Supervisor (full from 5/1/87).
Contractor/Supervisor Refresher Course (contingent from 1/17/89).
Inspector/Management Planner (interim from 1/27/87 to 12/14/87).
Inspector/Management Planner (contingent from 2/5/88).
Inspector/Management Planner (full from 2/15/88).
Inspector/Management Planner Refresher Course (contingent from 10/18/89).

(80)(a) *Training Provider:* University of Kentucky, College of Engineering Continuing Education.

Address: CRMS Building, Room 320, Lexington, KY 40506-0108, Contact: Liz Haden, Phone: (606) 257-3972.

(b) *Approved Courses:*

Abatement Worker Refresher Course (contingent from 3/30/89).
Contractor/Supervisor Refresher Course (contingent from 5/24/89).
Inspector Refresher Course (contingent from 3/3/89).
Inspector/Management Planner (full from 2/15/88).

(81)(a) *Training Provider:* University of North Carolina, Occupational Safety & Health Educational Resource Center.

Address: 109 Conner Dr., Suite 1101, Chapel Hill, NC 27514, Contact: Larry Hyde, Phone: (919) 962-2101.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).
Contractor/Supervisor (contingent from 6/1/88).
Contractor/Supervisor (full from 6/6/88).
Contractor/Supervisor Refresher Course (contingent from 6/7/89).
Inspector/Management Planner (contingent from 11/9/87).
Inspector/Management Planner (full from 11/9/87).
Inspector/Management Planner Refresher Course (contingent from 12/15/88).
Project Designer (contingent from 5/2/89).
Project Designer Refresher Course (contingent from 6/22/89).

(82)(a) *Training Provider:* University of North Florida, Division of Continuing Education & Extension Environmental Ed. & Safety Institute.

Address: 4567 St. Johns Bluff Rd., South Jacksonville, FL 32216, Contact: Elaine Puri, Phone: (904) 646-2690.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/1/89).
Abatement Worker (full from 5/16/90).
Abatement Worker Refresher Course (contingent from 8/25/89).
Abatement Worker Refresher Course (full from 5/16/90).
Contractor/Supervisor (contingent from 9/1/89).
Contractor/Supervisor Refresher Course (contingent from 8/25/89).
Contractor/Supervisor Refresher Course (full from 5/17/90).
Inspector/Management Planner (contingent from 9/1/89).

(83)(a) *Training Provider:* University of South Carolina Medical MUSC) Dept. of Environmental Health.

Address: 171 Ashley Ave., Charleston, SC 29425, Contact: Jan Temple, Phone: (803) 792-5315.

(b) *Approved Courses:*

Abatement Worker (full from 12/19/88).
Abatement Worker Refresher Course (contingent from 2/2/89).
Contractor/Supervisor (full from 3/8/88).
Contractor/Supervisor Refresher Course (contingent from 2/2/89).
Contractor/Supervisor Refresher Course (full from 5/3/89).
Inspector/Management Planner (full from 3/1/88).
Inspector/Management Planner Refresher Course (contingent from 2/2/89).
Inspector/Management Planner Refresher Course (full from 5/2/89).

(84)(a) *Training Provider:* University of South Carolina, School of Public Health, c/o Azimuth Inc.

Address: 386 St. Andrews Rd., Columbia, SC 29210, Contact: Donald Cobb, Phone: (803) 798-2343.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/9/89).
Abatement Worker (full from 12/7/89).
Contractor/Supervisor (contingent from 5/5/89).
Contractor/Supervisor (full from 8/21/89).
Contractor/Supervisor Refresher Course (contingent from 5/24/89).
Contractor/Supervisor Refresher Course (full from 9/20/89).

(85)(a) *Training Provider:* Westinghouse Environmental & Geotechnical Services, Inc.

Address: 3980 Dekalb Technology Parkway, Suite 700, Atlanta, GA 30340, Contact: Russell Dukes, Phone: (404) 452-1911.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/8/89).
Contractor/Supervisor (contingent from 7/18/89).
Inspector/Management Planner (contingent from 1/3/90).

(86)(a) *Training Provider:* Weston, Inc.

Address: 1635 Pumphrey Ave., Auburn, AL 36830-4303, Contact: David Whittington, Phone: (205) 826-6100.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/13/88).
Contractor/Supervisor (contingent from 10/13/88).
Contractor/Supervisor (full from 5/15/89).
Contractor/Supervisor Refresher Course (contingent from 1/31/89).
Contractor/Supervisor Refresher Course (full from 9/25/89).
Inspector/Management Planner (contingent from 5/13/88).
Inspector/Management Planner (full from 9/27/89).
Inspector/Management Planner Refresher Course (contingent from 12/15/88).
Inspector/Management Planner Refresher Course (full from 3/17/89).
Project Designer (contingent from 8/23/88).
Project Designer (full from 3/8/90).
Project Designer Refresher Course (contingent from 1/31/89).
Project Designer Refresher Course (full from 9/26/89).

(87)(a) *Training Provider:* Williams & Associates, Inc., Environmental Training Center.

Address: 460 Tennessee St., Memphis, TN 38103, Contact: Ruth Williams, Phone: (901) 521-9030.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/18/88).
Abatement Worker (full from 4/18/88).
Abatement Worker Refresher Course (contingent from 5/1/89).
Contractor/Supervisor (contingent from 2/18/88).
Contractor/Supervisor (full from 4/18/88).
Contractor/Supervisor Refresher Course (contingent from 5/1/89).

REGION V -- Chicago, IL

Regional Asbestos Coordinator: Anthony Restaino, EPA, Region V, 230 S. Dearborn St., (5-SPT-7), Chicago, IL 60604. (312) 886-6003, (FTS) 886-6003.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region V training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* Abatement Training Institute, Inc.

Address: P.O. Box 26835, Columbus, OH 43226-0835, Contact: Steven Ritchie, Phone: (614) 267-0908.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/88).
Abatement Worker Refresher Course (contingent from 4/25/89).

(2)(a) *Training Provider:* Advanced Mechanical Insulation, Inc.

Address: 205 West Randolph St., Suite 1050, Chicago, IL 60606, Contact: Jeffery M. Bertrand, Phone: (312) 704-9494.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).
Contractor/Supervisor (contingent from 3/2/89).

(3)(a) *Training Provider:* Affiliated Environmental Services, Inc.

Address: 3606 Venice Rd., Sandusky, OH 44870, Contact: Jack Dauch, Phone: (419) 627-1976.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/14/88).
Abatement Worker (full from 10/24/88).
Abatement Worker Refresher Course (contingent from 2/2/89).
Contractor/Supervisor (contingent from 12/29/88).
Contractor/Supervisor (full from 2/27/89).
Contractor/Supervisor Refresher Course (contingent from 2/2/89).
Inspector/Management Planner (contingent from 5/30/89).

(4)(a) *Training Provider:* Alderink & Associates, Inc.

Address: 3221 Three Mile Rd., NW., Grand Rapids, MI 49504, Contact: Deborah C. Alderink, Phone: (616) 791-0730.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/15/88).
Abatement Worker (full from 9/6/88).
Abatement Worker Refresher Course (contingent from 9/1/88).
Abatement Worker Refresher Course (full from 9/6/88).
Contractor/Supervisor (contingent from 7/15/88).
Contractor/Supervisor (full from 9/19/88).
Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(5)(a) *Training Provider:* American Asbestos Institute, Inc. (Formerly Illinois Asbestos Council).

Address: Box 7477, Springfield, IL 62791, Contact: Donald G. Handy, Phone: (217) 523-8747.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/29/89).
Abatement Worker (full from 8/14/89).
Abatement Worker Refresher Course (contingent from 8/31/89).
Contractor/Supervisor (contingent from 3/29/89).
Contractor/Supervisor (full from 8/14/89).
Contractor/Supervisor Refresher Course (contingent from 9/11/89).
Inspector/Management Planner (contingent from 3/29/89).
Inspector/Management Planner Refresher Course (contingent from 9/11/89).
Project Designer Refresher Course (contingent from 9/19/89).

(6)(a) *Training Provider:* American Environmental Institute.

Address: Main Campus, Plaza West, Cleveland, OH 44116, Contact: Gary P. Block, Phone: (216) 333-6225.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).
Abatement Worker Refresher Course (contingent from 12/8/88).
Contractor/Supervisor (contingent from 9/1/88).
Contractor/Supervisor Refresher Course (contingent from 12/6/88).
Inspector/Management Planner (contingent from 11/14/88).

(7)(a) *Training Provider:* American Industrial Hygiene Association.

Address: 475 Wolf Ledges Pkwy., Akron, OH 44311-1087, Contact: Mary Christ, Phone: (216) 762-7294.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 2/23/89).

(8)(a) *Training Provider:* Applied Environmental Sciences, Inc.

Address: Minneapolis Business & Technology, Center, 511 11th Ave. S., Minneapolis, MN 55415, Contact: Franklin H. Dickson, Phone: (612) 339-5559.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/30/88).
Abatement Worker Refresher Course (contingent from 3/16/89).
Contractor/Supervisor (contingent from 2/7/89).
Contractor/Supervisor Refresher Course (contingent from 3/16/89).
Inspector/Management Planner (contingent from 10/17/89).
Inspector/Management Planner Refresher Course (contingent from 10/16/89).

(9)(a) *Training Provider:* Aries Environmental Services, Ltd.

Address: 1550 Hubbard, Batavia, IL 60510, Contact: Dennis Cesarotti, Phone: (312) 879-3006.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/13/88).
Abatement Worker Refresher Course (contingent from 1/18/89).

(10)(a) *Training Provider:* Asbestech, Inc.

Address: 326 Front St., Marietta, OH 45750, Contact: Phillip Lee, Phone: (614) 373-0714.

(b) *Approved Course:*

Abatement Worker (contingent from 11/9/89).

(11)(a) *Training Provider:* Asbestos Abatement, Inc.

Address: 2420 N. Grand River, Lansing, MI 48906, Contact: Shawn O'Callaghan, Phone: (517) 323-0053.

(b) *Approved Course:*

Abatement Worker (contingent from 7/6/88).

(12)(a) *Training Provider:* Asbestos Consulting Group, Inc.

Address: P.O. Box 3157, La Crosse, WI 54602-3157, Contact: Larry Lienau, Phone: (608) 782-1670.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 7/12/88).
Inspector/Management Planner (contingent from 10/14/88).

(13)(a) *Training Provider:* Asbestos Management, Inc.

Address: 36700 South Huron, Suite 104, New Boston, MI 48164, Contact: LaDonna Slifco, Phone: (313) 961-6135.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).
Abatement Worker Refresher Course (contingent from 1/4/89).
Contractor/Supervisor (contingent from 8/18/87).
Inspector/Management Planner (contingent from 1/26/88).
Inspector/Management Planner (full from 2/1/88).
Inspector/Management Planner Refresher Course (contingent from 11/14/88).

(14)(a) *Training Provider:* Asbestos Professional Services, Inc.

Address: 501 North Second St., Breese, IL 62230, Contact: Donald T. Anderson, Phone: (618) 526-2742.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/13/89).
Abatement Worker Refresher Course (contingent from 10/9/89).
Contractor/Supervisor (contingent from 10/13/89).
Contractor/Supervisor Refresher Course (contingent from 10/9/89).

(15)(a) *Training Provider:* Asbestos Removal Inc.

Address: Waterworks Rd., P.O. Box 522, Wabash, IN 46992, Contact: Karen S. Eckman, Phone: (219) 563-2407.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/18/89).
Abatement Worker Refresher Course (contingent from 12/20/89).

(16)(a) *Training Provider:* Asbestos Roofing Technology, Inc.

Address: P.O. Box 211, Lyons, IL 60534, Contact: Jay E. Refieuna, Phone: (312) 352-0400.

(b) *Approved Course:*

Abatement Worker (contingent from 4/13/89).

(17)(a) *Training Provider:* Asbestos Services, Inc.

Address: P.O. Box 141, Baroda, MI 49101, Contact: Dennis W. Calkins, Phone: (616) 422-2174.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).
Abatement Worker Refresher Course (contingent from 3/17/89).
Contractor/Supervisor (contingent from 8/12/88).
Contractor/Supervisor Refresher Course (contingent from 3/17/89).

(18)(a) *Training Provider:* Asbestos Technology & Training, Inc.

Address: 1186 Summit Ave., St. Paul, MN 55105, Contact: James D. Risimini, Phone: (612) 290-0342.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Abatement Worker Refresher Course (contingent from 2/7/89).
Contractor/Supervisor (contingent from 7/27/88).
Contractor/Supervisor Refresher Course (contingent from 2/7/89).
Inspector/Management Planner (contingent from 7/27/88).
Inspector/Management Planner Refresher Course (contingent from 2/7/89).

(19)(a) *Training Provider:* Asbestos Training & Employment, Inc. (ATEI).

Address: 809 East 11th St., Michigan City, IN 46360, Contact: Tom Dwyer, Phone: (219) 874-7348.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/15/88).
Abatement Worker (full from 5/18/88).
Abatement Worker Refresher Course (contingent from 12/11/88).
Contractor/Supervisor (contingent from 1/19/88).
Contractor/Supervisor (full from 6/20/88).
Contractor/Supervisor Refresher Course (contingent from 12/11/88).
Inspector/Management Planner (contingent from 5/13/88).
Inspector/Management Planner Refresher Course (contingent from 12/11/88).

(20)(a) *Training Provider:* Asbestos Workers Council.

Address: 1216 East McMillan St., Room 107, Cincinnati, OH 45206, Contact: Richard Black, Phone: (513) 221-5969.

(b) *Approved Course:*

Abatement Worker (contingent from 10/31/88).

(21)(a) *Training Provider:* Astesco Laboratory, Inc.

Address: P.O. Box 517, Cloverdale, IN 46120, Contact: Donald R. Allen, Phone: (317) 795-4724.

(b) *Approved Courses:*

Abatement Worker (full from 10/31/88).
Abatement Worker Refresher Course (contingent from 2/7/89).
Contractor/Supervisor (contingent from 2/23/89).
Contractor/Supervisor Refresher Course (contingent from 2/23/89).

(22)(a) *Training Provider:* BDN Industrial Hygiene Consultants.

Address: 8105 Valleywood Lane, Portage, MI 49002, Contact: Keith Nichols, Phone: (616) 329-1237.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/88).
Contractor/Supervisor (contingent from 10/1/87).
Contractor/Supervisor Refresher Course (contingent from 9/15/88).
Inspector/Management Planner (contingent from 1/15/88).
Inspector/Management Planner (full from 2/15/88).

(23)(a) *Training Provider:* Baker Midwest, Maple Grove, Minnesota.

Address: 10650 State Highway 152, Suite 112, Maple Grove, MN 55369, Contact: Joseph Reeves, Phone: (612) 493-2595.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/15/89).
Contractor/Supervisor (contingent from 6/15/89).

(24)(a) *Training Provider:* Ball State University.

Address: College of Sciences & Humanities, Department of Natural Resources, Muncie, IN 47306, Contact: Thad Godish, Phone: (317) 285-5780.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 3/30/89).

(25)(a) *Training Provider:* Bems Engineering, Inc.

Address: 18600 Northville Rd., Suite 200, Northville, MI 48167, Contact: Eugene L. Kunz, Phone: (313) 348-9167.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 12/29/88).
Contractor/Supervisor Refresher Course (contingent from 12/29/88).
Inspector (contingent from 1/18/89).
Inspector/Management Planner Refresher Course (contingent from 1/4/89).
Project Designer (contingent from 3/2/89).

(26)(a) *Training Provider:* Bierlein Demolition Contractors, Inc.

Address: 2903 South Graham Rd., Saginaw, MI 48608-8078, Contact: Harry T. Dryer, Jr., Phone: (517) 781-1810.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/7/89).
Contractor/Supervisor (contingent from 2/7/89).

(27)(a) *Training Provider:* Boelter Associates, Inc.

Address: 8700 West Bryn Mawr Ave., South Tower, Suite 401, Chicago, IL 60631, Contact: Philip Ramos, Phone: (312) 380-1070.

(b) *Approved Course:*

Contractor/Supervisor Refresher Course (contingent from 5/22/89).

(28)(a) *Training Provider:* Bonne Terre Training Services.

Address: P.O. Box 673, Tiffin, OH 44883, Contact: Timothy E. Blott, Phone: (419) 447-5091.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/13/89).
Abatement Worker Refresher Course (contingent from 10/12/89).

(29)(a) *Training Provider:* Bowling Green State University Environmental Health Program.

Address: 102 Health Center, Bowling Green, OH 43403-0280, Contact: Gary S. Silverman, Phone: (419) 372-7774.

(b) *Approved Course:*

Abatement Worker (contingent from 4/21/89).

(30)(a) *Training Provider:* Carnow, Conibear & Associates, Ltd.

Address: 333 West Wacker Dr., Suite 1400, Chicago, IL 60606, Contact: Victoria Musselman, Phone: (312) 782-4486.

(b) *Approved Course:*

Abatement Worker (full from 2/29/88).

(31)(a) *Training Provider:* Centin Corp.

Address: 6601 North Interchange Rd., Evansville, IN 47715, Contact: Dan Sanders, Phone: (812) 474-6220.

(b) *Approved Course:*

Abatement Worker (contingent from 3/30/89).

(32)(a) *Training Provider:* Charles J. Ogg and Associates.

Address: P.O. Box 815, Newburgh, IN 47629-0815, Contact: Charles J. Ogg, Phone: (812) 853-7607.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/29/88).
Contractor/Supervisor (contingent from 5/1/89).

(33)(a) *Training Provider:* Clayton Environmental Consultants, Inc.

Address: 22345 Roethel Dr., Novi, MI 48050, Contact: Michael Coffman, Phone: (313) 344-1770.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 1/26/88).
Inspector/Management Planner (full from 2/16/88).
Inspector/Management Planner Refresher Course (contingent from 1/26/89).

(34)(a) *Training Provider:* Cleveland Environmental Services, Inc.

Address: P.O. Box 14643, Cincinnati, OH 45214, Contact: Eugene B. Rose, Phone: (513) 921-4143.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/18/89).
Contractor/Supervisor (contingent from 4/21/89).

(35)(a) *Training Provider:* Cleveland Wrecking Co.

Address: 1400 Harrison Ave., P.O. Box 145530, Cincinnati, OH 45214, Contact: Eugene B. Rose, Phone: (513) 921-1160.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/3/89).
Abatement Worker Refresher Course (contingent from 8/3/89).
Contractor/Supervisor (contingent from 8/3/89).
Contractor/Supervisor Refresher Course (contingent from 8/3/89).

(36)(a) *Training Provider:* Columbus Paraprofessional Institute Battelle Columbus Division.

Address: 505 King Ave., Columbus, OH 43201-2693, Contact: John Simpkins, Phone: (614) 424-6424.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/4/88).
Inspector/Management Planner (full from 4/11/88).
Inspector/Management Planner Refresher Course (contingent from 11/30/88).

(37)(a) *Training Provider:* Construction & General Laborers Training Trust Fund.

Address: 4N250 Old Gary Ave., Cloverdale, IL 60103, Contact: Anthony Solano, Phone: (708) 653-0006.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/16/88).
Abatement Worker (full from 1/23/89).
Abatement Worker Refresher Course (contingent from 12/1/88).
Abatement Worker Refresher Course (full from 12/12/89).
Contractor/Supervisor (contingent from 9/22/89).
Contractor/Supervisor (full from 3/23/90).

(38)(a) *Training Provider:* Construction Laborer Local Union No. 496.

Address: 5945 North Ridge Rd., P.O. Box 190, Madison, OH 44057, Contact: Floyd Conrad, Phone: (216) 428-7177.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/25/89).
Abatement Worker Refresher Course (contingent from 12/1/89).
Contractor/Supervisor (contingent from 10/25/89).

Contractor/Supervisor Refresher Course (contingent from 12/1/89).
Inspector (contingent from 10/25/89).
Inspector Refresher Course (contingent from 12/1/89).

(39)(a) *Training Provider:* D/E 3.

Address: 19701 South Miles Pkwy., N-12, Warrensville, OH 44128, Contact: Harold Danto, Phone: (216) 663-1500.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).
Abatement Worker Refresher Course (contingent from 1/4/89).
Contractor/Supervisor (contingent from 9/1/89).
Contractor/Supervisor Refresher Course (contingent from 10/10/89).

(40)(a) *Training Provider:* Daniel J. Hartwig Associates, Inc.

Address: P.O. Box 31, Oregon, WI 53575-0031, Contact: Alice J. Seeliger, Phone: (608) 835-5781.

(b) *Approved Courses:*

Abatement Worker (full from 10/18/88).
Abatement Worker Refresher Course (contingent from 4/25/89).
Contractor/Supervisor (contingent from 4/11/89).
Contractor/Supervisor Refresher Course (contingent from 4/25/89).
Inspector/Management Planner (contingent from 2/9/88).
Inspector/Management Planner (full from 4/18/88).
Inspector/Management Planner Refresher Course (contingent from 2/23/89).

(41)(a) *Training Provider:* Darla Environmental, Inc.

Address: 1220 Richards St., Suite H, Joliet, IL 60433-2758, Contact: Salvador Garcia, Phone: (815) 722-5561.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).
Contractor/Supervisor (contingent from 10/7/88).

(42)(a) *Training Provider:* DeLisle Associates, Ltd.

Address: 6946 East North Ave., Kalamazoo, MI 49001, Contact: Mark A. DeLisle, Phone: (616) 385-1018.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/1/88).
Abatement Worker (full from 1/23/89).
Contractor/Supervisor (contingent from 10/5/87).
Contractor/Supervisor (full from 10/20/87).
Contractor/Supervisor Refresher Course (contingent from 9/1/88).
Inspector/Management Planner (contingent from 12/22/87).
Inspector/Management Planner (full from 1/27/88).
Inspector/Management Planner Refresher Course (contingent from 2/23/89).

(43)(a) *Training Provider:* Dore & Associates Contracting, Inc.

Address: 900 Harry S. Truman Pkwy., P.O. Box 146, Bay City, MI 48707, Contact: Joseph Goldring, Phone: (517) 684-8358.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/6/88).
Abatement Worker (full from 7/25/88).
Abatement Worker Refresher Course (contingent from 10/31/88).
Contractor/Supervisor (contingent from 10/31/88).
Contractor/Supervisor Refresher Course (contingent from 3/29/89).

(44)(a) *Training Provider:* Ecological Services, Inc.

Address: 107 Clay St., Tiffin, OH 44880-0715, Contact: Harish N. Pandhi, Phone: (419) 447-2514.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).
Abatement Worker Refresher Course (contingent from 3/7/89).

(45)(a) *Training Provider:* Emscoa-Emergency Medical Service Consultants of America.

Address: 12125 South 90th Ave., Palos Park, IL 60464, Contact: Fred Debow, Phone: (708) 448-7500.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/3/89).
Abatement Worker Refresher Course (contingent from 12/20/89).
Contractor/Supervisor (contingent from 11/3/89).
Contractor/Supervisor Refresher Course (contingent from 12/20/89).

(46)(a) *Training Provider:* Environment Technology of Fort Wayne, Inc.

Address: 9208 Hessen Cassel Rd., Fort Wayne, IN 46816, Contact: Randy C. Aumsbaugh, Phone: (219) 447-3141.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/5/89).
Abatement Worker (full from 3/21/90).
Abatement Worker Refresher Course (contingent from 4/7/89).

(47)(a) *Training Provider:* Environmental & Occupational Consulting & Training, Inc.

Address: 3410 East Cork St., Kalamazoo, MI 49001, Contact: A. Clark Kahn, Phone: (616) 388-8099.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/89).
Abatement Worker Refresher Course (contingent from 3/7/89).
Contractor/Supervisor (contingent from 3/1/89).
Contractor/Supervisor Refresher Course (contingent from 3/7/89).

(48)(a) *Training Provider:* Environmental Abatement Systems, Inc.

Address: 6416 Ellsworth, Detroit, MI 48238, Contact: Farrell Davis, Phone: (313) 345-3154.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).
Contractor/Supervisor (contingent from 8/12/88).

(49)(a) *Training Provider:* Environmental Diversified Services, Inc.

Address: 24356 Sherwood, Center Line, MI 48015-1061, Contact: Michael D. Berg, Phone: (313) 757-4800.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/30/89).
Abatement Worker Refresher Course (contingent from 4/14/89).
Contractor/Supervisor (contingent from 3/30/89).
Contractor/Supervisor Refresher Course (contingent from 4/11/89).

(50)(a) *Training Provider:* Environmental Management Consultants, Inc.

Address: 5201 Middle Mt. Vernon Rd., Evansville, IN 47712, Contact: Barbara S. Kramer, Phone: (812) 424-7768.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/13/89).
Abatement Worker (full from 12/13/89).
Contractor/Supervisor (contingent from 3/9/89).
Contractor/Supervisor (full from 12/13/89).

(51)(a) *Training Provider:* Environmental Professionals, Inc.

Address: 1405 Newton St., Tallmadge, OH 44278, Contact: Edward C. Bruner, Phone: (216) 633-4435.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 2/2/88).
Contractor/Supervisor Refresher Course (contingent from 1/26/89).

(52)(a) *Training Provider:* Environmental Rehab, Inc.

Address: 700 Coronis Cir., Green Bay, WI 54304, Contact: Randy LaCrosse, Phone: (414) 337-0650.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).

Abatement Worker (full from 3/29/89).
Abatement Worker Refresher Course (contingent from 10/13/89).

(53)(a) *Training Provider:*
Environmental Response Systems, Inc.
Address: 5319 Broadway Ave., Cleveland, OH 44127, Contact: Paul J. Stroud, Jr., Phone: (216) 883-1152.

(b) *Approved Course:*
Contractor/Supervisor (contingent from 12/29/88).

(54)(a) *Training Provider:*
Environmental Safety Training Services, Inc.
Address: 11802 Hanson Rd., Algonquin, IL 60102, Contact: Robert Sayre, Phone: (217) 525-6161.

(b) *Approved Courses:*
Abatement Worker (contingent from 12/1/88).
Abatement Worker Refresher Course (contingent from 1/17/89).

(55)(a) *Training Provider:*
Environmental Science & Engineering, Inc.
Address: 8901 North Industrial Rd., Peoria, IL 61615, Contact: Phillip G. Zerwer, Phone: (309) 692-4422.

(b) *Approved Courses:*
Contractor/Supervisor (contingent from 5/30/89).
Contractor/Supervisor Refresher Course (contingent from 6/9/89).

(56)(a) *Training Provider:*
Environmental Technologies Co. (Formerly Lee Environmental Services, Inc.).
Address: 2727 Second Ave., Detroit, MI 48201, Contact: David W. McDowell, Phone: (313) 961-4230.

(b) *Approved Course:*
Abatement Worker (contingent from 3/17/89).

(57)(a) *Training Provider:*
Environmental Training Institute.
Address: 4708 Angold Rd., Toledo, OH 43615, Contact: Dale Bruhl, Jr., Phone: (419) 382-9200.

(b) *Approved Courses:*
Abatement Worker (contingent from 1/10/89).
Abatement Worker Refresher Course (contingent from 10/5/89).

(58)(a) *Training Provider:* Envirplus, Inc.
Address: 600 Hartrey Ave., Suite 203 A, Evanston, IL 60202, Contact: Salvadar Garcia, Phone: (312) 475-0022.

(b) *Approved Course:*
Contractor/Supervisor (contingent from 8/31/89).

(59)(a) *Training Provider:* Escor, Inc.
Address: 540 Frontage Rd., Suite 211, Northfield, IL 60093, Contact: R. Eric Zimmerman, Phone: (312) 501-2190.

(b) *Approved Courses:*
Abatement Worker (contingent from 8/12/88).
Abatement Worker Refresher Course (contingent from 9/15/88).
Contractor/Supervisor (contingent from 8/12/88).
Contractor/Supervisor Refresher Course (contingent from 9/15/88).
Inspector/Management Planner (contingent from 8/12/88).
Inspector/Management Planner Refresher Course (contingent from 9/1/88).

(60)(a) *Training Provider:* Foley Occupational Health Consulting.
Address: 2400 North Reynolds Rd., Toledo, OH 43615, Contact: E.D. Foley, Jr., Phone: (419) 531-7191.

(b) *Approved Courses:*
Contractor/Supervisor (contingent from 2/4/88).
Contractor/Supervisor Refresher Course (contingent from 1/4/89).

(61)(a) *Training Provider:* G & H Contracting Associates, Ltd.
Address: 300 Acorn St., P.O. Box 49080, Plainwell, MI 49080, Contact: Jeffrey C. Gren, Phone: (616) 685-1606.

(b) *Approved Courses:*
Abatement Worker (contingent from 10/7/88).
Abatement Worker (full from 11/7/88).
Contractor/Supervisor (contingent from 4/21/89).

(62)(a) *Training Provider:* Gandee & Associates, Inc.
Address: 4488 Mobile Dr., Columbus, OH 43220, Contact: Kurt Varga, Phone: (614) 459-8338.

(b) *Approved Courses:*
Abatement Worker (full from 1/17/89).
Abatement Worker Refresher Course (contingent from 8/17/89).
Contractor/Supervisor (contingent from 6/1/88).
Contractor/Supervisor (full from 8/29/88).
Contractor/Supervisor Refresher Course (contingent from 7/26/89).
Inspector/Management Planner (contingent from 3/3/89).
Inspector/Management Planner Refresher Course (contingent from 8/2/89).

(63)(a) *Training Provider:* Hazard Management Group, Inc.
Address: P.O. Box 627, Ashtabula, OH 44004, Contact: Gabriel Demshar, Jr., Phone: (216) 992-1122.

(b) *Approved Courses:*
Abatement Worker (contingent from 1/4/89).
Contractor/Supervisor (contingent from 1/4/89).

(64)(a) *Training Provider:* Hazardous Materials Institute, Inc.
Address: 1550 Old Henderson Rd., Suite N-232, Columbus, OH 43222, Contact: Al Wilson, Phone: (614) 459-1105.

(b) *Approved Courses:*
Abatement Worker (contingent from 8/12/88).
Abatement Worker Refresher Course (contingent from 9/15/88).
Contractor/Supervisor (contingent from 8/12/88).
Contractor/Supervisor Refresher Course (contingent from 9/15/88).
Inspector/Management Planner (contingent from 8/3/88).
Inspector/Management Planner Refresher Course (contingent from 9/15/88).
Project Designer (contingent from 10/14/88).

(65)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union No. 17 Apprentice Training Center.
Address: 3850 South Racine Ave., Chicago, IL 60609, Contact: John P. Shine, Phone: (312) 247-1007.

(b) *Approved Courses:*
Abatement Worker (contingent from 10/2/87).
Abatement Worker (full from 11/8/87).
Abatement Worker Refresher Course (contingent from 10/14/88).
Abatement Worker Refresher Course (full from 1/9/90).
Contractor/Supervisor (contingent from 3/21/88).
Contractor/Supervisor (full from 3/22/88).
Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(66)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union No. 34.
Address: 708 South 10th St., Minneapolis, MN 55404, Contact: Lee Houske, Phone: (612) 332-3216.

(b) *Approved Courses:*
Abatement Worker (full from 11/8/88).
Contractor/Supervisor (full from 11/8/88).

(67)(a) *Training Provider:* Helix Environmental, Inc.
Address: 416 Triangle, Dayton, OH 45419, Contact: Ralph Froehlich, Phone: (513) 298-2990.

(b) *Approved Courses:*
Abatement Worker (contingent from 11/1/89).
Contractor/Supervisor (contingent from 11/1/89).
Contractor/Supervisor Refresher Course (contingent from 12/19/89).

Inspector/Management Planner (contingent from 11/1/89).
Inspector/Management Planner Refresher Course (contingent from 12/20/89).

(68)(a) *Training Provider:* I.P.C. of Chicago.

Address: 4309 West Henderson, Chicago, IL 60641, Contact: Robert G. Cooley, Phone: (312) 718-7395.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/5/87).
Abatement Worker (full from 8/8/88).
Contractor/Supervisor (contingent from 2/7/89).
Contractor/Supervisor Refresher Course (contingent from 2/7/89).
Inspector/Management Planner Refresher Course (contingent from 2/7/89).

(69)(a) *Training Provider:* Illinois Environmental Institute.

Address: 8425 West 95th St., Hickory Hills, IL 60457, Contact: William T. Giova, Phone: (312) 839-9000.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/3/89).
Abatement Worker (full from 2/9/90).

(70)(a) *Training Provider:* Illinois Laborers' & Contractors Training Program.

Address: R.R. 3, Mount Sterling, IL 62353, Contact: Tony Romolo, Phone: (217) 773-2741.

(b) *Approved Courses:*

Abatement Worker (full from 12/15/85).
Abatement Worker Refresher Course (contingent from 9/1/88).
Abatement Worker Refresher Course (full from 12/13/89).
Contractor/Supervisor (contingent from 2/9/88).
Contractor/Supervisor (full from 3/14/88).
Contractor/Supervisor Refresher Course (contingent from 2/27/89).

(71)(a) *Training Provider:* Ilse Engineering, Inc.

Address: 7177 Arrowhead Rd., Duluth, MN 55811, Contact: John F. Ilse, Phone: (218) 729-6858.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).
Contractor/Supervisor Refresher Course (contingent from 4/11/89).

(72)(a) *Training Provider:* Indiana Laborers Training Trust Fund.

Address: P.O. Box 758, Bedford, IN 47421, Contact: Richard Fassino, Phone: (812) 279-9751.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/87).
Abatement Worker (full from 2/22/88).
Abatement Worker Refresher Course (contingent from 10/7/88).
Abatement Worker Refresher Course (full from 1/17/90).
Contractor/Supervisor (contingent from 6/2/88).
Contractor/Supervisor (full from 8/15/88).
Contractor/Supervisor Refresher Course (contingent from 6/14/89).

(73)(a) *Training Provider:* Indianapolis Center for Advanced Research, Inc.

Address: 611 North Capitol Ave., Indianapolis, IN 46204, Contact: William Beranek, Jr., Phone: (317) 262-5027.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/13/88).
Abatement Worker (full from 1/10/89).
Abatement Worker Refresher Course (contingent from 12/27/88).
Contractor/Supervisor (contingent from 9/15/88).
Contractor/Supervisor (full from 1/10/89).
Contractor/Supervisor Refresher Course (contingent from 12/27/88).
Inspector/Management Planner (contingent from 5/9/88).
Inspector/Management Planner (full from 6/6/88).
Inspector/Management Planner Refresher Course (contingent from 12/6/88).

(74)(a) *Training Provider:* Industrial Environmental Consultants.

Address: 2875 Northwind, Suite 113, East Lansing, MI 48823, Contact: James C. Fox, Phone: (517) 332-7026.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/9/88).
Abatement Worker (full from 1/23/89).
Abatement Worker Refresher Course (contingent from 1/18/89).
Contractor/Supervisor (contingent from 8/3/88).
Contractor/Supervisor (full from 1/23/89).
Contractor/Supervisor Refresher Course (contingent from 12/5/88).
Inspector/Management Planner (contingent from 3/1/88).

(75)(a) *Training Provider:* Institute for Environmental Assessment.

Address: 2829 Verndale Ave., Anoka, MN 55303, Contact: Bill Sloan, Phone: (612) 427-5310.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).
Contractor/Supervisor (contingent from 8/12/88).
Inspector/Management Planner Refresher Course (contingent from 2/21/89).

(76)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 19.

Address: 9401 West Beloit Rd., No. 209, Milwaukee, WI 53227, Contact: Randall Gottsacker, Phone: (414) 321-2828.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/29/88).
Abatement Worker (full from 5/15/89).
Abatement Worker Refresher Course (contingent from 1/26/89).
Contractor/Supervisor (contingent from 12/29/88).
Contractor/Supervisor Refresher Course (contingent from 1/26/89).

(77)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 34.

Address: 708 South 10th St., Minneapolis, MN 55404, Contact: Lee A. Houske, Phone: (612) 332-3216.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/8/88).
Contractor/Supervisor (contingent from 9/1/88).

(78)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers, Local Union No. 127.

Address: 2787 Pamela Dr., Green Bay, WI 54302, Contact: Michael A. Simons, Phone: (414) 468-5973.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/18/89).
Abatement Worker Refresher Course (contingent from 1/18/89).
Contractor/Supervisor (contingent from 1/18/89).

(79)(a) *Training Provider:* JWP Enterprises, Ltd.

Address: 122 Water St., Baraboo, WI 53913, Contact: Stephen P. Jandrowski, Phone: (608) 356-2101.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/6/89).
Abatement Worker Refresher Course (contingent from 6/8/89).
Contractor/Supervisor (contingent from 6/6/89).
Contractor/Supervisor (full from 12/7/89).
Contractor/Supervisor Refresher Course (contingent from 6/8/89).

(80)(a) *Training Provider:* Kemron Environmental Services, Inc.

Address: 32740 Northwestern Hwy., Farmington Hills, MI 48018, Contact: Sara A. Bassett, Phone: (313) 626-2426.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).
Contractor/Supervisor (contingent from 5/13/88).
Contractor/Supervisor (full from 2/27/89).
Contractor/Supervisor Refresher Course (contingent from 2/7/89).
Inspector/Management Planner (contingent from 3/25/88).
Inspector/Management Planner Refresher Course (contingent from 1/4/89).

(81)(a) *Training Provider:* Keter Environmental Ltd.

Address: 699 Edgewood Ave., Elmhurst, IL 60126, Contact: Philip Pekron, Phone: (312) 941-0201.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/27/89).
Abatement Worker Refresher Course (contingent from 11/28/89).
Contractor/Supervisor Refresher Course (contingent from 12/20/89).

(82)(a) *Training Provider:* Lakeland Contractors, Inc.

Address: 7615-B St. Clair St., Mentor, OH 44060, Contact: Rex Harris, Phone: (216) 942-0006.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/4/89).
Abatement Worker Refresher Course (contingent from 4/11/89).

(83)(a) *Training Provider:* Lepi Enterprises, Inc.

Address: 917 Main St., Dresden, OH 43821, Contact: James R. Lepi, Phone: (614) 754-1162.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/6/88).
Abatement Worker (full from 6/8/90).
Abatement Worker Refresher Course (contingent from 4/25/89).

(84)(a) *Training Provider:* Lyle Training Institute.

Address: 41 South Grant, Columbus, OH 43215, Contact: Andrea D. Hamblin, Phone: (614) 224-8822.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/21/88).
Contractor/Supervisor (contingent from 3/7/89).
Inspector/Management Planner (contingent from 6/30/88).
Inspector/Management Planner Refresher Course (contingent from 3/16/89).

(85)(a) *Training Provider:* M.K. Moore & Sons, Inc.

Address: 5150 Wagoner-Ford Rd., Dayton, OH 45414, Contact: Catherine C. Buchanan, Phone: (513) 236-1812.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/31/89).
Abatement Worker (full from 5/3/90).
Abatement Worker Refresher Course (contingent from 4/7/89).
Contractor/Supervisor (contingent from 3/31/89).
Contractor/Supervisor Refresher Course (contingent from 4/7/89).

(86)(a) *Training Provider:* MacNeil Environmental, Inc.

Address: 799 Roosevelt Rd., Building 6, Glen Ellyn, IL 60137, Contact: James E. Viskocil, Phone: (312) 858-2092.

(b) *Approved Courses:*

Contractor/Supervisor Refresher Course (contingent from 7/6/89).
Inspector/Management Planner Refresher Course (contingent from 7/6/89).

(87)(a) *Training Provider:* Manage Right Asbestos Consultants.

Address: 314 West Genesee Ave., Saginaw, MI 48602, Contact: Mary Margaret Brown, Phone: (517) 753-9290.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/24/89).
Abatement Worker Refresher Course (contingent from 4/27/89).
Contractor/Supervisor (contingent from 4/7/89).

(88)(a) *Training Provider:* Mark A. Kriesemint, Ltd.

Address: P.O. Box 06198, Chicago, IL 60606-0198, Contact: Mark Kriesemint, Phone: (312) 463-0206.

(b) *Approved Course:*

Abatement Worker (contingent from 10/31/88).

(89)(a) *Training Provider:* McDowell Business Training Center.

Address: 1313 S. Michigan Ave., 3rd Floor, Chicago, IL 60605, Contact: Edward McDowell, Phone: (312) 427-2598.

(b) *Approved Course:*

Abatement Worker (contingent from 10/6/89).

(90)(a) *Training Provider:* Metropolitan Detroit AFL-CIO Training Center.

Address: 14333 Prairie, Detroit, MI 48238, Contact: Richard M. King, Phone: (313) 863-1000.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).
Contractor/Supervisor (contingent from 8/12/88).

(91)(a) *Training Provider:* Michigan Laborers Training Institute.

Address: 11155 South Beardslee Rd., Perry, MI 48872, Contact: Edwin H. McDonald, Phone: (517) 625-4919.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/9/88).
Abatement Worker (full from 5/2/88).
Abatement Worker Refresher Course (contingent from 11/14/88).
Contractor/Supervisor (contingent from 4/6/88).
Contractor/Supervisor (full from 5/6/88).
Contractor/Supervisor Refresher Course (contingent from 11/14/88).

(92)(a) *Training Provider:* Mid-Central Illinois District Council of Carpenters.

Address: 910 Brenkman Dr., Pekin, IL 61554, Contact: Mr. Burnett, Phone: (309) 353-4232.

(b) *Approved Courses:*

Abatement Worker Refresher Course (contingent from 9/1/89).
Contractor/Supervisor Refresher Course (contingent from 9/1/89).

(93)(a) *Training Provider:* Midwest Center for Occupational Health & Safety.

Address: 640 Jackson St., St. Paul, MN 55101, Contact: Ruth K. McIntyre, Phone: (612) 221-3992.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/16/88).
Contractor/Supervisor (full from 11/28/88).
Contractor/Supervisor Refresher Course (contingent from 12/1/88).
Inspector/Management Planner (contingent from 5/9/88).
Inspector/Management Planner (full from 5/23/88).
Inspector/Management Planner Refresher Course (contingent from 12/1/88).

(94)(a) *Training Provider:* Midwest Health Training.

Address: 3920 Central, Western Springs, IL 60558, Contact: H.C. Brown, Phone: (312) 246-9527.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/25/88).
Abatement Worker (full from 4/25/88).
Abatement Worker Refresher Course (contingent from 9/15/88).
Contractor/Supervisor (contingent from 2/23/89).

(95)(a) *Training Provider:* Milwaukee Asbestos Information Center.

Address: 2224 South Kinnickinnic Ave., Milwaukee, WI 53207, Contact: Thomas R. Ortell, Phone: (414) 744-8100.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).
Abatement Worker Refresher Course (contingent from 2/23/89).
Contractor/Supervisor (contingent from 12/1/88).
Contractor/Supervisor Refresher Course (contingent from 2/23/89).
Inspector/Management Planner (contingent from 3/2/89).
Inspector/Management Planner Refresher Course (contingent from 2/23/89).
Project Designer (contingent from 9/22/89).
Project Designer Refresher Course (contingent from 10/16/89).

(96)(a) *Training Provider:* Moraine Valley Community College.

Address: 10900 South 88th Ave., Palos Hills, IL 60465, Contact: Dale Luecht, Phone: (708) 974-5735.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/7/89).
Abatement Worker (full from 1/11/90).
Abatement Worker Refresher Course (contingent from 3/16/89).
Abatement Worker Refresher Course (full from 1/25/90).
Contractor/Supervisor (contingent from 8/12/88).
Contractor/Supervisor (full from 5/7/90).
Contractor/Supervisor Refresher Course (contingent from 12/6/88).
Contractor/Supervisor Refresher Course (full from 5/1/90).
Inspector/Management Planner (full from 2/9/88).
Inspector/Management Planner Refresher Course (contingent from 12/6/88).
Inspector/Management Planner Refresher Course (full from 4/30/90).

(97)(a) *Training Provider:* National Asbestos Abatement Corp.

Address: 1198 Robert T. Longway Blvd., Flint, MI 48503, Contact: James S. Sheaffer, Phone: (313) 232-7100.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/7/89).
Abatement Worker (full from 4/18/89).

(98)(a) *Training Provider:* National Institute for Abatement Education.

Address: 5501 Williamsburg Way No. 305, Madison, WI 53719, Contact: Dean Leischow, Phone: (608) 271-7281.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/15/88).
Contractor/Supervisor (contingent from 7/15/88).

(99)(a) *Training Provider:* Northern Safety Consultants, Inc.

Address: 1406 Lincoln Ave., Marquette, MI 49855, Contact: Christopher M. Baker, Phone: (906) 228-5161.

(b) *Approved Courses:*

Abatement Worker (full from 5/31/88).
Contractor/Supervisor (full from 5/31/88).
Contractor/Supervisor Refresher Course (contingent from 10/7/88).

(100)(a) *Training Provider:* Northland Environmental Services, Inc.

Address: P.O. Box 909, Stevens Point, WI 54481, Contact: Bob Voborsky, Phone: (715) 341-9699.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/18/89).
Abatement Worker Refresher Course (contingent from 1/18/89).
Contractor/Supervisor (contingent from 1/18/89).
Contractor/Supervisor Refresher Course (contingent from 1/18/89).

(101)(a) *Training Provider:* Nova Environmental Services.

Address: Suite 420 Hazeltine Gates, 1107 Hazeltine Blvd., Chaska, MN 55318, Contact: Deborah S. Green, Phone: (612) 448-9393.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/24/87).
Abatement Worker Refresher Course (contingent from 4/13/89).
Contractor/Supervisor (contingent from 9/1/88).
Contractor/Supervisor Refresher Course (contingent from 4/13/89).

(102)(a) *Training Provider:* Nova Environmental, Inc.

Address: 5340 Plymouth Rd., Suite 210, Ann Arbor, MI 48105, Contact: Kary S. Amin, Phone: (313) 930-0995.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/13/88).
Abatement Worker (full from 3/27/89).
Contractor/Supervisor (contingent from 10/7/88).
Contractor/Supervisor (full from 3/27/89).
Contractor/Supervisor Refresher Course (contingent from 10/7/88).
Inspector/Management Planner (contingent from 10/7/88).
Inspector/Management Planner Refresher Course (contingent from 11/14/88).

(103)(a) *Training Provider:* Occupational Safety Training, Inc.

Address: 237 Dino Dr., Suite A, Ann Arbor, MI 48103, Contact: Randy Gamble, Phone: (313) 426-3300.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/17/89).
Abatement Worker Refresher Course (contingent from 3/17/89).
Contractor/Supervisor (contingent from 1/26/89).
Contractor/Supervisor (full from 3/13/89).
Contractor/Supervisor Refresher Course (contingent from 1/17/89).

(104)(a) *Training Provider:* Ohio Asbestos Workers Council.

Address: 1216 East McMillan St., Room 107, Cincinnati, OH 45206, Contact: Larry Briley, Phone: (513) 221-5969.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 2/17/88).
Contractor/Supervisor (full from 5/12/88).

(105)(a) *Training Provider:* Ohio Laborers' Training & Upgrading Trust Fund.

Address: 25721 Coshocton Rd., P.O. Box 218, Howard, OH 43028, Contact: John L. Railing, Phone: (614) 599-7915.

(b) *Approved Courses:*

Abatement Worker (full from 4/11/88).
Abatement Worker Refresher Course (contingent from 9/1/88).
Abatement Worker Refresher Course (full from 2/8/90).
Contractor/Supervisor (contingent from 7/27/88).
Contractor/Supervisor (full from 2/8/90).
Contractor/Supervisor Refresher Course (contingent from 6/6/89).
Contractor/Supervisor Refresher Course (full from 2/9/90).

(106)(a) *Training Provider:* Olive - Harvey College Skill Center.

Address: 10001 South Woodlawn Ave., Chicago, IL 60628, Contact: Verondo Tucker, Phone: (312) 660-4841.

(b) *Approved Course:*

Abatement Worker (contingent from 3/6/89).

(107)(a) *Training Provider:* Peoria Public Schools.

Address: 3202 North Wisconsin Ave., Peoria, IL 61603, Contact: Emil S. Steinseifer, Phone: (309) 672-6512.

(b) *Approved Course:*

Abatement Worker Refresher Course (contingent from 11/14/88).

(108)(a) *Training Provider:* Professional Asbestos Control Company Inc.

Address: 5739 West Howard St., Niles, IL 60648, Contact: William Foss, Phone: (312) 647-0077.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/2/89).
Contractor/Supervisor (contingent from 11/2/89).

(109)(a) *Training Provider:*
Professional Asbestos Labor Services, Inc.
Address: 2955 W 5th Ave., Gary, IN 46404-1201, Contact: George Bradley, Phone: (219) 883-8541.

(b) *Approved Courses:*
Abatement Worker (contingent from 5/18/88).
Abatement Worker Refresher Course (contingent from 12/5/88).

(110)(a) *Training Provider:*
Professional Service Industries, Inc.
Address: 510 East 22nd St., Lombard, IL 60148, Contact: W.K. Swartzendruber, Phone: (312) 691-1490.

(b) *Approved Courses:*
Contractor/Supervisor (contingent from 11/13/89).
Contractor/Supervisor Refresher Course (contingent from 10/11/89).
Inspector/Management Planner (contingent from 12/15/88).
Inspector/Management Planner (full from 4/27/89).
Inspector/Management Planner Refresher Course (contingent from 10/11/89).

(111)(a) *Training Provider:* Rend Lake College.
Address: Department AAA, Ina, IL 62846, Contact: Fred Bruno, Phone: (618) 437-5321.

(b) *Approved Courses:*
Abatement Worker (contingent from 3/29/89).
Abatement Worker (full from 10/10/89).

(112)(a) *Training Provider:* Risk Services, Inc.
Address: 26384 Ford Rd., Suite 200, Dearborn Heights, MI 48127, Contact: Michael J. Borsuck, Phone: (313) 565-5225.

(b) *Approved Courses:*
Abatement Worker (contingent from 4/11/89).
Abatement Worker Refresher Course (contingent from 4/11/89).
Contractor/Supervisor (contingent from 4/11/89).
Contractor/Supervisor Refresher Course (contingent from 4/11/89).

(113)(a) *Training Provider:* S.Z. Mansdorf & Associates, Inc.
Address: 2000 Chestnut Blvd., Cuyahoga Falls, OH 44223-1323, Contact: S.Z. Mansdorf, Phone: (216) 928-5434.

(b) *Approved Courses:*
Contractor/Supervisor (contingent from 1/15/88).
Contractor/Supervisor (full from 2/12/88).
Contractor/Supervisor Refresher Course (contingent from 1/19/89).
Inspector/Management Planner (contingent from 6/24/88).
Inspector/Management Planner (full from 3/23/90).
Inspector/Management Planner Refresher Course (contingent from 1/26/89).

(114)(a) *Training Provider:* SEMCOSH.
Address: 2727 2nd Ave., Detroit, MI 48201-2654, Contact: Barbara Boylan, Phone: (313) 961-3345.

(b) *Approved Courses:*
Abatement Worker (contingent from 10/13/87).
Abatement Worker (full from 4/25/88).
Abatement Worker Refresher Course (contingent from 4/25/89).

(115)(a) *Training Provider:* Safer Foundation.
Address: 571 West Jackson Blvd., Chicago, IL 60606, Contact: C. Bentley or P. Bergmann, Phone: (312) 922-2200.

(b) *Approved Courses:*
Abatement Worker (contingent from 9/15/88).
Abatement Worker (full from 7/7/89).
Abatement Worker Refresher Course (contingent from 11/3/89).

(116)(a) *Training Provider:* Safety Dynamics.
Address: 124 Massachussetts Ave., Poland, OH 44514, Contact: Ronald G. Zikmund, Phone: (216) 757-3899.

(b) *Approved Course:*
Abatement Worker (contingent from 8/18/89).

(117)(a) *Training Provider:* Safety Training of Illinois.
Address: 1515 South Park, Springfield, IL 62704, Contact: S. David Farris, Phone: (217) 787-9091.

(b) *Approved Courses:*
Abatement Worker (full from 12/18/87).
Abatement Worker Refresher Course (contingent from 11/14/88).

(118)(a) *Training Provider:* Sear Corp.
Address: 8802 Bash St., Suite F, Indianapolis, IN 46256, Contact: Todd M. Strader, Phone: (317) 576-5845.

(b) *Approved Courses:*
Abatement Worker (contingent from 3/3/89).
Abatement Worker (full from 7/7/89).

(119)(a) *Training Provider:* Seneca Asbestos Removal & Control, Inc.
Address: 76 Ashwood Rd., Tiffin, OH 44883, Contact: Roger Bakies, Phone: (419) 447-0202.

(b) *Approved Courses:*
Abatement Worker (contingent from 4/21/89).
Abatement Worker (full from 11/15/89).

(120)(a) *Training Provider:* Testing Engineers & Consultants, Inc.
Address: 1333 Rochester Rd., P.O. Box 249, Troy, MI 48099, Contact: Karl D. Agee, Phone: (313) 588-6200.

(b) *Approved Courses:*
Inspector/Management Planner (contingent from 5/9/88).
Inspector/Management Planner (full from 8/22/88).
Inspector/Management Planner Refresher Course (contingent from 3/30/89).

(121)(a) *Training Provider:* The American Center for Educational Development, Inc.
Address: 316 S. Wabash, 2nd Floor, Chicago, IL 60604, Contact: Ron Broom, Phone: (312) 322-2233.

(b) *Approved Courses:*
Abatement Worker (contingent from 11/3/89).
Abatement Worker (full from 12/13/89).
Abatement Worker Refresher Course (contingent from 12/1/89).
Contractor/Supervisor (contingent from 11/3/89).
Contractor/Supervisor (full from 1/19/90).
Contractor/Supervisor Refresher Course (contingent from 12/1/89).

(122)(a) *Training Provider:* The Brand Companies.
Address: 1420 Renaissance Dr., Park Ridge, IL 60068, Contact: Frank J. Barta, Phone: (312) 298-1200.

(b) *Approved Courses:*
Abatement Worker (contingent from 1/4/89).
Abatement Worker (full from 5/1/89).
Abatement Worker Refresher Course (contingent from 6/8/89).
Contractor/Supervisor (contingent from 7/7/89).
Contractor/Supervisor Refresher Course (contingent from 8/16/89).

(123)(a) *Training Provider:* The Clear Consortium.
Address: 127 North Dearborn St., Chicago, IL 60602, Contact: Lorenzo Higgins, Phone: (312) 368-0211.

(b) *Approved Course:*
Abatement Worker (contingent from 7/18/89).

(124)(a) *Training Provider:* The Environmental Institute.
Address: 314 South State Ave., Indianapolis, IN 46201, Contact: Cindy Witte, Phone: (317) 269-3618.

(b) *Approved Course:*
Abatement Worker Refresher Course (contingent from 12/22/88).

(125)(a) *Training Provider:* Thermico, Inc.

Address: 3405 Centennial Dr., P.O. Box 2151, Midland, MI 48641-2151, Contact: Kevin Otis, Phone: (517) 496-2927.

(b) *Approved Course:*

Abatement Worker (contingent from 4/7/89).

(126)(a) *Training Provider:* Tillotson Consulting & Training, Inc.

Address: 9332 Oakview, Portage, MI 49002, Contact: Michael R. Tillotson, Phone: (616) 323-2124.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/29/88).
Abatement Worker Refresher Course (contingent from 12/11/88).
Contractor/Supervisor (contingent from 12/29/88).
Contractor/Supervisor Refresher Course (contingent from 12/11/88).
Inspector/Management Planner (contingent from 12/29/88).
Inspector/Management Planner Refresher Course (contingent from 12/11/88).

(127)(a) *Training Provider:* Trust Thermal Systems.

Address: 10445 Wright Rd., Eagle, MI 48822, Contact: Thomas Lowe, Phone: (517) 626-6791.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/1/88).
Abatement Worker Refresher Course (contingent from 4/7/89).
Contractor/Supervisor (contingent from 3/30/89).
Contractor/Supervisor Refresher Course (contingent from 4/7/89).

(128)(a) *Training Provider:* United Science Industries, Inc.

Address: 621 Ninth St., P.O. Box 21, Carlyle, IL 62231, Contact: Mr. Koch, Phone: (618) 594-8670.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/4/89).
Abatement Worker (full from 5/17/90).
Abatement Worker Refresher Course (contingent from 12/20/89).
Contractor/Supervisor (contingent from 12/4/89).
Contractor/Supervisor (full from 5/17/90).
Contractor/Supervisor Refresher Course (contingent from 12/20/89).

(129)(a) *Training Provider:* University of Cincinnati, Medical Center Department of Environmental Health Kettering Laboratory.

Address: 3223 Eden Ave., ML 056, Cincinnati, OH 45267-0056, Contact: Judy L. Jarrell, Phone: (513) 558-1730.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/14/88).
Abatement Worker (full from 11/15/88).
Abatement Worker Refresher Course (contingent from 7/11/89).
Contractor/Supervisor (full from 10/20/87).
Contractor/Supervisor Refresher Course (contingent from 10/4/89).
Inspector/Management Planner (full from 11/16/87).
Inspector/Management Planner Refresher Course (contingent from 12/1/88).
Project Designer (contingent from 10/26/89).

(130)(a) *Training Provider:* University of Illinois at Chicago M.A.I.C.

Address: 1440 West Washington, Chicago, IL 60607, Contact: Dick Lyons, Phone: (312) 829-1277.

(b) *Approved Courses:*

Abatement Worker (interim from 10/1/87 to 12/14/87).
Abatement Worker (contingent from 10/2/87).
Abatement Worker (full from 4/5/88).
Abatement Worker Refresher Course (contingent from 11/14/88).
Contractor/Supervisor (full from 6/1/86).
Contractor/Supervisor Refresher Course (contingent from 1/18/89).
Inspector/Management Planner (contingent from 10/2/87).
Inspector/Management Planner (full from 10/21/87).
Inspector/Management Planner Refresher Course (full from 2/17/89).
Project Designer (contingent from 7/7/89).

(131)(a) *Training Provider:* University of Wisconsin.

Address: 422 Lowell Hall, 610 Langdon St., Madison, WI 53703, Contact: Neil DeClercq, Phone: (608) 262-2111.

(b) *Approved Courses:*

Abatement Worker (full from 12/7/87).
Abatement Worker Refresher Course (contingent from 12/15/88).
Contractor/Supervisor (contingent from 2/2/88).
Contractor/Supervisor (full from 9/1/88).
Contractor/Supervisor Refresher Course (contingent from 12/15/88).
Inspector/Management Planner (contingent from 2/2/88).
Inspector/Management Planner (full from 2/22/88).
Inspector/Management Planner Refresher Course (contingent from 12/15/88).
Project Designer (contingent from 9/15/88).
Project Designer Refresher Course (contingent from 3/3/89).

(132)(a) *Training Provider:* William E. Fink & Associates.

Address: 25 South State St., Girard, OH 44420, Contact: William Fink, Phone: (216) 545-1222.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 8/18/89).

(133)(a) *Training Provider:* William E. Fink & Associates, Inc.

Address: 3695 Indian Run, Suite 5, Canfield, OH 44406, Contact: William E. Fink, Phone: (216) 533-6299.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).
Abatement Worker (full from 2/13/89).
Abatement Worker Refresher Course (contingent from 8/11/88).
Contractor/Supervisor (contingent from 8/18/89).
Contractor/Supervisor Refresher Course (contingent from 10/13/89).

(134)(a) *Training Provider:* Wisconsin Laborers Training Center.

Address: P.O. Box 150, Almond, WI 54909, Contact: Dean Jensen, Phone: (715) 366-8221.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/8/87).
Abatement Worker (full from 11/29/88).
Abatement Worker Refresher Course (contingent from 11/14/88).
Contractor/Supervisor (contingent from 11/21/88).
Contractor/Supervisor (full from 11/29/88).

(135)(a) *Training Provider:* Wonder Makers, Inc.

Address: 3101 Darmo St., Kalamazoo, MI 49008, Contact: Michael A. Pinto, Phone: (616) 382-4154.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/16/89).
Abatement Worker Refresher Course (contingent from 3/9/89).
Contractor/Supervisor (contingent from 3/16/89).
Contractor/Supervisor Refresher Course (contingent from 3/16/89).
Inspector/Management Planner (contingent from 4/21/89).
Inspector/Management Planner Refresher Course (contingent from 4/21/89).

REGION VI -- Dallas, TX

Regional Asbestos Coordinator: John West, 6T-PT, EPA, Region VI, 1445 Ross Avenue, Dallas, TX 75202-2733. (214) 655-7244, (FTS) 255-7244.

List of Approved Courses: The following training courses have been

approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region VI training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* AAR, Inc.

Address: P.O. Box 742648, Houston, TX 77274-2648, Contact: Edwin C. Heikkila, Jr., Phone: (713) 777-9205.

(b) *Approved Course:*

Abatement Worker (contingent from 1/26/89).

(2)(a) *Training Provider:* AC & C Systems Corp.

Address: 5909 Northwest Expressway, Suite 310, Oklahoma City, OK 73132, Contact: Turner Stallings, Phone: (405) 728-0444.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/20/88).
Contractor/Supervisor (contingent from 10/26/88).

(3)(a) *Training Provider:* AEGIS Associates, Inc.

Address: 4868 Research Dr., San Antonio, TX 78240, Contact: John J. Gokelman, Phone: (512) 641-8320.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/14/89 to 4/16/90 **only**).
Contractor/Supervisor (contingent from 5/25/89 to 4/16/90 **only**).
Inspector Refresher Course (contingent from 4/4/89 to 4/16/90 **only**).

(4)(a) *Training Provider:* ASCTC Asbestos Training Center.

Address: P.O. Box 1419, Albany, LA 70711, Contact: Alphia Ross, Phone: (800) 999-7986.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/4/90).
Abatement Worker Refresher Course (contingent from 2/4/90).
Contractor/Supervisor (contingent from 2/4/90).
Inspector/Management Planner (contingent from 2/5/90).
Inspector/Management Planner Refresher Course (contingent from 2/5/90).
Project Designer (contingent from 2/5/90).
Project Designer Refresher Course (contingent from 2/5/90).

(5)(a) *Training Provider:* Abateco, Inc.

Address: 10696 Haddington, Suite 100, Houston, TX 77043, Contact: E.H. Zansler, Phone: (713) 461-0692.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/14/89).
Abatement Worker (full from 3/7/90).
Abatement Worker Refresher Course (contingent from 3/17/89).
Abatement Worker Refresher Course (full from 8/21/90).
Contractor/Supervisor (contingent from 8/14/89).
Contractor/Supervisor (full from 3/9/90).
Contractor/Supervisor Refresher Course (full from 8/22/90).

(6)(a) *Training Provider:* Ahera Training Institute.

Address: 12116A Jekel Circle, Austin, TX 78727, Contact: Richard J. Thompson, Phone: (512) 335-3724.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/10/89).
Abatement Worker (full from 5/9/90).
Abatement Worker Refresher Course (contingent from 12/15/89).
Contractor/Supervisor (contingent from 1/11/88).
Contractor/Supervisor (full from 3/1/88).
Contractor/Supervisor Refresher Course (contingent from 12/15/89).
Inspector/Management Planner (full from 1/25/88).
Inspector/Management Planner Refresher Course (contingent from 10/2/89).

(7)(a) *Training Provider:* Allied Training Systems.

Address: 4004 Tiffany, College Station, TX 77840, Contact: Dan Sheppard, Phone: (409) 690-0240.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/30/89).
Abatement Worker Refresher Course (contingent from 10/26/89).
Contractor/Supervisor Refresher Course (contingent from 10/31/89).

(8)(a) *Training Provider:* Allison Sheridan Environmental Training Services.

Address: P.O. Box 6101, Katy, TX 77492, Contact: Don Rawlings, Phone: (713) 492-2309.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/8/90).
Contractor/Supervisor (contingent from 1/8/90).

(9)(a) *Training Provider:* American Specialty Contractors, Inc.

Address: 8181 West Darryl Pkwy., Baton Rouge, LA 70896, Contact: Kurt Jones, Phone: (504) 926-9624.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/18/88).
Abatement Worker (full from 5/3/89).
Contractor/Supervisor (contingent from 11/18/88).
Contractor/Supervisor (full from 5/4/89).

(10)(a) *Training Provider:* Analytical Labs Training Center.

Address: 218 Market St., Baird, TX 79504, Contact: Bob Dye, Phone: (915) 854-1264.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/21/89).
Abatement Worker (full from 2/7/90).
Contractor/Supervisor (contingent from 4/21/89).
Contractor/Supervisor (full from 2/9/90).

(11)(a) *Training Provider:* Asbestos Consulting Services, Inc. (A.C.S.I.).

Address: 13523 Ridgeview Dr., Baton Rouge, LA 70817, Contact: Ken Talbot, Phone: (504) 756-9180.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).
Abatement Worker (full from 5/10/90).
Abatement Worker Refresher Course (contingent from 3/16/89).
Contractor/Supervisor (contingent from 3/2/89).
Contractor/Supervisor (full from 5/11/90).
Contractor/Supervisor Refresher Course (contingent from 3/16/89).
Inspector/Management Planner (contingent from 3/2/89).
Inspector/Management Planner Refresher Course (contingent from 3/16/89).

(12)(a) *Training Provider:* Asbestos Education Services.

Address: 11609 Barchetta Dr., Austin, TX 78758, Contact: Rick Orr, Phone: (512) 832-5298.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/5/89).
Abatement Worker Refresher Course (contingent from 11/28/89).
Contractor/Supervisor (contingent from 10/25/89).
Contractor/Supervisor Refresher Course (contingent from 10/5/89).
Project Designer Refresher Course (contingent from 11/28/89).

(13)(a) *Training Provider:* Asbestos Surveys & Training, Inc.

Address: 5959 Central Crest, Houston, TX 77092, Contact: J.T. Stoneburger, Phone: (713) 681-2639.

(b) *Approved Course:*

Abatement Worker (full from 10/22/87 to 5/1/89 **only**).

(14)(a) *Training Provider:* Ashley Environmental Services.

Address: 5959 Central Crest, Houston, TX 77092, Contact: Jesse Ashley, Phone: (713) 683-6311.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/27/89).
Abatement Worker (full from 9/13/90).
Contractor/Supervisor (contingent from 9/29/89).

(15)(a) *Training Provider:* Beaumont Business Incubator.

Address: 1090 South Fourth St., Beaumont, TX 77701, Contact: Jerry Plaia, Phone: (409) 835-1554.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/29/90).
Abatement Worker Refresher Course (contingent from 1/29/90).
Contractor/Supervisor (contingent from 1/29/90).
Contractor/Supervisor Refresher Course (contingent from 1/29/90).

(16)(a) *Training Provider:* Carpenters Apprenticeship Training School.

Address: 8505 Glen Vista, Houston, TX 77061, Contact: S.C. Strunk, Jr., Phone: (713) 641-1011.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/8/88).
Abatement Worker Refresher Course (contingent from 7/8/88).

(17)(a) *Training Provider:* Certified Asbestos Training Institute, Inc.

Address: 4202 Argentina Cir., Pasadena, TX 77504, Contact: Clyde O. Waters, Phone: (713) 487-3155.

(b) *Approved Course:*

Abatement Worker (contingent from 4/20/88).

(18)(a) *Training Provider:* El Paso Community College, Transmountain Campus.

Address: P.O. Box 20500, El Paso, TX 79998, Contact: Jim Rath, Phone: (915) 757-5053.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/28/89).
Abatement Worker Refresher Course (contingent from 11/28/89).
Contractor/Supervisor (contingent from 11/28/89).
Contractor/Supervisor Refresher Course (contingent from 11/28/89).

(19)(a) *Training Provider:* Enviro-Con Services, Inc.

Address: 4916 Highway 6 North, Houston, TX 77084, Contact: Douglas S. Shotwell, Phone: (713) 855-9677.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/22/89).
Abatement Worker (full from 3/28/90).
Abatement Worker Refresher Course (contingent from 10/2/89).
Contractor/Supervisor (contingent from 9/21/89).
Contractor/Supervisor (full from 3/29/90).
Contractor/Supervisor Refresher Course (contingent from 10/2/89).

(20)(a) *Training Provider:* Environmental Consultant Service.

Address: P.O. Box 586422, Dallas, TX 75258, Contact: Thomas Armstrong, Phone: (214) 638-3589.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/20/89).
Contractor/Supervisor (contingent from 4/20/89).
Contractor/Supervisor Refresher Course (contingent from 9/1/89).
Inspector/Management Planner (contingent from 4/20/89).

(21)(a) *Training Provider:* Environmental Monitoring Service, Inc. (EMS).

Address: 12731 Research Blvd., Building A, Austin, TX 78759, Contact: Rick Pruett, Phone: (512) 335-9116.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/88).
Abatement Worker Refresher Course (contingent from 1/15/90).
Contractor/Supervisor (contingent from 2/5/90).
Contractor/Supervisor Refresher Course (contingent from 2/5/90).
Inspector/Management Planner (contingent from 4/19/89).

(22)(a) *Training Provider:* Environmental Specialists, Inc.

Address: 320 Broadway SE., Albuquerque, NM 87102, Contact: Fernando E.C Debaca, Phone: (505) 243-2499.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/25/90).
Contractor/Supervisor (contingent from 6/28/90).
Inspector/Management Planner (contingent from 7/27/90).

(23)(a) *Training Provider:* Field Sciences Institute.

Address: 2309 Renard Pl. SE., Suite 104, Albuquerque, NM 87106, Contact: Robert L. Edgar, Phone: (505) 764-9251.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/13/89).
Abatement Worker Refresher Course (full from 8/1/89).
Contractor/Supervisor (contingent from 4/22/88).
Contractor/Supervisor Refresher Course (full from 8/1/89).
Inspector Refresher Course (full from 8/1/89).
Inspector/Management Planner (contingent from 4/22/88).

(24)(a) *Training Provider:* Fort Worth Independent School District.

Address: 3210 West Lancaster, Fort Worth, TX 76107, Contact: H.D. Duncan, Phone: (817) 336-8311.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Abatement Worker Refresher Course (contingent from 7/27/88).

(25)(a) *Training Provider:* GEBCO Associates, Inc.

Address: 1501 Norwood, Suite 142, Hurst, TX 76054-3638, Contact: Ed Kirch, Phone: (817) 268-4006.

(b) *Approved Courses:*

Abatement Worker (interim from 4/15/87 to 8/19/87).
Abatement Worker (full from 8/20/87).
Abatement Worker Refresher Course (contingent from 5/16/88).
Abatement Worker Refresher Course (full from 7/5/89).
Contractor/Supervisor (contingent from 3/15/88).
Contractor/Supervisor (full from 7/24/89).
Contractor/Supervisor Refresher Course (contingent from 7/27/88).
Contractor/Supervisor Refresher Course (full from 7/28/89).
Inspector/Management Planner (full from 3/7/88).
Inspector/Management Planner Refresher Course (contingent from 7/27/88).
Inspector/Management Planner Refresher Course (full from 6/16/89).

(26)(a) *Training Provider:* Gary LaFrance Abatement Workers Training Program.

Address: 4802 Prestwick, Tyler, TX 75703, Contact: Gary G. LaFrance, Phone: (214) 581-8852.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/14/88).
Abatement Worker (full from 4/12/89).

(27)(a) *Training Provider:* Houston Independent School District.

Address: 228 McCarty Dr., Houston, TX 77029, Contact: Bennie Jenkins, Phone: (713) 676-2222 Ext. 396.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/10/89).

Abatement Worker Refresher Course (contingent from 10/12/89).

(28)(a) *Training Provider:* IMPACT Inc.

Address: 5330 Griggs Rd., Houston, TX 77021, Contact: Edgar Harvey, Phone: (713) 845-2416.

(b) *Approved Course:*

Abatement Worker (contingent from 8/17/89).

(29)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 22.

Address: 3219 Pasadena Blvd., Pasadena, TX 77503, Contact: Robert M. Chadwick, Phone: (713) 473-0888.

(b) *Approved Courses:*

Abatement Worker (interim from 10/1/87 to 10/4/87).
Abatement Worker (contingent from 10/5/87).
Abatement Worker (full from 3/22/88).
Abatement Worker Refresher Course (contingent from 10/5/87).
Contractor/Supervisor (full from 6/27/88).

(30)(a) *Training Provider:* K & T Safety Service, Inc.

Address: 9888 Bissonnett, Houston, TX 77036, Contact: Kevin Clothier, Phone: (713) 988-9021.

(b) *Approved Course:*

Abatement Worker (contingent from 3/28/89).

(31)(a) *Training Provider:* Keers Environmental, Inc.

Address: P.O. Box 6848, Albuquerque, NM 89197, Contact: Robert W. Keers, Phone: (505) 888-9525.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 3/28/89).
Contractor/Supervisor Refresher Course (contingent from 10/6/89).

(32)(a) *Training Provider:* Kiser Engineering, Inc.

Address: 211 North River St., Seguin, TX 78155, Contact: Nathan Kiser, Phone: (512) 372-2570.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/27/89).
Abatement Worker Refresher Course (contingent from 8/24/89).
Contractor/Supervisor (contingent from 3/29/89).
Contractor/Supervisor Refresher Course (contingent from 8/24/89).

(33)(a) *Training Provider:* Lafayette Parish School Board Asbestos Training Program.

Address: P.O. Drawer 2158, Lafayette, LA 70502, Contact: Salvador E. Longo, Phone: (504) 887-3740.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/21/88).
Contractor/Supervisor (contingent from 7/21/88).

(34)(a) *Training Provider:* Lamar University, Hazardous Materials Program.

Address: P.O. Box 10003, Beaumont, TX 77710, Contact: Marion Foster, Phone: (409) 880-2369.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/19/88).
Abatement Worker (full from 4/26/89).
Contractor/Supervisor (contingent from 5/20/88).
Contractor/Supervisor Refresher Course (contingent from 10/24/88).
Inspector/Management Planner (contingent from 1/15/90).

(35)(a) *Training Provider:* Law Engineering.

Address: 5500 Guhn Rd., Houston, TX 77040, Contact: Richard MacIntyre, Phone: (713) 939-7161.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/14/89).
Contractor/Supervisor (contingent from 2/26/90).

(36)(a) *Training Provider:* Little-Tex Insulation Co., Inc.

Address: 911 North Frio St., San Antonio, TX 78207, Contact: Dan Juepe, Phone: (512) 222-6094.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/1/88).
Contractor/Supervisor (contingent from 8/1/88).

(37)(a) *Training Provider:* Louisiana Laborers Union-AGC Training Fund.

Address: P.O. Box 376, Livonia, LA 70755-0376, Contact: Jamie Peers, Phone: (504) 637-2311.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/15/88).
Abatement Worker Refresher Course (contingent from 4/4/89).

(38)(a) *Training Provider:* Louisiana State University Agricultural & Mechanical College.

Address: 181 Pleasant Hall, Baton Rouge, LA 70803-1520, Contact: Marcia L. Gilman, Phone: (504) 388-6591.

(b) *Approved Courses:*

Abatement Worker (full from 1/1/88).
Abatement Worker Refresher Course (contingent from 11/16/88).
Abatement Worker Refresher Course (full from 3/8/89).
Contractor/Supervisor (contingent from 10/6/87).
Contractor/Supervisor (full from 4/7/88).
Contractor/Supervisor Refresher Course (contingent from 11/16/88).
Contractor/Supervisor Refresher Course (full from 3/6/89).
Inspector/Management Planner (full from 1/18/88).
Inspector/Management Planner Refresher Course (full from 3/7/89).
Project Designer (contingent from 10/13/89).
Project Designer Refresher Course (contingent from 10/13/89).

(39)(a) *Training Provider:* MARTECH International, Inc.

Address: P.O. Box 460, Broussard, LA 70518-0460, Contact: Gary Lawley, Phone: (318) 364-3680.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/17/89).
Contractor/Supervisor (contingent from 1/17/89).

(40)(a) *Training Provider:* Maxim Engineers Inc.

Address: 2342 Fabens, Dallas, TX 75229, Contact: Gregory J. Indelicato, Phone: (214) 247-7575.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/6/89).
Abatement Worker (full from 6/9/89).
Inspector (contingent from 12/11/89).
Inspector (full from 8/9/90).

(41)(a) *Training Provider:* McClelland Management Services in Conjunction with the University of Houston.

Address: 6100 Hillcroft, Suite 220, Houston, TX 77081, Contact: David WindBurne, Phone: (713) 995-9000.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/5/90).
Abatement Worker Refresher Course (contingent from 1/5/90).
Contractor/Supervisor (contingent from 1/5/90).
Contractor/Supervisor (full from 9/21/90).
Contractor/Supervisor Refresher Course (contingent from 1/5/90).
Inspector/Management Planner (contingent from 1/5/90).
Inspector/Management Planner Refresher Course (contingent from 1/5/90).
Project Designer (contingent from 1/5/90).
Project Designer Refresher Course (contingent from 1/5/90).

(42)(a) *Training Provider:* Meador-Wright & Associates, Inc.

Address: 6211 W. Northwest Hwy., Suite C260, Dallas, TX 75225, Contact: Carl Teel, Phone: (214) 691-3485.

(b) *Approved Course:*

Inspector/Management Planner (full from 10/12/89).

(43)(a) *Training Provider:* Micro Analysis Laboratory, Inc.

Address: 8499 Greenville Ave., Dallas, TX 75231, Contact: Carolyn Jones, Phone: (214) 340-0890.

(b) *Approved Course:*

Abatement Worker (contingent from 9/6/89).

(44)(a) *Training Provider:* Moore-Norman Area Vocational Training School.

Address: 4701 12th Ave. NW., Norman, OK 73069, Contact: Frank Coulter, Phone: (405) 364-7032.

(b) *Approved Courses:*

Abatement Worker (full from 3/3/86).
Abatement Worker Refresher Course (contingent from 5/19/89).
Abatement Worker Refresher Course (full from 12/14/89).
Contractor/Supervisor (full from 12/14/89).
Contractor/Supervisor Refresher Course (contingent from 12/14/89).
Contractor/Supervisor Refresher Course (full from 12/14/89).
Inspector/Management Planner (contingent from 1/25/88).
Inspector/Management Planner (full from 4/4/88).
Inspector/Management Planner Refresher Course (contingent from 5/19/89).

(45)(a) *Training Provider:* NATEC of Texas, Inc.

Address: 6601 Kirby Dr, Suite III, Houston, TX 77005, Contact: Paul Speck, Phone: (713) 524-9444.

(b) *Approved Course:*

Abatement Worker (contingent from 11/22/89).

(46)(a) *Training Provider:* Nelson/Imel, Inc.

Address: 3900 Morrison Cir., Norman, OK 73072, Contact: Deborah Nelson, Phone: (405) 364-3278.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Abatement Worker Refresher Course (contingent from 11/16/88).
Contractor/Supervisor Refresher Course (contingent from 4/7/89).

(47)(a) *Training Provider:* O'Connor McMahon, Inc.

Address: 1505 Luna Rd., Suite 114, Carrollton, TX 75006, Contact: James M. Walley, Phone: (214) 245-3300.

(b) *Approved Course:*

Abatement Worker (contingent from 7/27/88).

(48)(a) *Training Provider:* Occupational Safety Health Consultants of Louisiana.

Address: 1034 Willow Brook Ave., Denham Springs, LA 70726, Contact: Clayton Joe Mitchell, Phone: (504) 664-0288.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/22/89).
Abatement Worker Refresher Course (contingent from 8/22/89).
Contractor/Supervisor (contingent from 8/22/89).
Contractor/Supervisor Refresher Course (contingent from 8/22/89).

(49)(a) *Training Provider:* Occupational Safety Training Institute.

Address: 9000 West Bellfort, Suite 450, Houston, TX 77031, Contact: Eva Bonilla, Phone: (713) 270-6882.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Abatement Worker Refresher Course (contingent from 12/8/88).
Contractor/Supervisor (contingent from 7/27/88).
Contractor/Supervisor (full from 7/27/88).
Contractor/Supervisor Refresher Course (contingent from 12/8/88).
Inspector/Management Planner (contingent from 9/15/88).

(50)(a) *Training Provider:* PAN AM World Services Inc.

Address: P. O. Box 58938, Houston, TX 77258, Contact: Audrey Hall, Phone: (713) 483-7951.

(b) *Approved Course:*

Abatement Worker (contingent from 8/23/89).

(51)(a) *Training Provider:* Phoenix Services.

Address: 1813 Harvard, Richardson, TX 75081, Contact: Alcee Chriss, Phone: (214) 437-0150.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/18/89).
Abatement Worker Refresher Course (contingent from 11/29/89).
Contractor/Supervisor (contingent from 11/29/89).
Contractor/Supervisor Refresher Course (contingent from 11/29/89).

(52)(a) *Training Provider:* Protechnics Environmental Services.

Address: 14760 Memorial Dr., Suite 105, Houston, TX 77079, Contact: Fabian Limon, Phone: (713) 496-9874.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/5/89).
Abatement Worker (full from 6/30/89).
Contractor/Supervisor (contingent from 6/22/89).
Contractor/Supervisor Refresher Course (contingent from 11/28/89).

(53)(a) *Training Provider:* R & H Associates, Inc.

Address: P.O. Box 8948, Albuquerque, NM 87198, Contact: Floyd Rubi, Phone: (505) 275-1045.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/12/89).
Abatement Worker Refresher Course (contingent from 4/20/89).
Contractor/Supervisor (contingent from 1/12/89).
Contractor/Supervisor Refresher Course (contingent from 4/20/89).
Inspector/Management Planner (contingent from 1/12/89).
Inspector/Management Planner Refresher Course (contingent from 4/20/89).

(54)(a) *Training Provider:* Raba-Kistner Training Institute.

Address: 12821 West Golden Ln., San Antonio, TX 78249, Contact: Donald Fetzer, Phone: (512) 699-9090.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/23/89).
Contractor/Supervisor Refresher Course (contingent from 12/13/89).
Inspector/Management Planner (contingent from 12/13/89).
Inspector/Management Planner Refresher Course (contingent from 12/13/89).

(55)(a) *Training Provider:* Region 6 Environmental Training.

Address: P.O. Box 180435, Austin, TX 78718-0435, Contact: Charlotte Ramzel, Phone: (512) 837-9296.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Abatement Worker (full from 3/21/90).
Abatement Worker Refresher Course (contingent from 3/2/89).
Contractor/Supervisor (contingent from 7/27/88).
Contractor/Supervisor (full from 3/22/90).
Contractor/Supervisor Refresher Course (contingent from 3/2/89).
Inspector/Management Planner (contingent from 10/10/89).
Inspector/Management Planner Refresher Course (contingent from 10/10/89).

(56)(a) *Training Provider:* Regional Environmental Training Center.

Address: 9024 Garland Rd., Dallas, TX 75218, Contact: Lisa Adams, Phone: (214) 328-2928.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/30/89).

Contractor/Supervisor (contingent from 9/1/89).

Inspector/Management Planner (contingent from 9/1/89).

(57)(a) *Training Provider:* Safety & Health Research Institute.

Address: 500 One Gallery Tower, 13355 Noel Rd., P.O. Box 612245, Dallas, TX 75261, Contact: Ted Davis, Phone: (214) 851-3536.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/12/88 to 1/1/89 only).

Contractor/Supervisor (contingent from 9/12/88 to 1/1/89 only).

Inspector/Management Planner (contingent from 9/12/88).

(58)(a) *Training Provider:* Southeast Arkansas Education Services Cooperative.

Address: U.A.M. - Willard Hall, P.O. Box 3507, Monticello, AR 71655, Contact: Lloyd Crossley, Phone: (501) 367-6848.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 4/11/89).

(59)(a) *Training Provider:* Southwest Environmental Institute.

Address: P.O. Box 295, Abilene, TX 79605, Contact: Tom Dye, Phone: (915) 691-0189.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Abatement Worker Refresher Course (contingent from 8/17/89).

Contractor/Supervisor (contingent from 10/20/88).

Contractor/Supervisor Refresher Course (contingent from 8/8/89).

Inspector/Management Planner (contingent from 8/24/89).

(60)(a) *Training Provider:* Specialized Environmental Services Inc.

Address: 6614 John Ralston Rd., Houston, TX 77049, Contact: James Homminga, Phone: (713) 458-7274.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/29/89).

Abatement Worker (full from 4/19/90).

Abatement Worker Refresher Course (contingent from 11/29/89).

(61)(a) *Training Provider:* Specialized Environmental Training.

Address: P.O. Box 7001, Pasadena, TX 77508-7001, Contact: Sue Ann Williams, Phone: (713) 487-4415.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/12/90).

Contractor/Supervisor (contingent from 1/12/90).

(62)(a) *Training Provider:* Texas Engineering Extension Service Building Codes Inspection Training Division.

Address: Texas A & M University System, College Station, TX 77843-8000, Contact: Tom Garner, Phone: (409) 845-6682.

(b) *Approved Courses:*

Abatement Worker (full from 9/28/87).

Contractor/Supervisor (interim from 5/26/86 to 9/13/87).

Contractor/Supervisor (full from 9/14/87).

Contractor/Supervisor Refresher Course (full from 3/2/89).

Inspector/Management Planner (full from 10/19/87).

Inspector/Management Planner Refresher Course (full from 3/1/89).

(63)(a) *Training Provider:* Texas State Conference of Painters & Allied Trades.

Address: P.O. Box 130441, Houston, TX 77223-0441, Contact: John S. Dolney, Phone: (713) 527-0152.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/7/89).

Abatement Worker Refresher Course (contingent from 11/7/89).

(64)(a) *Training Provider:* Texas Tech University.

Address: P.O. Box 4369, Lubbock, TX 79409, Contact: Paul Cotter, Phone: (806) 742-3876.

(b) *Approved Courses:*

Abatement Worker (full from 6/1/90).

Abatement Worker Refresher Course (contingent from 11/7/89).

Contractor/Supervisor (contingent from 10/31/89).

Contractor/Supervisor (full from 6/8/90).

Contractor/Supervisor Refresher Course (contingent from 11/7/89).

(65)(a) *Training Provider:* Tulane University, School of Public Health & Tropical Medicine, Dept of Environmental Health Sciences.

Address: 1430 Tulane Ave., New Orleans, LA 70112, Contact: Shau-Wong-Chang, Phone: (504) 588-5374.

(b) *Approved Courses:*

Contractor/Supervisor (interim from 3/17/87 to 9/14/87).

Contractor/Supervisor (full from 9/15/87).

Contractor/Supervisor Refresher Course (contingent from 8/1/89).

Inspector/Management Planner (contingent from 5/20/88).

Inspector/Management Planner Refresher Course (contingent from 8/1/89).

(66)(a) *Training Provider:* U.S. Analytical, Inc.

Address: P.O. Box 801, Abilene, TX 79604, Contact: Keith Davis, Phone: (915) 698-3293.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/13/89).

Abatement Worker Refresher Course (contingent from 1/5/89).

Contractor/Supervisor (contingent from 2/13/89).

(67)(a) *Training Provider:* U.S. Environmental Services.

Address: 3801 Hulen St., Suite 105, Ft. Worth, TX 76107, Contact: Steve Salmon, Phone: (817) 429-9400.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/8/90).

Abatement Worker Refresher Course (contingent from 1/8/90).

(68)(a) *Training Provider:* University of Arkansas at Little Rock Biology Dept.

Address: 33rd & University, Little Rock, AR 72204, Contact: Phyllis Moore, Phone: (501) 569-3270.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 8/18/89).

Inspector/Management Planner (full from 6/15/90).

Inspector/Management Planner Refresher Course (contingent from 6/20/89).

(69)(a) *Training Provider:* University of Arkansas at Little Rock, Labor Education Program.

Address: 2801 South University, Little Rock, AR 72204, Contact: James E. Nickles, Phone: (501) 569-8483.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 9/14/88).

Inspector/Management Planner Refresher Course (contingent from 9/12/88).

(70)(a) *Training Provider:* University of New Mexico, The Environmental Training Center Division of Continuing Education.

Address: 1634 University Blvd. NE., Albuquerque, NM 87131, Contact: Ed Rodriguez, Phone: (505) 277-9060.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/4/89).

Abatement Worker Refresher Course (contingent from 10/5/89).

Contractor/Supervisor (contingent from 6/16/85).

Contractor/Supervisor Refresher Course (contingent from 10/5/89).
Inspector/Management Planner (contingent from 9/19/89).
Inspector/Management Planner Refresher Course (contingent from 10/6/89).

(71)(a) *Training Provider:* University of Texas Health Center at TYLER.

Address: P.O. Box 2003, Tyler, TX 75710, Contact: Ronald F. Dodson, Phone: (214) 877-7877.

(b) *Approved Courses:*

Abatement Worker (full from 4/14/88).
Abatement Worker Refresher Course (full from 10/27/88).
Contractor/Supervisor (full from 3/7/88).
Contractor/Supervisor Refresher Course (full from 10/27/88).
Inspector/Management Planner (contingent from 3/21/88).
Inspector/Management Planner (full from 4/15/88).
Inspector/Management Planner Refresher Course (full from 10/27/88).

(72)(a) *Training Provider:* University of Texas at Arlington Civil Engineering Dept.

Address: Box 19308, Arlington, TX 76019, Contact: Vic Argento, Phone: (817) 273-3694.

(b) *Approved Courses:*

Contractor/Supervisor (full from 7/14/86).
Contractor/Supervisor Refresher Course (full from 9/26/88).
Inspector/Management Planner (full from 10/19/87).
Inspector/Management Planner Refresher Course (full from 9/26/88).

(73)(a) *Training Provider:* Veltmann Engineering.

Address: Midland Air Park, P.O. Box 50741, Midland, TX 79710, Contact: Clyde Veltmann, Phone: (915) 683-1874.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Contractor/Supervisor (contingent from 7/27/88).
Contractor/Supervisor Refresher Course (contingent from 8/8/89).

(74)(a) *Training Provider:* Young Insulation Group of Amarillo, Inc.

Address: P.O. Box 5098, Amarillo, TX 79117, Contact: Dennis C. Clayton, Phone: (806) 372-4329.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Abatement Worker Refresher Course (contingent from 7/27/88).

REGION VII -- Kansas City, KS

Regional Asbestos Coordinator: Wolfgang Brandner, EPA, Region VII, (ARTX), 726 Minnesota Ave., Kansas City, KS 66101. (913) 551-7381, (FTS) 551-7381.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region VII training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* AEROSTAT Environmental Engineering Corporation.

Address: Box 3096, Lawrence, KS 66046, Contact: Joseph Stimac, Phone: (913) 749-4747.

(b) *Approved Courses:*

Abatement Worker (full from 5/9/88).
Abatement Worker Refresher Course (contingent from 3/3/89).
Abatement Worker Refresher Course (full from 3/16/89).
Contractor/Supervisor (full from 5/9/88).
Inspector/Management Planner (contingent from 3/14/88).
Inspector/Management Planner (full from 1/23/89).
Inspector/Management Planner Refresher Course (contingent from 1/13/89).
Inspector/Management Planner Refresher Course (full from 2/14/89).

(2)(a) *Training Provider:* Abatement Project Training.

Address: P.O. Box 4372, Kansas City, KS 66104, Contact: Virginia Ireton, Phone: (913) 788-3440.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).
Abatement Worker (full from 4/27/89).
Abatement Worker Refresher Course (contingent from 3/27/89).
Abatement Worker Refresher Course (full from 4/29/89).
Contractor/Supervisor (contingent from 3/23/89).
Contractor/Supervisor (full from 4/28/89).
Contractor/Supervisor Refresher Course (contingent from 6/21/89).
Contractor/Supervisor Refresher Course (full from 1/8/90).

(3)(a) *Training Provider:* Accredited Project Design Environmental Management.

Address: 1532 S.W. Clontarf, Topeka, KS 66611, Contact: Richard H. Pointer, Phone: (913) 256-2003.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/13/89).
Abatement Worker (full from 2/8/90).
Abatement Worker Refresher Course (contingent from 2/21/90).
Contractor/Supervisor (contingent from 11/16/89).
Contractor/Supervisor (full from 2/8/90).
Contractor/Supervisor Refresher Course (contingent from 2/15/90).
Inspector/Management Planner (contingent from 11/16/89).
Inspector/Management Planner (full from 1/22/90).
Inspector/Management Planner Refresher Course (contingent from 2/16/90).

(4)(a) *Training Provider:* American Asbestos Training Center, Ltd.

Address: 121 East Grand, Monticello, IA 52310, Contact: Steve Intlekofer, Phone: (319) 465-5786.

(b) *Approved Courses:*

Abatement Worker (full from 6/27/88).
Abatement Worker Refresher Course (contingent from 6/23/89).
Abatement Worker Refresher Course (full from 6/26/89).
Contractor/Supervisor (full from 6/27/88).
Contractor/Supervisor Refresher Course (contingent from 6/23/89).
Contractor/Supervisor Refresher Course (full from 6/26/89).
Inspector/Management Planner (contingent from 10/26/88).
Inspector/Management Planner (full from 11/18/88).
Inspector/Management Planner Refresher Course (contingent from 11/10/89).
Inspector/Management Planner Refresher Course (full from 11/16/89).

(5)(a) *Training Provider:* Asbestos Consulting Testing (ACT).

Address: 14953 West 101st Ter., Lenexa, KS 66215, Contact: Jim Pickel, Phone: (913) 492-1337.

(b) *Approved Courses:*

Abatement Worker (full from 1/25/88).
Abatement Worker Refresher Course (full from 1/6/89).
Contractor/Supervisor (full from 1/25/88).
Contractor/Supervisor Refresher Course (full from 1/6/89).

(6)(a) *Training Provider:* Baird Scientific, Inc.

Address: 221 West Fourth St., P.O. Box 842, Carthage, MO 64836, Contact: Mackie Redd, Phone: (417) 358-5567.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/26/89).

Abatement Worker (full from 10/19/89).
Abatement Worker Refresher Course (contingent from 7/3/90).
Contractor/Supervisor (contingent from 9/26/89).
Contractor/Supervisor (full from 10/19/89).
Contractor/Supervisor Refresher Course (contingent from 7/31/90).

(7)(a) *Training Provider:* CHART Services, Ltd.

Address: 4725 Merle Hay Rd., Suite 214, Des Moines, IA 50322, Contact: Mary A. Finn, Phone: (515) 276-3642.

(b) *Approved Courses:*

Abatement Worker (full from 11/17/87).
Abatement Worker Refresher Course (full from 10/17/88).
Contractor/Supervisor (full from 11/17/87).
Contractor/Supervisor Refresher Course (full from 10/17/88).
Inspector/Management Planner (full from 2/22/88).
Inspector/Management Planner Refresher Course (full from 11/28/88).

(8)(a) *Training Provider:* Construction Industry Laborers' Training Institute for Eastern Missouri.

Address: Route 1, Box 79 H, High Hill, MO 63350, Contact: Jerald A. Pelker, Phone: (314) 585-2391.

(b) *Approved Courses:*

Abatement Worker (full from 1/19/88).
Abatement Worker Refresher Course (contingent from 5/18/89).
Abatement Worker Refresher Course (full from 5/31/89).

(9)(a) *Training Provider:* Construction Laborers Building Corp.

Address: Box 34549, Omaha, NE 68134, Contact: Leonard Schaffer, Sr., Phone: (402) 572-1470.

(b) *Approved Course:*

Abatement Worker (full from 11/2/87).

(10)(a) *Training Provider:* Educational Innovations.

Address: 23 West 3rd St., Lee's Summit, MO 64063, Contact: JoAnn Onwiler, Phone: (816) 525-6911.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/11/89).
Abatement Worker (full from 5/2/89).
Abatement Worker Refresher Course (contingent from 3/29/89).
Abatement Worker Refresher Course (full from 8/2/89).
Contractor/Supervisor (contingent from 4/11/89).
Contractor/Supervisor (full from 5/2/89).
Contractor/Supervisor Refresher Course (contingent from 3/29/89).
Contractor/Supervisor Refresher Course (full from 8/2/89).
Project Designer Refresher Course (contingent from 6/21/89).
Project Designer Refresher Course (full from 7/31/89).

(11)(a) *Training Provider:* Enviro-Impact Inspections, Inc.

Address: 1515 North Warson, Suite 213, St. Louis, MO 63132, Contact: Denis Boles, Phone: (314) 426-0087.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/8/88).
Contractor/Supervisor (contingent from 3/8/88).

(12)(a) *Training Provider:* Environmental Salvage, Ltd.

Address: 4930 South 23rd St., Omaha, NE 68107, Contact: Lynn A. Kundtson, Phone: (402) 733-2595.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/12/89).
Abatement Worker (full from 2/16/89).
Abatement Worker Refresher Course (contingent from 6/22/89).
Abatement Worker Refresher Course (full from 8/1/89).
Contractor/Supervisor (contingent from 1/12/89).
Contractor/Supervisor (full from 2/16/89).
Contractor/Supervisor Refresher Course (contingent from 6/22/89).
Contractor/Supervisor Refresher Course (full from 8/1/89).

(13)(a) *Training Provider:* Environmental Technology, Inc. (ETI).

Address: 4315 Merriam Dr., Overland Park, KS 66203, Contact: Mike Bouska, Phone: (913) 236-5040.

(b) *Approved Courses:*

Abatement Worker (full from 2/29/88).
Abatement Worker Refresher Course (contingent from 4/26/89).
Abatement Worker Refresher Course (full from 7/18/89).

(14)(a) *Training Provider:* Flint Hills Area Vocational-Technical School.

Address: 3301 West 18th Ave., Emporia, KS 66801, Contact: Jim Krueger, Phone: (316) 342-6404.

(b) *Approved Course:*

Abatement Worker (full from 3/7/88).

(15)(a) *Training Provider:* General Services Administration (GSA)- Region 6 Safety & Environmental Management Div.

Address: 1500 East Bannister Rd., Kansas City, MO 64131-3088, Contact: Sharon Kersey, Phone: (816) 926-5318.

(b) *Approved Courses:*

Inspector/Management Planner (full from 5/16/88).
Inspector/Management Planner Refresher Course (contingent from 7/18/89).
Inspector/Management Planner Refresher Course (full from 8/29/89).

(16)(a) *Training Provider:* Greater Kansas City Laborers Training Fund.

Address: 8944 Kaw Dr., Kansas City, KS 66111, Contact: James D. Barnett, Phone: (913) 441-6100.

(b) *Approved Courses:*

Abatement Worker (full from 2/1/88).
Abatement Worker Refresher Course (contingent from 6/19/89).
Abatement Worker Refresher Course (full from 7/19/89).
Contractor/Supervisor (full from 5/2/88).
Contractor/Supervisor Refresher Course (contingent from 6/19/89).
Contractor/Supervisor Refresher Course (full from 7/20/89).

(17)(a) *Training Provider:* Hall-Kimbrell Environmental Services, Inc. a Division of Professional Service Industries.

Address: 4840 West 15th St., Lawrence, KS 66049, Contact: Alice Hart, Phone: (800) 346-2860.

(b) *Approved Courses:*

Abatement Worker (full from 8/17/87).
Abatement Worker Refresher Course (contingent from 9/19/88).
Abatement Worker Refresher Course (full from 10/19/88).
Contractor/Supervisor (full from 8/17/87).
Contractor/Supervisor Refresher Course (contingent from 9/19/88).
Contractor/Supervisor Refresher Course (full from 10/20/88).
Inspector/Management Planner (full from 8/17/87).
Inspector/Management Planner Refresher Course (full from 9/19/88).
Project Designer (full from 8/17/87).
Project Designer Refresher Course (contingent from 9/19/88).
Project Designer Refresher Course (full from 12/20/88).

(18)(a) *Training Provider:* Hazard Control Training Enterprises, Inc.

Address: P.O. Box 20594, Wichita, KS 67208, Contact: Karen Alexander, Phone: (000) 000-0000.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/19/88 to 12/7/88 **only**).
Contractor/Supervisor (contingent from 10/19/88 to 12/7/88 **only**).

(19)(a) *Training Provider:* Hazardous Materials Training & Research Institute.

Address: 306 West River Dr., Davenport, IA 52801-1221, Contact: Kirk Barkdoll, Phone: (319) 322-5015.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/6/89).

Abatement Worker (full from 4/13/89).
Contractor/Supervisor (contingent from 6/8/89).
Contractor/Supervisor (full from 7/21/89).

(20)(a) *Training Provider:* Insulators & Asbestos Workers Midwest States Health & Training Council.

Address: Rural Route 2, Wahoo, NE 68066, Contact: Ray Richmond, Phone: (402) 443-4810.

(b) *Approved Courses:*

Abatement Worker (full from 6/28/88).
Abatement Worker Refresher Course (contingent from 4/4/89).
Abatement Worker Refresher Course (full from 4/24/89).
Contractor/Supervisor (full from 6/28/88).
Contractor/Supervisor Refresher Course (contingent from 4/4/89).
Contractor/Supervisor Refresher Course (full from 4/24/89).

(21)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local No.1.

Address: 3325 Hallenberg Dr., St. Louis, MO 63044, Contact: James M. Hagen, Phone: (314) 291-7399.

(b) *Approved Courses:*

Abatement Worker (full from 6/6/88).
Abatement Worker Refresher Course (contingent from 6/28/89).
Abatement Worker Refresher Course (full from 6/30/89).
Contractor/Supervisor (full from 9/16/88).
Contractor/Supervisor Refresher Course (contingent from 8/14/89).
Contractor/Supervisor Refresher Course (full from 8/18/89).

(22)(a) *Training Provider:* Iowa Dept. of Education.

Address: Grimes State Office Bldg., Des Moines, IA 50319, Contact: C. Milt Wilson, Phone: (515) 281-4743.

(b) *Approved Course:*

Inspector/Management Planner (full from 4/4/88).

(23)(a) *Training Provider:* Iowa Laborers District Council Training Fund.

Address: 5806 Meredith Dr., Suite B, Des Moines, IA 50322, Contact: Jack G. Jones, Phone: (515) 270-6965.

(b) *Approved Courses:*

Abatement Worker (full from 2/22/88).
Abatement Worker Refresher Course (contingent from 11/10/89).
Abatement Worker Refresher Course (full from 11/14/89).
Contractor/Supervisor (contingent from 10/14/88).
Contractor/Supervisor (full from 12/6/89).

(24)(a) *Training Provider:* Kansas Construction Laborers' Training Trust Fund.

Address: 2430 Marlatt Ave., Manhattan, KS 66502, Contact: Fred Tipton, Phone: (913) 267-0140.

(b) *Approved Courses:*

Abatement Worker (full from 1/5/88).
Abatement Worker Refresher Course (contingent from 6/19/89).
Abatement Worker Refresher Course (full from 7/19/89).
Contractor/Supervisor (full from 5/2/88).
Contractor/Supervisor Refresher Course (contingent from 6/19/89).
Contractor/Supervisor Refresher Course (full from 7/20/89).

(25)(a) *Training Provider:* Kansas State University.

Address: Division of Facilities Management, Dykstra Hall, Manhattan, KS 66506, Contact: Robert D. Williams, Phone: (913) 532-6369.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/7/89).
Abatement Worker (full from 2/8/90).
Abatement Worker Refresher Course (contingent from 1/3/90).
Abatement Worker Refresher Course (full from 2/8/90).

(26)(a) *Training Provider:* Living Word College.

Address: 2750 McKelvey Rd., St. Louis, MO 63043, Contact: Donald C. Femmer, Phone: (314) 291-2749.

(b) *Approved Course:*

Inspector/Management Planner (**Approval Revoked** 5/6/88).

(27)(a) *Training Provider:* MI-TON, Inc.

Address: 205 W. Walnut, Springfield, MO 65836, Contact: Barry Mills, Phone: (417) 831-4647.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/14/89).
Abatement Worker (full from 5/15/89).
Abatement Worker Refresher Course (contingent from 4/16/90).
Abatement Worker Refresher Course (full from 5/18/90).
Contractor/Supervisor (contingent from 4/14/89).
Contractor/Supervisor (full from 5/15/89).
Contractor/Supervisor Refresher Course (contingent from 4/17/90).
Contractor/Supervisor Refresher Course (full from 5/11/90).
Inspector/Management Planner (full from 3/14/88).
Inspector/Management Planner Refresher Course (contingent from 3/30/89).
Inspector/Management Planner Refresher Course (full from 4/3/89).

(28)(a) *Training Provider:* Maple Woods Community College.

Address: 10771 Ambassador Dr., Kansas City, MO 64153, Contact: James C. Lauer, Phone: (816) 891-6500.

(b) *Approved Courses:*

Abatement Worker (full from 2/1/88).
Abatement Worker Refresher Course (full from 1/13/89).
Contractor/Supervisor (full from 3/28/88).
Contractor/Supervisor Refresher Course (full from 1/13/89).
Inspector/Management Planner (contingent from 4/20/88).
Inspector/Management Planner (full from 5/2/88).
Inspector/Management Planner Refresher Course (contingent from 7/27/89).
Inspector/Management Planner Refresher Course (full from 7/28/89).

(29)(a) *Training Provider:* Mayhew Environmental Training Associates, Inc., (META).

Address: P.O. Box 1961, Lawrence, KS 66044, Contact: Brad Mayhew/Betty Fenstemaker, Phone: (800) 444-6382.

(b) *Approved Courses:*

Abatement Worker (full from 10/20/87).
Abatement Worker Refresher Course (full from 11/14/88).
Contractor/Supervisor (full from 10/20/87).
Contractor/Supervisor Refresher Course (full from 11/14/88).
Inspector/Management Planner (full from 8/8/88).
Inspector/Management Planner Refresher Course (full from 1/30/89).

(30)(a) *Training Provider:* Midwest Environmental Testing & Training, Inc.

Address: 635 Southwest 2nd St., Box 1029, Lee's Summit, MO 64063, Contact: Steve Minshall, Phone: (816) 525-6681.

(b) *Approved Courses:*

Abatement Worker (full from 5/9/88 to 6/5/89 **only**).
Abatement Worker Refresher Course (contingent from 4/28/89 to 6/5/89 **only**).
Contractor/Supervisor (full from 5/9/88 to 6/5/89 **only**).
Contractor/Supervisor Refresher Course (contingent from 4/28/89 to 6/5/89 **only**).

(31)(a) *Training Provider:* National Asbestos Training Center, University of Kansas.

Address: 6600 College Blvd., Suite 315, Overland Park, KS 66211, Contact: Karen Wilson, Phone: (913) 491-0181.

(b) *Approved Courses:*
Abatement Worker (full from 7/27/87).
Abatement Worker Refresher Course (contingent from 10/5/88).
Abatement Worker Refresher Course (full from 9/26/89).
Contractor/Supervisor (interim from 6/1/85 to 7/26/87).
Contractor/Supervisor (full from 7/27/87).
Contractor/Supervisor Refresher Course (contingent from 10/5/88).
Contractor/Supervisor Refresher Course (full from 10/11/88).
Inspector/Management Planner (full from 10/26/87).
Inspector/Management Planner Refresher Course (contingent from 10/5/88).
Inspector/Management Planner Refresher Course (full from 10/10/88).

(32)(a) *Training Provider:* Occu-Tec, Inc.
Address: 6501 East Commerce Ave., Suite 208, Kansas City, MO 64120, Contact: Duncan Heydon, Phone: (816) 231-5580.

(b) *Approved Courses:*
Abatement Worker (contingent from 1/29/90).
Abatement Worker (full from 7/26/90).
Abatement Worker Refresher Course (contingent from 1/29/90).
Abatement Worker Refresher Course (full from 4/2/90).
Contractor/Supervisor (contingent from 1/29/90).
Contractor/Supervisor (full from 7/26/90).
Contractor/Supervisor Refresher Course (contingent from 1/29/90).
Contractor/Supervisor Refresher Course (full from 4/2/90).
Inspector/Management Planner (contingent from 1/29/90).
Inspector/Management Planner Refresher Course (contingent from 1/29/90).
Inspector/Management Planner Refresher Course (full from 4/2/90).

(33)(a) *Training Provider:* PS&H Inc.
Address: 1810 Craig Rd., Suite 114, St. Louis, MO 63146, Contact: Carol E. Hoag, Phone: (314) 275-7733.

(b) *Approved Courses:*
Abatement Worker (full from 11/28/88).
Abatement Worker Refresher Course (contingent from 9/14/89).
Abatement Worker Refresher Course (full from 11/2/89).
Contractor/Supervisor (full from 11/28/88).
Contractor/Supervisor Refresher Course (contingent from 9/14/89).
Contractor/Supervisor Refresher Course (full from 11/2/89).
Inspector/Management Planner (full from 6/23/88).
Inspector/Management Planner Refresher Course (contingent from 1/19/89).
Inspector/Management Planner Refresher Course (full from 3/2/89).

(34)(a) *Training Provider:*
Performance Abatement Services, Inc.
Address: 14801 West 99th St., P.O. Box 19328, Lenexa, KS 66215, Contact: Tony Chiaverini, Phone: (913) 888-2423.

(b) *Approved Courses:*
Contractor/Supervisor (contingent from 7/6/89).
Contractor/Supervisor (full from 7/27/89).

(35)(a) *Training Provider:* Ramsey - Schilling Consulting Group, Inc.
Address: 503 Main, Belton, MO 64012, Contact: George McDowell, Phone: (816) 331-0002.

(b) *Approved Course:*
Inspector (contingent from 1/30/90).

(36)(a) *Training Provider:* Roth Asbestos Consultants, Inc.
Address: 1900 West 47th Pl., Westwood, KS 66205, Contact: Donald J. Welsh, Phone: (913) 831-4795.

(b) *Approved Courses:*
Abatement Worker (contingent from 3/9/89).
Abatement Worker (full from 3/13/89).
Abatement Worker Refresher Course (contingent from 6/15/89).
Abatement Worker Refresher Course (full from 7/24/89).
Contractor/Supervisor (contingent from 5/16/89).
Contractor/Supervisor (full from 7/20/89).
Contractor/Supervisor Refresher Course (contingent from 5/18/89).
Contractor/Supervisor Refresher Course (full from 7/24/89).
Inspector/Management Planner Refresher Course (contingent from 1/19/89).
Inspector/Management Planner Refresher Course (full from 1/23/89).

(37)(a) *Training Provider:* Ryckman's Emergency Action & Consulting Team (REACT).
Address: 2208 Welsch Industrial Ct., St. Louis, MO 63146, Contact: Nicolaus P. Neuman, Phone: (800) 325-1398.

(b) *Approved Courses:*
Abatement Worker (full from 7/26/88).
Abatement Worker Refresher Course (contingent from 4/26/89).
Abatement Worker Refresher Course (full from 8/3/89).
Contractor/Supervisor (full from 7/26/88).
Contractor/Supervisor Refresher Course (contingent from 4/26/89).
Contractor/Supervisor Refresher Course (full from 8/4/89).

(38)(a) *Training Provider:* University of Missouri-Columbia Environmental Health and Safety.
Address: Research Park Development Bldg., Columbia, MO 65211, Contact: Brent S. Mattox, Phone: (314) 882-7018.

(b) *Approved Courses:*
Contractor/Supervisor (contingent from 8/8/90).
Contractor/Supervisor (full from 8/23/90).

REGION VIII -- Denver, CO

Regional Asbestos Coordinator: David Combs, (8AT-TS), EPA, Region VIII, 1 Denver Place, 999-18th St., Suite 500, Denver, CO 80202-2413. (303) 293-1442, (FTS) 330-1442.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region VIII training courses and contact points for each, are as follows.

(1)(a) *Training Provider:* Acme Asbestos Removal.
Address: 9101 Pearl St., Suite 307, Thornton, CO 80229, Contact: Eugene Aragon, Phone: (303) 450-5026.

(b) *Approved Courses:*
Abatement Worker (contingent from 7/26/89).
Abatement Worker (full from 11/22/89).
Abatement Worker Refresher Course (contingent from 5/31/89).
Contractor/Supervisor (contingent from 7/26/89).
Contractor/Supervisor (full from 11/22/89).

(2)(a) *Training Provider:* Asbestos Training & Supply.
Address: 504 Saddle Dr., Cheyenne, WY 82009, Contact: F. Gerald Blackwell, Phone: (307) 634-6858.

(b) *Approved Courses:*
Abatement Worker (contingent from 5/2/89).
Abatement Worker (full from 5/4/90).

(3)(a) *Training Provider:* Chen-Northern, Inc.
Address: P.O. Box 30615, Billings, MT 59107, Contact: Kathleen A. Smit, Phone: (406) 248-9161.

(b) *Approved Courses:*
Abatement Worker (contingent from 10/1/87).
Abatement Worker (full from 1/11/90).
Abatement Worker Refresher Course (contingent from 2/16/89).

Contractor/Supervisor (contingent from 10/31/88).
Contractor/Supervisor (full from 1/11/90).
Contractor/Supervisor Refresher Course (contingent from 5/31/89).

(4)(a) *Training Provider:* Colorado Carpenters Statewide Joint Apprenticeship Educational & Training Committee.

Address: 4290 Holly St., Denver, CO 80216, Contact: Manuel Rodriquez, Jr., Phone: (303) 393-6060.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).
Abatement Worker (full from 12/19/88).

(5)(a) *Training Provider:* Colorado Laborers' & Contractors' Education & Training Fund.

Address: 10505 Havana, Brighton, CO 80601, Contact: James Zancanaro, Phone: (303) 287-3116.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/16/89).
Abatement Worker (full from 2/16/89).

(6)(a) *Training Provider:* Colorado State University Dept. of Industrial Sciences.

Address: Fort Collins, CO 80523, Contact: Birgit Wolff, Phone: (303) 491-7240.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/23/88).
Abatement Worker (full from 9/22/90).
Abatement Worker Refresher Course (contingent from 12/9/88).
Contractor/Supervisor (contingent from 12/29/88).
Contractor/Supervisor (full from 9/22/90).
Contractor/Supervisor Refresher Course (contingent from 12/9/88).
Inspector/Management Planner (contingent from 3/14/88).
Inspector/Management Planner (full from 5/23/88).
Inspector/Management Planner Refresher Course (contingent from 12/9/88).
Inspector/Management Planner Refresher Course (full from 1/17/89).

(7)(a) *Training Provider:* Colorado Training Institute.

Address: 1210 East Colfax, Suite 306, Denver, CO 80218, Contact: Carlos M. Guerra, Phone: (303) 860-0574.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/31/88).
Abatement Worker (full from 9/19/90).
Abatement Worker Refresher Course (contingent from 12/29/88).
Contractor/Supervisor (contingent from 10/31/88).
Contractor/Supervisor (full from 9/20/90).
Contractor/Supervisor Refresher Course (contingent from 12/29/88).

(8)(a) *Training Provider:* Energy Insulation, Inc. (EII).

Address: P.O. Box 1996, Casper, WY 82602, Contact: David K. Fox, Phone: (307) 473-1247.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/18/88 to 6/1/90 only).
Abatement Worker (full from 6/22/88 to 6/1/90 only).

(9)(a) *Training Provider:* Engineering Extension College of Engineering South Dakota State University.

Address: Box 2218, Brookings, SD 57007-0597, Contact: James Ceglian, Phone: (605) 688-4101.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 5/18/88).
Inspector/Management Planner (contingent from 5/18/88).

(10)(a) *Training Provider:* Envir-o-Tech.

Address: 300 Moore Ln., Billings, MT 59102, Contact: Leonard Cranford, Phone: (406) 252-7538.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/13/88).
Abatement Worker (full from 7/6/88).

(11)(a) *Training Provider:* Front Range Community College.

Address: 3645 West 112 Ave., Westminster, CO 80030, Contact: Gwen Burton, Phone: (303) 466-8811.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/13/88).
Abatement Worker (full from 4/7/89).
Abatement Worker Refresher Course (contingent from 2/28/89).
Contractor/Supervisor (contingent from 2/28/89).
Contractor/Supervisor (full from 4/7/89).
Contractor/Supervisor Refresher Course (contingent from 2/28/89).
Contractor/Supervisor Refresher Course (full from 7/27/90).
Inspector/Management Planner (contingent from 2/28/89).
Inspector/Management Planner (full from 1/26/90).
Inspector/Management Planner Refresher Course (contingent from 2/28/89).

(12)(a) *Training Provider:* HWS Technologies, Inc.

Address: 9101 East Kenyon Ave., Suite 1600, Denver, CO 80237, Contact: William C. Oleskevich, Phone: (303) 771-6868.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/28/89).
Abatement Worker (full from 4/7/89).
Abatement Worker Refresher Course (contingent from 2/28/89).
Abatement Worker Refresher Course (full from 6/29/89).
Contractor/Supervisor (contingent from 2/28/89).
Contractor/Supervisor (full from 4/7/89).
Contractor/Supervisor Refresher Course (contingent from 2/28/89).
Contractor/Supervisor Refresher Course (full from 6/29/89).
Inspector/Management Planner (contingent from 2/28/89).
Inspector/Management Planner Refresher Course (contingent from 2/28/89).
Inspector/Management Planner Refresher Course (full from 6/29/89).

(13)(a) *Training Provider:* Hager Laboratories, Inc.

Address: 5930 McIntire St., P.O. Box 4012, Golden, CO 80403, Contact: Charles Metzger & D. Robinson, Phone: (303) 278-3400.

(b) *Approved Courses:*

Abatement Worker (full from 3/28/88).
Abatement Worker Refresher Course (contingent from 10/7/88).
Abatement Worker Refresher Course (full from 4/26/89).
Contractor/Supervisor (full from 3/28/88).
Contractor/Supervisor Refresher Course (contingent from 10/7/88).
Contractor/Supervisor Refresher Course (full from 1/25/89).
Inspector/Management Planner (contingent from 4/20/88).
Inspector/Management Planner (full from 5/2/88).
Inspector/Management Planner Refresher Course (contingent from 10/7/88).
Inspector/Management Planner Refresher Course (full from 12/6/89).

(14)(a) *Training Provider:* Industrial Health, Inc. (IHI).

Address: 640 East Wilmington Ave., Salt Lake City, UT 84106, Contact: Donald E. Marano, Phone: (801) 466-2223.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).
Abatement Worker (full from 11/13/89).
Abatement Worker Refresher Course (contingent from 6/15/89).
Contractor/Supervisor (contingent from 4/22/88).

Contractor/Supervisor (full from 11/13/89).
Contractor/Supervisor Refresher Course (contingent from 4/24/89).
Inspector/Management Planner (contingent from 2/28/89).
Inspector/Management Planner (full from 4/17/89).
Inspector/Management Planner Refresher Course (contingent from 12/29/88).
Inspector/Management Planner Refresher Course (full from 1/6/89).
Project Designer Refresher Course (contingent from 4/24/89).

(15)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 28.

Address: 360 Acoma St., Suite 216, Denver, CO 80223, Contact: Chet Graham/Pat Pfeifer, Phone: (303) 778-8602.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/28/89).
Abatement Worker (full from 4/28/89).
Abatement Worker Refresher Course (full from 7/21/89).

(16)(a) *Training Provider:* Laborers AGC Training Program for Montana.

Address: 3100 Horseshoe Bend Rd., Helena, MT 59601, Contact: Eugene Fenderson, Phone: (406) 442-1441.

(b) *Approved Course:*

Abatement Worker (contingent from 9/19/88).

(17)(a) *Training Provider:* Major Environmental & Training Services, Inc.

Address: 100 Garfield St., Suite 100, Denver, CO 80206, Contact: Tom Major, Sr., Phone: (303) 322-9490.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/28/88).
Abatement Worker (full from 9/15/88).
Abatement Worker Refresher Course (contingent from 1/18/89).
Contractor/Supervisor (contingent from 4/14/88).
Contractor/Supervisor (full from 9/5/88).
Contractor/Supervisor Refresher Course (contingent from 1/18/89).
Inspector/Management Planner (contingent from 1/2/88).
Inspector/Management Planner (full from 3/27/89).
Inspector/Management Planner Refresher Course (contingent from 1/18/89).
Inspector/Management Planner Refresher Course (full from 1/12/90).
Project Designer (contingent from 1/28/88).
Project Designer Refresher Course (contingent from 1/18/89).

(18)(a) *Training Provider:* Midwest Asbestos Consultants, Inc. (MAC).

Address: 219 23rd St. North, Box 1708, Fargo, ND 58107, Contact: Jerry Day, Phone: (701) 280-2266.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).
Abatement Worker (full from 5/23/89).
Abatement Worker Refresher Course (contingent from 7/31/89).

(19)(a) *Training Provider:* Misers Inspection & Training, Inc.

Address: 1600 South Cherokee St., Denver, CO 80223, Contact: Michael E. DiRito, Phone: (303) 761-0367.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/17/88).
Abatement Worker (full from 7/5/88).
Abatement Worker Refresher Course (contingent from 11/14/88).
Abatement Worker Refresher Course (full from 1/27/89).
Contractor/Supervisor (contingent from 6/17/88).
Contractor/Supervisor (full from 7/5/88).
Contractor/Supervisor Refresher Course (contingent from 11/14/88).
Contractor/Supervisor Refresher Course (full from 1/27/89).

(20)(a) *Training Provider:* NATEC International, Inc.

Address: 2761 West Oxford Ave., No. 7, Englewood, CO 80110, Contact: Lester Ablin, Phone: (303) 781-0422.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/15/88 to 6/1/90 only).
Inspector/Management Planner (contingent from 6/2/89 to 6/1/90 only).

(21)(a) *Training Provider:* National Education Program for Asbestos (NEPA).

Address: 2863 West 8750 S., West Jordan, UT 84088, Contact: Mark A. Kirk, Phone: (801) 565-1400.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/6/89).
Abatement Worker (full from 6/22/89).
Abatement Worker Refresher Course (contingent from 5/22/89).
Contractor/Supervisor (contingent from 5/22/89).
Contractor/Supervisor (full from 6/22/89).
Contractor/Supervisor Refresher Course (full from 7/3/90).

(22)(a) *Training Provider:* Power Master, Inc.

Address: 13205 Minuteman Drive, Draper, UT 84020, Contact: Brian Welty, Phone: (801) 571-9321.

(b) *Approved Course:*

Abatement Worker (contingent from 6/13/88 to 6/22/90 only).

(23)(a) *Training Provider:* Precision Safety & Services, Inc.

Address: 1045 W. Garden of Gods Rd., Unit T, Colorado Springs, CO 80907, Contact: James R. Mapes, Jr., Phone: (719) 593-8596.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).
Abatement Worker (full from 11/2/88).

(24)(a) *Training Provider:* R.S. Christiansen Asbestos Consultant.

Address: 4980 Holladay Blvd., Salt Lake City, UT 84117, Contact: R.S. Christiansen, Phone: (801) 277-2323.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/29/88).
Abatement Worker (full from 12/7/88).

(25)(a) *Training Provider:* Survey Management & Design (SMD).

Address: RR 2, Box 85-B, Fargo, ND 58102, Contact: David A. Sohm, Phone: (701) 234-9556.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).
Contractor/Supervisor (contingent from 3/2/89).
Contractor/Supervisor (full from 5/2/89).
Inspector/Management Planner (contingent from 9/14/89).
Inspector/Management Planner (full from 10/15/89).

(26)(a) *Training Provider:* The Environmental Training Center.

Address: 2761 W. Oxford Ave., No. 7, Englewood, CO 80110, Contact: Les Ablin, Phone: (303) 781-0422.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/21/89).
Abatement Worker (full from 4/27/90).
Contractor/Supervisor (contingent from 9/21/89).
Contractor/Supervisor (full from 4/27/90).

(27)(a) *Training Provider:* University of Utah, Rocky Mountain Center for Occupational & Environmental Health.

Address: Dept. of Family & Preventive Medicine, Building 512, Salt Lake City, UT 84112, Contact: Jeffery S. Lee, Phone: (801) 581-5710.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/27/88).
Abatement Worker (full from 9/27/88).
Contractor/Supervisor (contingent from 6/1/87).

Contractor/Supervisor (full from 6/1/87).
Contractor/Supervisor Refresher Course (contingent from 6/7/88).
Contractor/Supervisor Refresher Course (full from 11/13/88).
Inspector/Management Planner (contingent from 12/23/87).
Inspector/Management Planner (full from 2/8/88).
Inspector/Management Planner Refresher Course (contingent from 12/9/88).
Inspector/Management Planner Refresher Course (full from 12/14/88).

REGION IX -- San Francisco, CA

Regional Asbestos Coordinator: Jo Ann Semones, (A-4-4), EPA, Region IX, 1235 Mission St., San Francisco, CA 94103. (415) 556-5406, (FTS) 556-5406.

List of Asbestos Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region IX training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* Ahearn & Associates, Inc.

Address: 4015 44th St., Phoenix, AZ 85018, Contact: Robert L Hutzel, Phone: (602) 840-9446.

(b) *Approved Courses:*

Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 10/18/89).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).
Inspector/Management Planner (contingent from 10/18/89).
Inspector/Management Planner Refresher Course (contingent from 10/18/89).

(2)(a) *Training Provider:* Arizona Carpenters Joint Apprenticeship & Training Committee.

Address: 2625 W. Holly, Phoenix, AZ 85009, Contact: Thomas E. Quine, Phone: (602) 272-6547.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 10/18/89).

(3)(a) *Training Provider:* Arizona Laborers' Joint Training Center.

Address: P.O. Box 565, Chino Valley, AZ 86323, Contact: Bill Hadley, Phone: (602) 636-2532.

(b) *Approved Course:*

Abatement Worker (contingent from 10/18/89).

(4)(a) *Training Provider:* Asbestos C.T.I.

Address: P.O. Box 228, Mokelumne Hill, CA 95245, Contact: Ed Leonard, Phone: (209) 286-1472.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/31/89).
Abatement Worker Refresher Course (contingent from 10/31/89).
Contractor/Supervisor (contingent from 10/31/88).
Contractor/Supervisor Refresher Course (contingent from 10/31/89).
Inspector (contingent from 3/21/89).
Inspector Refresher Course (contingent from 10/31/89).

(5)(a) *Training Provider:* Asbestos Consulting and Seminars.

Address: 3445 32nd St., San Diego, CA 92104, Contact: Mary Lacey, Phone: (619) 282-2364.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/18/89).
Abatement Worker Refresher Course (contingent from 12/6/89).
Contractor/Supervisor (contingent from 10/18/89).
Contractor/Supervisor Refresher Course (contingent from 12/6/89).
Inspector/Management Planner (contingent from 10/18/89).
Inspector/Management Planner Refresher Course (contingent from 10/18/89).

(6)(a) *Training Provider:* Asbestos Training Institute.

Address: 210 S. La Fayette Park Pl., Suite 205, Los Angeles, CA 90057, Contact: Kayode Akinrele, Phone: (213) 252-0166.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/18/89).
Contractor/Supervisor (contingent from 10/18/89).

(7)(a) *Training Provider:* California State University Sacramento.

Address: 650 University Ave., Suite 101A, Sacramento, CA 95825, Contact: Jackie Branch, Phone: (916) 923-0282.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/18/89).
Abatement Worker Refresher Course (contingent from 12/7/89).
Contractor/Supervisor (contingent from 10/18/89).
Contractor/Supervisor Refresher Course (contingent from 12/7/89).

(8)(a) *Training Provider:* Carpenters No. 46 Northern California Counties J.A.T.C. & T.B.

Address: 2350 Santa Rita Rd., Pleasanton, CA 94566-4190, Contact: Hugh Johnson, Phone: (415) 462-9640.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/31/89).
Abatement Worker Refresher Course (contingent from 12/7/89).
Contractor/Supervisor (contingent from 12/1/88).
Contractor/Supervisor Refresher Course (contingent from 12/7/89).

(9)(a) *Training Provider:* Center for Accelerated Learning.

Address: P.O. Box 6327, Vacaville, CA 95696-6327, Contact: David Esparzza, Phone: (707) 446-7996.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/1/88).
Abatement Worker Refresher Course (contingent from 12/15/88).
Contractor/Supervisor (contingent from 6/1/88).
Contractor/Supervisor Refresher Course (contingent from 12/15/88).
Inspector/Management Planner (contingent from 6/30/88).
Inspector/Management Planner Refresher Course (contingent from 12/7/89).
Project Designer (contingent from 10/18/89).
Project Designer Refresher Course (contingent from 10/18/89).

(10)(a) *Training Provider:* DWC Consulting Co., Inc.

Address: 1250 Pine St., Suite 307, Walnut Creek, CA 94596, Cóntact: Dan Weathers, Phone: (415) 933-9066.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/3/89).
Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 4/3/89).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).
Inspector/Management Planner (contingent from 4/3/89).
Inspector/Management Planner Refresher Course (contingent from 10/18/89).

(11)(a) *Training Provider:* Dan Napier & Associates.

Address: 15342 Hawthorne Blvd., Suite 207, P.O. Box 1540, Lawndale, CA 90260-6440, Contact: Dan Napier, Phone: (213) 644-1924.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/18/88).
Abatement Worker Refresher Course (contingent from 1/18/89).
Contractor/Supervisor (contingent from 3/27/89).

Contractor/Supervisor Refresher Course (contingent from 1/18/89).
Inspector/Management Planner (contingent from 4/3/89).
Inspector/Management Planner Refresher Course (contingent from 3/30/89).
Project Designer Refresher Course (contingent from 3/30/89).

(12)(a) *Training Provider:* Design for Health.

Address: 1516 W. Redwood St., Suite 104, San Diego, CA 92101, Contact: Virginia Shefa, Phone: (619) 291-1777.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/30/89).
Abatement Worker Refresher Course (contingent from 12/6/89).
Contractor/Supervisor (contingent from 10/18/89).
Contractor/Supervisor Refresher Course (contingent from 12/8/89).
Inspector/Management Planner (contingent from 11/30/89).

(13)(a) *Training Provider:* Eagle Environmental.

Address: 8840-A Elder Creek Rd., Sacramento, CA 95828, Contact: Larry West, Phone: (916) 381-5448.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/18/89).
Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 10/18/89).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).
Inspector/Management Planner (contingent from 10/18/89).
Inspector/Management Planner Refresher Course (contingent from 10/18/89).
Project Designer (contingent from 10/18/89).
Project Designer Refresher Course (contingent from 10/18/89).

(14)(a) *Training Provider:* EnviroMD, Inc.

Address: 3443 East Fort Lowell Rd., Tucson, AZ 85716, Contact: Lee Allen, Phone: (602) 881-1000.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/15/89).
Contractor/Supervisor (contingent from 1/17/89).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).
Inspector/Management Planner (contingent from 11/14/88).
Inspector/Management Planner Refresher Course (contingent from 10/18/89).

(15)(a) *Training Provider:* Environmental Control Industries.

Address: 2700 Teagarden St., San Leandro, CA 94577, Contact: Carlos Aleman, Phone: (415) 655-5855.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).
Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 10/31/89).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).

(16)(a) *Training Provider:* Environmental Sciences, Inc.

Address: 105 E. Speedway, Tucson, AZ 85705, Contact: Paula Keyes, Phone: (602) 792-0097.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 9/29/87).
Inspector/Management Planner (full from 10/5/87).
Inspector/Management Planner Refresher Course (contingent from 11/14/88).

(17)(a) *Training Provider:* Excel Environmental, Inc.

Address: 739 Allston Way, Berkeley, CA 94710, Contact: Dave Stover, Phone: (415) 548-4300.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/28/87).
Abatement Worker Refresher Course (contingent from 12/1/88).
Contractor/Supervisor (contingent from 6/1/88).
Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(18)(a) *Training Provider:* Hawaii Laborers Training School.

Address: P.O. Box 457, Aiea, HI 96701, Contact: Norman Jimeno, Phone: (808) 488-6161.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/27/88).
Abatement Worker Refresher Course (contingent from 10/18/89).

(19)(a) *Training Provider:* Herring & Herring Enterprises.

Address: No. 9 Grits Court, Sacramento, CA 95823, Contact: Leslie Herring, Phone: (916) 421-6260.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/2/90).
Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 1/2/90).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).

(20)(a) *Training Provider:* INFOTOX.

Address: 8531 Mission Blvd, Suite 24, Riverside, CA 92509, Contact: Jim Maclam, Phone: (714) 685-5053.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/18/89).
Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 10/18/89).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).

(21)(a) *Training Provider:* Insulators & Asbestos Industry of Northern California & Local Union No. 16 Asbestos Training Fund.

Address: 2033 Clement Ave., Building 31, Room 112, Alameda, CA 94501, Contact: Hans D. Siebert, Phone: (415) 865-2292.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/1/88).
Contractor/Supervisor (contingent from 10/31/89).

(22)(a) *Training Provider:* International Technology Corp.

Address: 17605 Fabrica Way, Cerritos, CA 90701, Contact: Sean Smith, Phone: (213) 921-9831.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/24/87).
Abatement Worker Refresher Course (contingent from 3/29/89).
Contractor/Supervisor (contingent from 4/15/88).
Contractor/Supervisor Refresher Course (contingent from 3/29/89).

(23)(a) *Training Provider:* Joint Apprenticeship Trust Asbestos Workers Local 5.

Address: 520 So. La Fayette Park Pl., Suite 300, Los Angeles, CA 90057, Contact: Tom L. Gutierrez, Phone: (213) 383-8010.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/1/88).
Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 1/26/89).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).

(24)(a) *Training Provider:* KELLCO Training Institute.

Address: 44804 Osgood Rd., Fremont, CA 94539, Contact: Charles W. Kellogg, Phone: (415) 651-7401.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/1/88).

Contractor/Supervisor (contingent from 7/20/88).
Contractor/Supervisor Refresher Course (contingent from 10/31/88).
Inspector/Management Planner (contingent from 3/21/89).
Inspector/Management Planner Refresher Course (contingent from 3/16/89).

(25)(a) *Training Provider:* Laborers Training & Retraining Trust Fund for Northern California.
Address: 21321 San Ramon Valley Blvd., San Ramon, CA 94583, Contact: Monte R. Strother, Phone: (415) 828-2513.

(b) *Approved Courses:*
Abatement Worker (contingent from 6/13/88).
Abatement Worker Refresher Course (contingent from 12/15/88).

(26)(a) *Training Provider:* Laborers Training & Retraining Trust Fund for Southern California.
Address: P.O. Box 76, Anza, CA 92306-0076, Contact: Don Sanders, Phone: (714) 763-4341.

(b) *Approved Courses:*
Abatement Worker (contingent from 6/30/88).
Abatement Worker Refresher Course (contingent from 12/6/89).

(27)(a) *Training Provider:* Lehr Training Institute, Inc.
Address: 4125 East La Palma Ave. Suite 300, Anaheim, CA 92807, Contact: Susan Patnode, Phone: (714) 572-0110.

(b) *Approved Courses:*
Abatement Worker (contingent from 2/16/88).
Abatement Worker Refresher Course (contingent from 2/21/89).
Contractor/Supervisor (contingent from 2/16/88).
Contractor/Supervisor Refresher Course (contingent from 2/21/89).
Inspector/Management Planner (contingent from 10/31/88).
Inspector/Management Planner Refresher Course (contingent from 2/21/89).

(28)(a) *Training Provider:* Los Angeles District Council of Carpenters and Vicinity.
Address: 4665 Mercury St., Suite 203, San Diego, CA 92111, Contact: Otis Kunz, Phone: (619) 495-1850.

(b) *Approved Courses:*
Abatement Worker (contingent from 3/30/89).
Contractor/Supervisor (contingent from 10/31/88).

(29)(a) *Training Provider:* National Asbestos Technology Education Center (NATEC).
Address: 11552 Knott St., Suite 8, Garden Grove, CA 92641, Contact: Rodger D. Sandlin, Phone: (714) 894-7577.

(b) *Approved Courses:*
Abatement Worker (contingent from 12/30/87).
Abatement Worker Refresher Course (contingent from 11/8/88).
Contractor/Supervisor (contingent from 12/30/87).
Contractor/Supervisor Refresher Course (contingent from 11/8/88).

(30)(a) *Training Provider:* National Institute for Asbestos & Hazardous Waste Training.
Address: 1019 West Manchester Blvd., Inglewood, CA 90301, Contact: Jim McFarland, Phone: (213) 645-4516.

(b) *Approved Courses:*
Abatement Worker (full from 12/24/87).
Abatement Worker Refresher Course (contingent from 10/19/88).
Contractor/Supervisor (full from 12/24/87).
Contractor/Supervisor Refresher Course (contingent from 10/19/88).
Inspector/Management Planner (contingent from 6/30/88).
Inspector/Management Planner Refresher Course (contingent from 11/4/88).

(31)(a) *Training Provider:* Naval Civil Engineering Laboratory.
Address: Code L-15, Port Hueneme, CA 93043-5003, Contact: Susan C. Tianen, Phone: (805) 982-1136.

(b) *Approved Courses:*
Abatement Worker (contingent from 10/31/89).
Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 10/31/89).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).
Inspector (contingent from 4/6/89).

(32)(a) *Training Provider:* Occupational Training Institute, Inc.
Address: 5 Civic Plaza, Suite 310, Newport Beach, CA 92660, Contact: Charles Goeshall, Phone: (714) 721-9578.

(b) *Approved Courses:*
Abatement Worker (contingent from 2/21/89).
Abatement Worker Refresher Course (contingent from 2/21/89).
Contractor/Supervisor (contingent from 2/21/89).
Contractor/Supervisor Refresher Course (contingent from 2/21/89).
Inspector/Management Planner (contingent from 3/16/89).
Inspector/Management Planner Refresher Course (contingent from 2/21/89).

(33)(a) *Training Provider:* Painters District Council No. 36.
Address: 3601 W. Alameda Ave., Suite 200, Burbank, CA 91505, Contact: William Sauerwald, Phone: (818) 941-1366.

(b) *Approved Course:*
Abatement Worker (contingent from 10/15/89).

(34)(a) *Training Provider:* Programs in Environmental Hazard Management (PEHM) (Formerly Pacific Asbestos Information Center).
Address: 2223 Fulton St., Berkeley, CA 94720, Contact: Kathleen Vork, Phone: (415) 643-7143.

(b) *Approved Courses:*
Contractor/Supervisor (full from 10/1/87).
Contractor/Supervisor Refresher Course (contingent from 10/19/88).
Inspector/Management Planner (full from 11/16/87).
Inspector/Management Planner Refresher Course (contingent from 10/19/88).
Project Designer (contingent from 10/31/89).

(35)(a) *Training Provider:* Robert Harvey Griese.
Address: 5933 Telegraph Rd., City of Commerce, CA 90040, Contact: Robert H. Griese, Phone: (213) 720-1805.

(b) *Approved Courses:*
Abatement Worker (contingent from 12/6/89).
Contractor/Supervisor (contingent from 12/6/89).
Inspector/Management Planner (contingent from 12/6/89).

(36)(a) *Training Provider:* Salem Kroeger, Inc.
Address: 106 Church St., Roseville, CA 95678, Contact: Owen C. Tilley, Phone: (916) 784-7222.

(b) *Approved Courses:*
Abatement Worker (contingent from 3/30/89).
Abatement Worker Refresher Course (contingent from 4/3/89).
Contractor/Supervisor (contingent from 3/30/89).
Contractor/Supervisor Refresher Course (contingent from 4/3/89).
Inspector Refresher Course (contingent from 4/3/89).

(37)(a) *Training Provider:* San Diego County Construction Laborers Training & Retraining Trust.
Address: 4161 Home Ave., Second Fl., San Diego, CA 92105, Contact: Bob White, Phone: (619) 263-6941.

(b) *Approved Courses:*
Abatement Worker (contingent from 3/21/89).

Abatement Worker Refresher Course (contingent from 10/18/89).

(38)(a) *Training Provider:* Spectrum Environmental Training.

Address: 6245 Bristol Pkwy., Suite 305, Culver City, CA 90230, Contact: James H. Mondy, Phone: (213) 322-2332.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/6/89).

Contractor/Supervisor (contingent from 12/6/89).

(39)(a) *Training Provider:* The Asbestos Institute.

Address: 2701 East Camelback, Suite 381, Phoenix, AZ 85016, Contact: William T. Cavness, Phone: (602) 381-0899.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/30/88).

Abatement Worker Refresher Course (contingent from 10/31/88).

Contractor/Supervisor (contingent from 6/13/88).

Contractor/Supervisor Refresher Course (contingent from 3/9/89).

Inspector/Management Planner (contingent from 6/17/88).

Inspector/Management Planner Refresher Course (contingent from 6/16/88).

(40)(a) *Training Provider:* The Environmental Institute.

Address: 41 East Foothill Blvd., Suite 104, Arcadia, CA 91006, Contact: Alan M. Lamson, Phone: (818) 447-5216.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/27/88).

Contractor/Supervisor (contingent from 6/27/88).

Inspector/Management Planner (contingent from 6/27/88).

Inspector/Management Planner Refresher Course (contingent from 4/18/89).

Project Designer (contingent from 12/1/88).

Project Designer Refresher Course (contingent from 10/18/89).

(41)(a) *Training Provider:* University Associates.

Address: 3791 N. Camino de Oeste, Tucson, AZ 85745, Contact: John D. Repko, Phone: (602) 624-9366.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 12/1/88).

(42)(a) *Training Provider:* University of Southern California Institute of Safety & Systems Management.

Address: 927 W. 35th Pl., Room 102, Los Angeles, CA 90089-0021, Contact: James O. Pierce, Phone: (213) 740-3998.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 7/27/88).

Inspector/Management Planner (full from 2/2/89).

Inspector/Management Planner Refresher Course (contingent from 2/23/89).

REGION X -- Seattle, WA

T3Regional Asbestos Coordinator: T1Matt Wilkening, EPA, Region X, 1200 Sixth Ave. (8T-083), Seattle, WA 98101. (206) 442-8282 (FTS) 399-8282

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region X training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* Arctic Slope Consulting Group.

Address: 3801 South Cushman, Fairbanks, AK 99701-7529, Contact: Robert A.Perkins/Clark Milne, Phone: (907) 451-6009.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 10/18/89).

Inspector/Management Planner Refresher Course (contingent from 10/25/89).

(2)(a) *Training Provider:* Asbestos Removal Technologies.

Address: P.O. Box 4762, Vancouver, WA 98662, Contact: Skip Gaultier, Phone: (800) 321-4121.

(b) *Approved Courses:*

Inspector/Management Planner Refresher Course (contingent from 10/25/89).

Inspector/Management Planner Refresher Course (full from 12/26/89).

Project Designer Refresher Course (contingent from 10/25/89).

Project Designer Refresher Course (full from 12/26/89).

(3)(a) *Training Provider:* Asbestos Services International, Inc.

Address: 12360 Southwest Butner Rd., Portland, OR 97225-5818, Contact: Jim Jones, Phone: (503) 644-0246.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 8/23/88).

Inspector/Management Planner (full from 7/17/89).

Inspector/Management Planner Refresher Course (contingent from 10/31/88).

Inspector/Management Planner Refresher Course (full from 1/20/89).

Project Designer (contingent from 10/31/88).

Project Designer (full from 1/17/89).

(4)(a) *Training Provider:* Certified Industrial Hygiene Services, Inc.

Address: 911 Western Ave., Suite 206, Seattle, WA 98104, Contact: Dorothy Stansel, Phone: (206) 622-1096.

(b) *Approved Course:*

Inspector (contingent from 3/25/88).

(5)(a) *Training Provider:* Engineering Continuing Education University of Washington.

Address: GG-13, Seattle, WA 98195, Contact: Susan G. Stone, Phone: (206) 543-5539.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 1/26/88 to 6/1/90 **only**).

Inspector/Management Planner (full from 2/8/88 to 6/1/90 **only**).

(6)(a) *Training Provider:* Environmental Health Sciences Lake Washington Vo-Tech.

Address: 11605 132nd Ave., NE., Kirkland, WA 98034, Contact: Dave Rodewald, Phone: (206) 828-5643.

(b) *Approved Courses:*

Inspector/Management Planner (full from 4/11/88).

Inspector/Management Planner Refresher Course (contingent from 1/14/89).

Inspector/Management Planner Refresher Course (full from 1/27/89).

Project Designer (contingent from 12/11/89).

(7)(a) *Training Provider:* Environmental Management, Inc.

Address: P.O. Box 91477, Anchorage, AK 99509, Contact: Debra Chrisman/Gordon Randall, Phone: (907) 272-8056.

(b) *Approved Course:*

Inspector/Management Planner (full from 4/18/88).

(8)(a) *Training Provider:* Hazcon, Inc.

Address: 4636 Marqiael Way S., Suite 215, Seattle, WA 98134, Contact: Mike Krause, Phone: (206) 763-7364.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 3/1/88).

Inspector/Management Planner (full from 4/4/88).

Inspector/Management Planner Refresher Course (contingent from 1/18/89).

Inspector/Management Planner Refresher Course (full from 1/30/89).

(9)(a) *Training Provider:* Heavey Engineers, Inc.

Address: 113 Russell St., P.O. Box 832, Stevenson, WA 98648-0832, Contact: Bernard Heavey, Phone: (509) 427-8936.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/13/88).
Inspector/Management Planner (full from 5/2/88).
Inspector/Management Planner Refresher Course (contingent from 1/18/89).
Inspector/Management Planner Refresher Course (full from 3/10/89).

(10)(a) *Training Provider:* NAC Corporation/Northwest Asbestos Consultants.

Address: 1005 Northwest Galveston, Suite E, Bend, OR 97701, Contact: Dale Schmidt, Phone: (503) 389-9727.

(b) *Approved Courses:*

Inspector/Management Planner Refresher Course (contingent from 4/25/89).
Inspector/Management Planner Refresher Course (full from 7/24/89).

(11)(a) *Training Provider:* Northwet Envirocon, Inc.

Address: P.O. Box 169, Washougal, WA 98671, Contact: Debbie Stevison, Phone: (503) 659-8899.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/13/88).
Inspector/Management Planner (full from 5/2/88).

(12)(a) *Training Provider:* PBS Environmental Building Consultants, Inc.

Address: 1220 SouthWest Morrison, Portland, OR 97205, Contact: Kelly Strother, Phone: (503) 248-1939.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 2/4/88).
Inspector/Management Planner (full from 3/14/88).
Inspector/Management Planner Refresher Course (contingent from 3/14/89).
Inspector/Management Planner Refresher Course (full from 6/30/89).
Project Designer (contingent from 6/9/89).
Project Designer (full from 6/19/89).
Project Designer Refresher Course (contingent from 10/25/89).
Project Designer Refresher Course (full from 9/21/90).

(13)(a) *Training Provider:* South East Regional Resource Center, Inc.

Address: 210 Ferry Way, Suite 200, Juneau, AK 99801, Contact: William Suss, Phone: (907) 586-6806.

(b) *Approved Courses:*

Inspector/Management Planner Refresher Course (contingent from 4/18/89).
Inspector/Management Planner Refresher Course (full from 6/1/90).

(14)(a) *Training Provider:* Specialized Environmental Consulting, Inc.

Address: P.O. Box 363, Wauna, WA 98395, Contact: Raymond Donahue, Phone: (206) 857-3222.

(b) *Approved Courses:*

Inspector/Management Planner Refresher Course (contingent from 3/7/89).
Inspector/Management Planner Refresher Course (full from 3/20/89).

(15)(a) *Training Provider:* University of Alaska, Mining & Petroleum Training Services.

Address: 155 Smith Way, Suite 104, Soldotna, AK 99669, Contact: Dennis D. Steffy, Phone: (907) 262-2788.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 2/16/88).
Inspector/Management Planner (full from 4/11/88).
Inspector/Management Planner Refresher Course (contingent from 1/14/89).

(16)(a) *Training Provider:* Valley Research Corporation.

Address: 1299 E. 2400 St., Hagerman, ID 83332, Contact: Leon Urie, Phone: (208) 837-6437.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 10/20/89).
Contractor/Supervisor (full from 6/8/90).

(17)(a) *Training Provider:* Washington Association of Maintenance & Operations Administrators, WAMOA.

Address: 12037 Northeast Fifth, Bellevue, WA 98005, Contact: Colin MacRae, Phone: (206) 455-6054.

(b) *Approved Courses:*

Inspector/Management Planner Refresher Course (contingent from 4/25/89).
Inspector/Management Planner Refresher Course (full from 7/24/89).

Dated: November 16, 1990.

Joseph A. Carra,

Acting Director, Office of Toxic Substances.

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Part III

Department of Agriculture

Food Safety and Inspection Service

9 CFR Parts 317 and 381

Net Weight Labeling of Meat and Poultry Products; Final Rule

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317 and 381

[Docket No. 87-025F]

RIN No. 0583-AA69

Net Weight Labeling of Meat and Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The rule amends the Federal meat and poultry products inspection regulations to provide uniform net weight labeling requirements, including reasonable variations for label statements of net weight contents of containers of meat and poultry products. The rule incorporates by reference the National Bureau of Standards (NBS) Handbook 133, "Checking the Net Contents of Packaged Goods", Third Edition, September 1988, for compliance testing of net weight contents statements on packaged meat and poultry products. The rule also incorporates by reference the National Institute of Science and Technology (NIST) Handbook 44, "Specifications, Tolerances and other Technical Requirements for Measuring Devices", 1990 Edition, September 1989. The rule establishes objective, numerical variations from the labeled net weight which are to be determined by prescribed procedures adopted by way of incorporation by reference of the Third Edition of NBS Handbook 133. The rule is designed to enhance the ability of Federal, State and local agencies to enhance the industry-wide use of strict net weight standards at the packing, warehouse and retail level, and will establish greater uniformity with regulations for net weight compliance used by the Food and Drug Administration (FDA) for other types of foods.

The Food Safety and Inspection Service (FSIS) received 38 comments to the proposed rule. The analysis of the comments showed that the majority were generally supportive of the proposal. Of the total of 38 letters, 76 percent generally supported the rule, and 24 percent opposed it. FSIS has concluded that the proposed rule should be promulgated into a final rule with minor revisions as explained elsewhere in this document.

EFFECTIVE DATE: May 29, 1990. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of: May 29, 1990.

FOR FURTHER INFORMATION CONTACT: Dr. Karen Wesson, Acting Director, Processed Products Inspection Division, Science and Technology, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3840.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator, FSIS, has determined that this rule is not a "major rule" under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographical regions; or have significant adverse effects 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. The rule will standardize weights and measures practices for the Federal government and State and local governments for federally inspected meat and poultry products.

The rule will not create a significant economic or administrative burden upon these regulatory agencies or upon the industry. The changes standardize similar Federal, State and local government net weight compliance procedures. Federal, State and local weights and measures officials will be spending the same amount of time conducting their compliance activities as before.

Moreover, the changes will not significantly alter the prices of products or practices of the meat and poultry industry. Industry will not need to spend much, if any, additional time or money to adjust to these procedures. One new requirement imposed by this rule is having their weighing devices tested and certified annually. However, this only makes explicit a common practice of most firms. Moreover, many State and local governments already annually test and certify weighing devices in the federally inspected meat and poultry establishments for free. In some cases, weighing devices which do not meet NIST Handbook 44 specifications will need to be replaced. The total replacement costs of these weighing devices will be less than $1 million.

Effect on Small Entities

The Administrator of FSIS has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Public Law 96-354 (5 U.S.C. 601). The changes will not significantly alter the prices of products or practices of the meat and poultry industry. Small firms will not be at a competitive disadvantage because the changes, as noted above, standardize weights and measures practices. Small firms, like large firms, may benefit by reducing the amount of time and effort they spend on adjusting their weights and measurement practices to suit different jurisdictions.

Paperwork Reduction Act

The rule does not appreciably increase the burden of recordkeeping on meat and poultry plants. All in-plant weighing devices will need to display proof that the device's accuracy has been annually validated. This will merely incorporate into the regulations a requirement that is currently being adhered to by the majority of the meat and poultry industry and, therefore, will not have a substantial effect on the industry.

Many meat and poultry plants have FSIS approved net weight quality control programs in which tare and net weight data are automatically collected and maintained by production lot. In this way producers can properly monitor that they are neither under packing nor over packing. Those plants without an FSIS approved quality control program may want to get one, or collect and maintain net weight and tare measurements on production lots in order to controvert a potential finding made outside of the plant. This rule will not require the industry to obtain new label approvals; it will only require compliance with what is already on the label.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB #0583-0064), Washington, DC 20503.

Effective Date

The Agency has determined that the regulation will become effective 6 months from the date of publication in the **Federal Register**. This is to provide the Agency with sufficient time to train its inspection personnel to properly implement the revised regulation.

Background

On March 6, 1989, FSIS published a proposed rule in the **Federal Register** (54 FR 9370) to amend various provisions of the Federal meat and poultry products inspection regulations to permit the Agency to implement a new net weight regulation.

A revised regulation will serve several purposes. It will: (1) Create standards that will assure that the net weight statement is as accurate as can be reasonably required for the consumer; (2) enable Federal, State and local regulatory agencies to enforce uniform net weight standards at retail and other locations within their jurisdictions where meat and poultry products are sold; (3) provide clear and uniform notice to packers, wholesalers and retailers of net weight compliance procedures and requirements.

Comments and Responses

A total of 38 comments were received during the comment period. For purposes of analyzing the comments, they were divided into eight groups.

One Federal Department, the Department of Commerce, has responded. The Department of Commerce has the primary Federal leadership role for setting standards and procedures for determining net weight and acceptable weighing devices. The greatest number of comments came from State governments, 13, or 35 percent. They included four responses from States that use "wet tare" net weight determinations. Of the 13, two came from the same State. Ten of the responses came from the States' Departments of Agriculture, and one each from the States' Departments of Consumer Protection, Labor and Justice.

There were four responses from local governments, three of which were from the same State. The rule greatly expands the role the State and local governments may play in net weight compliance with Federal meat and poultry products.

The second largest number of comments came from the trade associations representing meat and poultry producers and processors. The six responses, representing 16 percent of the total, are all from national organizations. Two of the organizations represent only the meat industry, two only the poultry, and two combined meat and poultry concerns.

Four private companies responded. Two are very large national firms producing both meat and poultry products. The other two are medium sized regional meat firms.

Three comments came from professional organizations representing the State and local government weights and measures community. Two came from the leadership of the same national organization, which represents about 2,100 members, most of which are State and local weights and measures officials from almost every State. This organization provides a national forum for the resolution of questions related to weights and measures issues. The third letter came from an organization representing a State's county weights and measures officials.

There were three comments from consumer groups, all from the same State. Two of the groups were Statewide and one local. Finally, there were three comments from private individuals. Two came from the same State.

General Tenor of Comments

Of the 38 comments, 76 percent generally supported the rule, and 24 percent opposed it. However, of the commenters who supported the proposal, some expressed reservations regarding certain specifics of the proposal; the reservations are addressed in the response to the comments. The greatest support is with the State governments, with 12 out of 13 supportive comments, or 92 percent acceptance.

The majority of trade associations and private companies who commented favored the change as well. Only one poultry trade association opposed the proposed rule. This was mainly because they feel that it did not yet go far enough in one area, which is discussed in the comments. Also, only one company, a medium sized regional meat processor, objected to the rule.

The professional organizations generally supported the rule. One of the organizations sent a letter focusing their comments to just one point in the rule but did not indicate their support or opposition. However, the same organization also sent a very positive endorsement of the rule in a separate letter.

The opposition to the rule came from three consumer groups from the same State. Two individuals from this same State also objected to the rule. Their opposition was based on the belief that the rule would weaken their State's enforcement ability.

The Major Issues

FSIS analyzed the comments and identified 22 separate issues addressed by the commenters. The following is a discussion of the comments according to the issues raised, and the Agency's responses to the comments.

NBS Handbook 133 Issues

Comment 1: There were four comments favoring the publication of significant parts of NBS Handbook 133 within the net weight regulation as opposed to incorporating NBS Handbook 133 by reference. These commenters also wanted FSIS to create its own book. One comment was from a trade association and three were from companies. The commenters feared that adoption of a document, which would be incorporated by reference, would make USDA dependent on another organization, The National Conference on Weights and Measures (NCWM), for its net weight policy.

Response: The information that will be incorporated by reference from the NBS Handbook 133 is essentially instructions to inspection personnel on the procedures and methods to do their net weight compliance tasks. It includes such things as how to select a lot and how to select a random sample.

Furthermore, FSIS is looking towards the NCWM to provide the expertise in the net weight area. NBS Handbook 133 is comprehensive and is the standard in the commercial world. By incorporating by reference the relevant portions of NBS Handbook 133, FSIS is acknowledging NIST as the government's standard-bearer in these matters, and accentuates the need for harmony throughout Federal, State, and local jurisdictions. However, FSIS will retain its authority to take exception to provisions in these handbooks and exclude them from our regulation, as is being done. FSIS is excluding a number of chapters that are not relevant to the meat and poultry industry practices and procedures. FSIS will announce in the **Federal Register** the exceptions and other changes to each new edition. If the changes are significant an opportunity will be provided to the public to comment on the proposed changes.

Comment 2: There were six comments—two from the States, two from local governments, and two from professional associations—favoring continually using the latest edition of NBS Handbook 133 instead of a specific edition.

Response: FSIS has decided to incorporate by reference the Third Edition of NBS Handbook 133, as was

stated in the proposed rule However, FSIS intends to adopt the latest editions as they occur by making an announcement in the **Federal Register** and if the changes are significant, providing an opportunity for public comment. FSIS values the expertise of NCWM for its net weight policies and procedures.

NIST Handbook 44 Issues

Comment 3: There were three comments favoring FSIS adopting its own version of NIST (formerly NBS) Handbook 44 instead of relying on someone else's. Two came from trade associations and one from a company. Similar to the concerns from industry to NBS Handbook 133, these commenters wanted FSIS to incorporate the necessary portions of NIST Handbook 44 into the regulation. They said this would avoid the confusion that might result from the latest edition of NIST Handbook 44 not being in total harmony with FSIS procedures.

Response: As with the FSIS position on NBS Handbook 133, FSIS disagrees with this position. NIST Handbook 44 is generally revised on an annual or biannual basis. The changes are usually minimal. Moreover, this handbook is already officially used by most State and local government officials. By adopting this handbook, FSIS is making it easier for the standardization of policies and procedures for weighing devices. Also, FSIS expects that State and local weights and measures officials would be doing, as they now do, the vast majority of the scale testing and accuracy certifications in federal inspected meat and poultry establishments, as well as wholesale and retail operations.

Comment 4: There were seven comments favoring FSIS continually adopting the latest edition of NIST Handbook 44 instead of relying on a specific edition. Three comments came from the States, two from local governments, and two from professional organizations. This would permit FSIS regulations to automatically track NIST Handbook 44 revisions as they occur.

Response: FSIS has decided to incorporate by reference the 1990 edition of NIST Handbook 44, instead of the 1989 one stated in the proposed rule. FSIS intends to adopt the latest editions as they occur by making an announcement in the **Federal Register.** If there are any significant changes in the latest editions, the public will be provided an opportunity to comment on the changes. Since there are no significant differences between the 1989 and 1990 editions, FSIS is adopting the latest edition in the rule. This approach will enable FSIS to benefit from the latest advances in this area.

Comment 5: There were four comments stating that compliance with the requirements of NIST Handbook 44 would be very costly to industry. Two comments came from trade associations and two from companies. One commenter said that compliance with NIST Handbook 44 would cost about $100,000 per plant.

Response: FSIS does not agree with this estimate. While some scales might need to be replaced due to the rule, they would represent a very small portion of the scales in service. In fact, the vast majority of scales used for weighing the vast majority of product sold would meet NIST Handbook 44 specifications now.

Comment 6: There were six comments supporting the idea that State certified repair persons should be allowed to inspect and test repaired scales to see that they meet NIST Handbook 44 requirements and grant permission to use them in commerce. Two comments came from the States, two from local governments and two from professional associations.

Response: FSIS agrees with this position and has changed the final rule to reflect that State certified repair persons be allowed to test, validate accuracy of weight, and place scales back into service. However, if a "Retain" tag has been put on a scale, indicating some problem such as inaccuracy, only an FSIS official can remove the tag. As long as the tag is on the scale it may not be used.

Sampling Issues

Comment 7: There were two comments favoring the use of 100 percent sampling on small lots as an alternative to Sampling Plan A by State and local weights and measures officials. One came from a State and the other from a professional association. The State commenter said many local agencies conduct 100 percent tests in lieu of Sampling Plan A when testing small retail lots because checking the few additional packages available for inspection is no more trouble than doing the additional calculations called for in Sampling Plan A. Furthermore, the commenter indicated that the results when conducting a 100 percent test are not different from the results obtained when conducting a Sampling Plan A test.

Response: FSIS agrees with this comment. Sampling the whole lot may be the most efficient approach with small retail samples. There was no intention in the proposal to exclude the use of 100 percent sampling on small lots. NBS Handbook 133, Third Edition discusses the use of 100 percent sampling on page I–6, which is part of the handbook to be incorporated by reference.

Comment 8: There were two comments favoring State and local government officials being allowed to use a sampling plan which is equivalent to Sampling Plan A when this plan is part of a research and development program to improve the sampling plans. One came from a State and one from a local government.

Response: FSIS will permit alternative State and local government testing approaches. However, these test results cannot be used for compliance decisions. For compliance purposes, only the use of the procedures specified in this rule are acceptable in making determinations to pass or reject a lot.

Comment 9: There were four comments that favored using Sampling Plan A instead of Sampling Plan B in the in-plant testing program because Sampling Plan B has no maximum allowable variations (MAV's) for individual packages. Two comments came from trade associations and two from companies.

Response: FSIS has conducted computer simulations tests to assess the statistical comparability of its current sampling plan for in-plant tests with NBS Sampling Plans A and B. FSIS found that its current in-plant sampling plan is statistically equivalent to NBS Sampling Plan B. Both are much more stringent than Sampling Plan A. Sampling Plan A is intended to be applied at the retail level and is thus more lenient than the in-plant or wholesale test, which is supposed to be the major barrier to ferret short weight products. FSIS intends to use Sampling Plan B because it is equivalent to its current test.

Comment 10: There were four comments favoring the increase of an MAV for Sampling Plan B. Three of these comments came from trade associations and one from a company.

Response: FSIS disagrees with this idea for two reasons. By adding an MAV, FSIS would be making Sampling Plan B into a less stringent test. Moreover, FSIS would no longer have an approach that was uniform with NBS Handbook 133.

Maximum Allowable Variations (MAV's) Issues

Comment 11: One trade association and two private companies suggested that group 5, the over 10 pounds category, should be changed to a 1 percent allowance from the current 2 or

4 ounces. The lower limit for individual weights for groups 5 is a fixed amount—2 ounces—if the plant has a 2- or 4-ounce scale graduation. It is 2 or 4 ounces if the product is 11 pounds, 55 pounds or 111 pounds. Many packers have complained that this allowance is much too restrictive, especially for products over 50 pounds.

Response: FSIS has conducted a study on this issue and has decided to replace the current over 10 pounds MAV with an allowance of 1 percent of the total net weight of the product.[1] The study found that the over 10 pounds category of using either 2 or 4 ounces as an allowance for shortweight for an individual package is too restrictive.

The trend of MAV's from under 2 ounces and above is a downward percentage going from 10 percent for 2 ounces, 2.34 percent for 4 pounds, 1.88 percent for 5 pounds, 1.24 percent for 10.1 pounds (using 2 ounce graduation), 0.625 percent for 20 pounds (using a 2 ounce graduation), 0.25 percent for 50 pounds, and 0.125 percent for 100 pounds. This is much too restrictive for these higher weights. A 1 percent over 10 pounds allowance appears to be the most practical and fair alternative.

Also, the graduated and ungraduated difference is not necessary since practically all the scales are graduated to 2 ounces or where 2 ounces is sufficiently easy to estimate on a 4 ounce scale.

The NBS Handbook 133 will be changed accordingly.

Comment 12: Three trade associations and two companies suggested that group 5, the over 10 pounds category, should be changed to a 2 percent allowance from over 10 to 25 pounds and 1 percent over 25 pounds (2 percent/1 percent alternative).

Response: After careful consideration, FSIS decided to use the 1 percent suggested from comment 12, because the 2 percent from over 10 pounds to 25 pounds would be increasing actual percentage allowance from a trend that is declining. While the current approach may be considered too restrictive, FSIS considers the 2 percent/1 percent alternative to be too generous.

Gray Area Allowance Issues

Comment 13: There were eight comments supporting the gray area concept—one from the Federal Government, the Department of Commerce; three from the States; one from a local government; and three from trade associations. They all believed that the gray area concept in the rule would strengthen the ability of officials to enforce net weight regulations.

There were three comments opposing the gray area concept. One came from a State, one from a local government and one from a company. The State official claimed that the impact of the gray area would have the consumers paying for water instead of usable product. The company said gray area testing is an unnecessary and complicated procedure.

Response: FSIS agrees with those favoring the gray area concept, such as NIST and the National Conference on Weights and measures (NCWM). FSIS believes that the gray area concept will strengthen net weight enforcement. Moreover, there is no conclusive evidence that the consumer is paying for water, as is often claimed. On the contrary, economic theory and all the data available to FSIS suggest that competitive market forces push producers to price meat and poultry products as competively as possible.

Comment 14: There were five comments supporting more gray area product determinations. Also, the commenters indicated that these determinations should be subject to change from future research findings. One of the comments came from a State, one from a local government, two from trade associations, and one from a producer. One trade association said it wanted the proposal withdrawn until more gray areas have been determined. The other trade association noted that it does not regard gray areas as fixed numbers and believes provisions should be made for them to be restudied at any time to be certain they are in keeping with new products, processes and delivery systems.

Response: FSIS agrees with these comments for more gray area products. As noted earlier, FSIS has formally submitted a request to NCWM to work on five new gray area products or product classes over the next 2 years. In addition, FSIS has committed resources necessary to conduct the product testing and analysis. The addition of these five products will provide gray area product determinations on the vast majority of products that experience moisture loss. Also, these determinations must be restudied on a timely basis. The percentage allowance must be changed to reflect new market products and market conditions.

Comment 15: There were three comments supporting no "0" (zero) gray area product determinations. Two of the comments came from trade associations and one from a producer company.

Response: FSIS disagrees with this position. Usually when moisture loss occurs, it comes soon after packaging, and quickly reaches a maximum for its shelf life.

The gray areas for bacon, luncheon meats and fresh sausage are zero. There are no data to support gray areas for moisture loss after packaging in bacon, luncheon meats and fresh sausage at this time. Until such time as the data are presented to and considered by the NCWM to support gray areas for these products, FSIS will allow zero variation. Besides, gray areas were established for use only with the "wet tare" determinations. Products subject to moisture loss after packaging may be added to the list of gray area products, with sufficient documentation. Requests may be made at any time in the future to the NCWM for inclusion as gray area products.

Other Issues

Comment 16: There were seven comments supporting use of separate tare and net weight declarations in poultry products where the meat and stuffing or gravy are separately wrapped. Three of these comments came from the States, two from local governments and two from professional associations.

Response: FSIS believes this proposed change would set a new precedent in the direction of labeling products by the percentage of components or contents. Labeling each component in a product has major implications for the regulators, the public, and the industry. Any change in the current FSIS policy on component labeling would warrant a comprehensive evaluation extending beyond the scope of this rulemaking.

Comment 17: There were six comments urging FSIS to delete from the preamble its recommendation for State and local governments to use "unused tare" (dry tare) compliance testing instead of "used tare" testing, which includes wet tare and dried used tare testing.

Response: FSIS agrees with this comment and has deleted that sentence from the preamble in the final rule. Both "used tare" and "unused tare" compliance testing are acceptable and viable approaches. While FSIS prefers "unused tare," States and local governments can choose which approach they wish to use.

Comment 18: There were three comments saying that FSIS must reassert Federal preemption over State and local government laws and practices with regard to federally inspected meat and poultry products.

[1] "Bulk Pack MAV's," Washington DC: USDA/FSIS/ST/PPID, July 1988. Free copies are available at PPID/ST, FSIS, USDA, Washington DC 20250.

One came from a trade association and two from private companies. They feared that the new rule might mean the loss of Federal preemption over State and local meat and poultry regulations.

Response: While the rule emphasizes concurrent jurisdiction with State and local authorities which is encouraged in the Federal Meat Inspection Act of 1967 and the Poultry Products Inspection Act of 1968, Federal law prevails. Participating State and local officials must use only Federal law and rules.

Comment 19: There was one comment from a private company objecting to State and local inspectors' entry into the federally inspected establishments. The commenter opposed having an additional and potentially conflicting authority in the plants.

Response: FSIS does not agree. The authority of the non-Federal inspector is limited to testing, certifying, and repairing scales following the Federal regulations.

Comment 20: There were two comments, one from a State and one from a private company, that said that the State and local role in weighing federally inspected meat and poultry products is unnecessary. The commenters said that the implementation of the rule would be too time consuming and unsatisfactory for local officials to pursue.

Response: FSIS disagrees with this assessment. The participation of the State and local governments is essential to the effectiveness of the rule. The rule provides for a true partnership, in which the State and local officials will have new enforcement powers.

Comment 21: There were four comments, all from within the same State, fearing that the rule would weaken its State's strong enforcement program. The comments came from a State official, a local government official, a consumer group and an individual.

Response: FSIS disagrees with this comment. FSIS believes the adoption of this rule will strengthen, not weaken the level of compliance and will support enforcement. By using the new rule, which provides greater specificity and uniformity for net weight compliance testing, FSIS believes that the compliance levels will increase for the nation.

The Key Characteristics of the Rule

1. *Establishing definitions of tare and alternative methods of compliance testing.* FSIS is adopting the definitions of "tare," "unused tare," and "used tare" that are given in the National Bureau of Standards (NBS) Handbook 133, "Checking the Net Contents of Packaged Goods," Third Edition, Washington, DC, U.S. Government Printing Office, September 1988. The "tare weight" is "the weight of a container, wrapper, or other material that is deducted from the gross weight to obtain the net weight". With regard to the liquids absorbed by the packaging material and free flowing liquid (free liquid), FSIS allows, under certain conditions, the use of two alternative tests, "unused tare" and "used tare."

"Unused tare" (or dry tare) is the weight of "all packaging materials (including glue, labels, ties, etc.) that contain or enclose a product, including prizes, gifts, coupons, or decorations that are not part of the product." The free-flowing liquid and moisture in the packaging materials is assumed to be product except for those few products which are packed in substances which are normally discarded before consumer preparation and/or serving such as vienna sausage packed in a gelatin and canned chorizos packed in lard. "Unused tare" is weighed before the product is introduced into the container. "Unused tare" measurement is used for all compliance testing within the federally inspected establishment.

"Used tare," is the weight of "all packaging mateials that can be separated from the product, either readily (*e.g.* by shaking) or by washing, scraping, ambient air drying, or by other techniques involving more than normal household recovery procedures, but not including laboratory procedures such as oven drying." There are two types of used tare: wet tare and dried used tare.

"Wet tare" is the same as used tare "when no effort is made to reconstruct unused tare weight by drying out the absorbent portion (if any) of the tare. Free flowing liquid is part of the wet tare for meat and poultry products from federally inspectee" establishments. FSIS does not allow "used tare" testing in the federally inspected establishment. "Wet tare" testing uses "gray areas", defined below for applicable products, in net weight determinations. This testing takes place outside the federally inspected establishment.

"Dried used tare refers to used tare that has been air dried, dried in a microwave oven, over a heating element, or in some other manner, to simulate the unused tare weight." Dried used tare testing uses the same testing procedures as unused tare (dry tare).

"Gray area" is the allowable variation or reasonable variation below the labeled net weight within which no determination of net weight compliance can be made by net weight alone. The >gray area> is used only with >wet tare> compliance testing procedures outside the federally inspected establishment.

If a product's net weight falls below the product's gray area percentage, the product fails the compliance test. If a product's net weight is at or above its labeled net weight, the product passes the compliance test. However, if the product's net weight falls within the gray area or >no decision area,> further information is sought before a determination is made.

The data on specific lots may well substantiate compliance with net weight requirements. On the other hand, if no such data exists, then the State or local weights and measures authority as well as Federal authorities could take appropriate regulatory enforcement actions. This process appears to be the best means to use effectively the concurrent jurisdiction available to both the Federal government and state and local authorities and to meet the Federal standard of reasonable variation caused by unavoidable deviations in good manufacturing and distribution practices.

2. *Defining the currently permitted "reasonable variations" due to loss or gain of moisture during the course of good distribution practices or by unavoidable deviations in good manufacturing practices through numerical variations which appear to be reasonable when determined by specific procedures in the National Bureau of Standards (NBS) Handbook 133, "Checking The Contents of Packaged Goods," Third Edition, Washington, DC, U.S. Government Printing Office, September 1988.* These variations would be used and enforced at the time of production, during distribution, and at retail sale by Federal, State and local regulatory officials within their respective authorities. There are two basic types of reasonable variations in the rule. The first type is the gray area percentages for products in conducting wet tare compliance testing. The second type is the Maximum Allowable Variations (MAV's) that individual packages can vary from the labeled weight.

The rule provides for specific "gray areas" by product type to define the product "reasonable variation," for purposes of determining net weight compliance. There are five meat and poultry products that have been assigned gray area percentages. These are bacon, fresh sausage, and luncheon meats with a gray area of 0 (zero) percent, vacuum-packed frankfurters with 2 ½ percent and fresh poultry with 3 percent. These products with gray areas are listed in NBS Handbook 133,

Third Edition, 1988, section 3.18.2., "Meat and Poultry from Federally-Inspected Plants: Types of Products."

The regulations incorporate FSIS's current average and individual net weight requirements. That is, the average net weight of the lot must meet or exceed the labeled weight of the product, while individual reasonable variations are permitted for individual packages in accordance with Table 2–12, "U.S. Department of Agriculture, Meat and Poultry, Groups and Lower Limits for Individual Packages", NBS Handbook 133, Third Edition,1988, page B–15. The table provides limits for two classes of product, "Homogenous fluid when filled" and "All other products." "Homogenous fluid when filled" products are those which are of uniform consistency throughout. Baby food is homogenous; beef stew is not. "Fluid" at time of filling refers to liquid and solid products (like shortening) which are heated and filled as a liquid.

In Table 2–12 the MAV's for individual package net weights from the labeled net weight generally becomes a decreasing percentage as the product's net weight increases. For example, a package with a labeled net weight of under 3 ounces in Group A has an MAV of 10 percent. That is, the package's net weight must be accurate to within 10 percent of the labeled weight.

For the other groups, 1–5, the lower limits for a group are a specific amount for the whole range. For example, in Group 1 the lower limit is either 7.1 grams, 0.25 ounce, 5/32 ounce, 1/16 ounce, 2/10 ounce, 3/8 ounce, or 1/4 ounce. The selection of the particular scale graduation depends on the characteristics of the packer's scale. Therefore, a Group 1, 3-ounce package with an allowance of 0.25, using a digital scale, would have a percentage allowance of 8.3 percent, while a 16-ounce package with an allowance of 0.25 would have a percentage allowance of 1.6 percent.

The maximum allowable variation from the labeled net weight on a meat or poultry product over 10 pounds is 1.0 percent of the labeled net weight of the package.[1]

3. *Using NCWM to determine gray area percentages for meat and poultry products.* In the first five product determinations described above, cooperating industry and trade groups worked together with FSIS and State and local weights and measures officials to gather data on moisture loss characteristics of these products. The Laws and Regulations Committee of NCWM, composed of NCWM members as well as associated members such as FSIS, FDA, the American Meat Institute, the National Broiler Council, consumer representatives, and others developed and agreed for each product a percentage allowance which best captured the results of the data in the pilot study called "Report of the Task Force on Commodity Requirements to the Executive Committee." This report is appendix E of the *National Conference on Weights and Measures: Program and Committee Reports for the 73rd Annual Meeting,* U.S. Department of Commerce: National Bureau of Standards, NCWM Publication 16, 1988. The report's recommendations were submitted to the NCWM's national conference for approval. The NCWM's recommendations were then sent to the NIST, formerly the National Bureau of Standards, for their incorporation in the Third Edition of NBS Handbook 133. FSIS believes that this same procedure should be followed for the next gray area determinations.

Industry or trade groups are encouraged by FSIS to request product gray area determinations by NCWM's Laws and Regulations Committee. The committee's address is: NCWM, Office of Weights and Measures, National Institute of Science and Technology, Gaithersburg, MD 20899.

FSIS has already made a written request for additional gray area product determinations to the NCWM. On March 17, 1989, the Administrator of FSIS said in a letter to the Executive Secretary of the NCWM that FSIS would like to see NCWM determine, approve and publish five additional gray area product percentages within the next 2 years. The five products or product classes nominated were:

—Ice packed bulk poultry,
—Cured pork products (hams, shoulders, and loins),
—Cured beef products (corned beef, corned beef brisket, and tongues),
—Raw meat products (chopped beef, ground beef, hamburger, and beef patties),
—Ham patties, chopped ham, pressed ham, spiced ham and similar products.

The addition of these five products or product classes should go a long way into making the use of wet tare testing a viable alternative to those State and local governments that wish to use it. (Wet tare may only be used outside the federally inspected establishment.)

4. *Providing new regulations on weighing and measuring devices in federally inspected establishments which are described in the NIST Handbook 44, "Specifications, Tolerances and other Technical Requirements for Measuring Devices", 1990 Edition, Washington, DC, U.S. Government Printing Office, September 1989.* FSIS officials and others who may test or certify the accuracy of the weighing and measuring devices, such as State and local weights and measures officials, will be using the same set of procedures. This NIST handbook is already widely known and used by many State and local enforcement officials. The proposed rule cited the 1989 Edition for incorporation. Since the proposed rule was published, a new edition, the 1990 Edition of NIST Handbook 44, has been published. Because there are no significant differences between the two editions that impact the meat and poultry industry, the final rule is incorporating the latest edition, the 1990 Edition of NIST Handbook 44.

5. *Establishing specific sampling procedures to assure consistent weight measurement and compliance determinations by Federal, State and local regulatory personnel.* All testing within the federally inspected establishment shall be conducted according to Sampling Plan B, but outside the establishment Sampling Plan A shall be used. Sampling Plan B is the more stringent plan because it is at the point of packing, the first point in the distribution system. Sampling Plan A is at the point of sale at the retail level, to make sure the last line of enforcement before the consumer's purchase is working properly. In such dual-testing situations the latter test is less stringent.

Both plans are described in NBS Handbook 133, Third Edition, 1988. The current FSIS plan and the proposed one for in-plant compliance testing are statistically equivalent in terms of stringency. That is, they each afford the same degree of protection. In conducting net weight compliance activities, lots will be sampled according to Sampling Plan B of NBS Handbook 133, Third Edition, 1988. In general, for up to and including 250 units or packages, the sample size would be 10. For over 250, the sample size would be 30. This method for determining sample sizes is very similar to current FSIS practice. For lots of 30 packages and under, 100 percent sampling may be done in lieu of selecting a random sample as specified in Sampling Plan A. Many States and localities are already familiar with Sampling Plan A.

6. *Establishing consistent limited labeling exemptions for meat and poultry products which meet the criteria for "small packages" and individual "random weight packages."* It has been the practice of FSIS to require that the net weight labeling of these products be applied to the bulk package shipped from the official establishments. Many

retailers prefer to have individual "random weight packages" weighed at the retail level on their own weighing equipment. This rule change enables random weight packages, weighed at the retail store, to be exempt from the type size, dual declaration and placement requirements of product weighed in the federally inspected establishment.

Changes to the March 1989 Proposal

There are a number of changes in the final rule from the March 6, 1989, proposed rule. These changes are a result of FSIS's analysis of the comments received. First the changes in the meat inspection regulations, 9 CFR part 317, are discussed then the changes in the poultry inspection regulations, 9 CFR part 381, are discussed.

Meat Regulations: Part 317

The changes to part 317 cover a variety of items including exempting random weight packages from certain labeling requirements; delimiting the scales and other weighing devices covered in the regulation; incorporating by reference the 1990 edition of NIST Handbook 44; enabling State registered or licensed repair firms to inspect, test and place scales back in service; enabling State licensed or registered firms to provide valid certification of a scale's accuracy; deleting NBS Handbook 133 references to previous USDA regulations.

Random weight packages exemptions and requirements. Two sentences were added to § 317.2(h)(9)(i) to continue to require that the net weight declarations for random weight packages weighed at the retail level be applied directly to such packages prior to retail sale and display. Provisions were also added to these sections to continue to exempt such net weight statements from the type size, dual declaration, and placement requirements of the regulations.

The additional sentences are: "The net weight also shall be applied directly to random weight consumer size packages prior to retail display and sale. The net weight statement on random weight consumer size packages for retail sale shall be exempt from the type size, dual declaration, and placement requirements of this paragraph (h), if an accurate statement of net weight is shown conspicuously on the principal display panel of the package."

Only certain scales covered. Section 317.20(a) limited the types of scales and weighing devices covered by the regulation. The scales and other weighing devices covered by this rule are *only* those used for weighing products used in the distribution and sale of meat and poultry products. This change narrows the focus of inspection activity to scales used in net weight determinations for commerce.

The first sentence of the section has been changed to reflect this limitation. The sentence in the proposal reads: "All scales used in federally inspected meat establishments used for weighing of meat and poultry products shall be installed, maintained and operated to insure accurate weights." It has been replaced in the final rule by: "All scales used to weigh meat products sold or otherwise distributed in commerce in federally inspected meat establishments shall be installed, maintained and operated to insure accurate weights."

The 1990 Edition of NIST Handbook 44 is adopted. The second sentence of § 317.20(a) has been changed to reflect that the "1990 Edition issued September 1989" of NIST Handbook 44 is incorporated by reference instead of the "1989 Edition issued September 1988" stated in the proposal. The new edition is not significantly different from the old one.

State and local role in inspecting, testing and placing scales back in service. Section 317.20(c) has been changed so State weights and measures officials and State licensed or registered scale repair firms or persons as well as USDA officials can inspect and test a scale that has been taken out of service because it is inaccurate or it has had repairs, adjustments or replacements made to it, and place it back in service unless it has had a "Retain" tag placed by a USDA inspector. Only a USDA inspector can remove this tag.

In the second sentence of this paragraph, after the phrase "has been inspected by and tested by a USDA official" the following phrase has been added to the sentence: ", or a State or local government weights and measures official, or State registered or licensed scale repair firm or person,".

State licensed or State registered repair firms or persons role. Section 317.21(b) has been changed to enable State licensed or State registered repair firms or persons to be able to provide a valid certification of a scale's accuracy as well as State and local weights and measures and USDA officials.

The following phrase has been added to the sentence after the phrase "State or local government's weights and measures authority": "or from a State registered or licensed scale repair firm or person,".

Deleting reference to previous USDA regulations on net weight. Section 317.19(b) adds "D.1.2. U.S. Department of Agriculture." This new rule replaces this section.

Poultry Regulations: Part 381.

The changes to part 381 cover a variety of items including exempting random weight packages from certain labeling requirements; delimiting the scales and other weighing devices covered in the regulation; incorporating by reference the 1990 edition of NIST Handbook 44; enabling State registered or licensed repair firms to inspect, test and place scales back in service; enabling State licensed or registered firms to provide valid certification of a scales accuracy; deleting NBS Handbook 133 reference to previous USDA regulations.

Randon weight packages exemptions and requirements. Two sentences were added to § 381.121(c)(9)(i) to continue to require that the net weight declarations for random weight packages weighed at the retail level be applied directly to such packages prior to retail sale and display. Provisions were also added to these sections to continue to exempt such net weight statements from the type size, dual declaration, and placement requirements of the regulations.

The additional sentences are: "The net weight also shall be applied directly to random weight consumer size packages prior to retail display and sale. The net weight statement on random weight consumer size packages for retail sale shall be exempt from the type size, dual declaration, and placement requirements of this paragraph (c), if an accurate statement of net weight is shown conspicuously on the principal display panel of the package."

Only certain scales covered. Section 381.121c(a) limited the types of scales and weighing devices covered by the regulation. The scales and other weighing devices covered by this rule are *only* those used for weighing products used in the distribution and sale of meat and poultry products. This change narrows the focus of inspection activity to scales used in net weight determinations for commerce.

The first sentence of the section has been changed to reflect this limitation. The sentence in the proposal reads: "All scales used in federally inspected poultry plants used for weighing of meat and poultry products shall be installed, maintained and operated to insure accurate weights." It has been replaced in the final rule by: "All scales used to weigh poultry products sold or otherwise distributed in commerce in federally inspected poultry plants shall be installed, maintained and operated to insure accurate weights."

The 1990 Edition of NIST Handbook 44 is adopted. The second sentence of

§ 381.121c(a) has been changed to reflect that the "1990 Edition issued September 1989" of NIST Handbook 44 is incorporated by reference instead of the "1989 Edition issued September 1988" stated in the proposal. The new edition is not significantly different from the old one.

State and local role in inspecting, testing and placing scales back in service. Section 381.121d(b) has been changed so State weights and measures officials and State licensed or registered scale repair firms or persons as well as USDA officials can inspect and test a scale that has been taken out of service because it is inaccurate or it has had repairs, adjustments or replacements made to it, and place it back in service unless it has had a "Retain" tag placed by a USDA inspector. Only a USDA inspector can remove this tag.

In the second sentence of this paragraph, after the phrase "has been inspected by and tested by a USDA official" the following phrase has been added to the sentence:", or a State or local government weights and measures official, or State registered or licensed scale repair firm or person,".

State licensed or State registered repair firms or persons role. Section 381.121c(c) has been changed to enable State licensed or State registered repair firms or persons to be able to provide a valid certification of a scale's accuracy as well as State and local weights and measures and USDA officials.

The following phrase has been added to the sentence after the phrase "* * * State or local government's weights and measures authority": "or from a State registered or licensed scale repair firm or person,".

Deleting reference to previous USDA regulations on net weight. Section 381.121b(b) adds "D.1.2. U.S. Department of Agriculture." This new rule replaces this section.

Final Rule

List of Subjects

9 CFR Part 317

Incorporation by reference, Meat inspection, Net weight.

9 CFR Part 381

Incorporation by reference, Poultry products inspection, Net weight.

For reasons set out in the preamble, title 9, parts 317 and 381 of the Federal meat and poultry products inspection regulations are revised as follows:

PART 317—[AMENDED]

1. The authority citation for part 317 continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*

2. Section 317.2 (9 CFR 317.2) is amended by revising paragraphs (h)(1) and (h)(2), adding a new sentence to the end of paragraph (h)(5), revising paragraph (h)(9) (i) and (ii), redesignating (h)(9) (iii) and (iv) as (h)(9) (iv) and (v), respectively, adding a new (h)(9)(iii) and revising (h)(11) to read as follows:

§ 317.2 Labels: Definition; required features.

* * * * *

(h)(1) The statement of net quantity of contents shall appear on the principal display panel of all containers to be sold at retail intact, in conspicuous and easily legible boldface print or type in distinct contrast to other matter on the container, and shall be declared in accordance with the provisions of this paragraph.

(2) The statement as it is shown on a label shall not be false or misleading and shall express an accurate statement of the quantity of contents of the container. Reasonable variations caused by loss or gain of moisture during the course of good distribution practices or by unavoidable deviations in good manufacturing practices will be recognized. Variations from stated quantity of contents shall be as provided in § 317.19. The statement shall not include any term qualifying a unit of weight, measure, or count such as "jumbo quart," "full gallon," "giant quart," "when packed," "minimum," or words of similar importance.

* * * * *

(5) * * * Paragraph (h)(9) of this section permits certain exceptions from the provisions of this paragraph for margarine packages, random weight consumer size packages, and packages of less than ½ ounce net weight. Pargraph (h)(12) of this section permits certain exceptions from the provision of this paragraph for multi-unit packages.

* * * * *

(9) * * * (i) Individually wrapped, random weight consumer size packages shipped in bulk containers (as specified in paragraph (h)(11) of this section) and meat products that are subject to shrinkage through moisture loss during good distribution practices and are designated as gray area type of products as defined under § 317.19 need not bear a net weight statement when shipped from an official establishment, provided that a net weight shipping statement which meets the requirements of paragraph (h)(2) of this section is applied to their shipping container prior to shipping it from the official establishment. Net weight statements so applied to the shipping container are exempt from the type size, dual declaration, and placement requirements of this paragraph, if an accurate statement of net weight is shown conspicuously on the principal display panel of the shipping container. The net weight also shall be applied directly to random weight consumer size packages prior to retail display and sale. The net weight statement on random weight consumer size packages for retail sale shall be exempt from the type size, dual declaration, and placement requirements of this paragraph, if an accurate statement of net weight is shown conspicuously on the principal display panel of the package.

(ii) Individually wrapped and labeled packages of less than ½ ounce net weight and random weight consumer size packages shall be exempt from the requirements of this paragraph is they are in a shipping container and the statement of net quantity of contents on the shipping container meets the requirements of paragraph (h)(2) of this section;

(iii) Individually wrapped and labeled packages of less than ½ ounce net weight bearing labels declaring net weight, price per pound, and total price, shall be exempt from the type size, dual declaration, and placement requirements of this paragraph, if an accurate statement of net weight is shown conspicuously on the principal display panel of the package.

* * * * *

(11) As used in this section, a "random weight consumer size package" is one which is one of a lot, shipment or delivery of packages of the same product with varying weights and with no fixed weight pattern.

* * * * *

§§ 317.23 and 317.24 [Redesignated from 317.19 and 317.20]

3. Sections 317.19 and 317.20 (9 CFR 317.19 and 317.20) are redesignated as §§ 317.23 and 317.24 respectively (9 CFR 317.23 and 317.24), new §§ 317.18 through 317.22 (9 CFR 317.18 through 317.22) are added to part 317, and the Table of Contents is amended accordingly, to read as follows:

Sec.

* * * * *

317.18 Quantity of contents labeling.
317.19 Definitions and procedures for determining net weight compliance.
317.20 Scale requirements for accurate weights, repairs, adjustments, and replacement after inspection.
317.21 Scales: testing of.

Sec.

* * * * *

317.22 Handling of failed product.
317.23 Jar closure requirements.
317.24 Packaging materials.

§ 317.18 Quantity of contents labeling.

Sections 317.18 through 317.22 of this part prescribe the procedures to be followed for determining net weight compliance and prescribe the reasonable variations from the declared net weight on the labels of immediate containers of products in accordance with § 317.2(h) of this part.

§ 317.19 Definitions and procedures for determining net weight compliance.

(a) For the purpose of §§ 317.18 through 317.22 of this part, the reasonable variations allowed, definitions, and procedures to be used in determining net weight and net weight compliance are described in the National Bureau of Standards' (NBS) Handbook 133, "Checking the Contents of Packaged Goods," Washington, DC: U.S. Government Printing Office, Third Edition, September 1988, which is incorporated by reference, with the exception of the NBS Handbook 133 requirements listed in paragraph (b) of this section. Those provisions incorporated by reference herein, are considered mandatory requirements. This incorporation was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. (These materials are incorporated as they exist on the date of approval.) A notice of any change in the Handbook cited herein will be published in the Federal Register. Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. It is also available for inspection at the Office of the Federal Register Information Center, room 8401, 1100 L Street NW., Washington, DC 20408.

(b) The following NBS Handbook 133 requirements are not incorporated by reference.

Chapter 2 General Considerations

2.13.1 Polyethylene Sheeting and Film
2.13.2 Textiles
2.13.3 Mulch

Chapter 3 Methods of Test for Packages Labeled by Weight

3.11. Aerosol Packages
3.14. Glazed Raw Seafood and Fish
3.15. Canned Coffee
3.16. Borax
3.17. Flour

Chapter 4 Methods of Test for Packages Labeled by Volume

4.7. Milk
4.8. Mayonnaise and Salad Dressing
4.9. Paint, Varnish, and Lacquers—Nonaerosol
4.11. Peat Moss
4.12. Bark Mulch
4.15. Ice Cream Novelties

Chapter 5 Methods of Test for Packages Labeled by Count, Length, Area, Thickness, or Combinations of Quantities

5.4. Polyethylene Sheeting
5.5. Paper Plates
5.6. Sanitary Paper Products
5.7. Pressed and Blown Glass Tumblers and Stemware

Appendix D: Package Net Contents Regulations

D.1.1. U.S. Department of Health and Human Services, Food and Drug Administration
D.1.2. Department of Agriculture, Food Safety and Inspection Service
D.1.3. Federal Trade Commission
D.1.4. Environmental Protection Agency
D.1.5. U.S. Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms

§ 317.20 Scale requirements for accurate weights, repairs, adjustments, and replacement after inspection.

(a) All scales used to weigh meat products sold or otherwise distributed in commerce in federally inspected meat establishments shall be installed, maintained and operated to insure accurate weights. Such scales shall meet the applicable requirements contained in National Institute of Science and Technology Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices," Washington, DC: U.S. Government Printing Office, 1990 Edition, September 1989, which is incorporated by reference. This incorporation was approved by the Director of the Federal Register in accordance with 5 U.S.C.. 552(a) and 1 CFR part 51. (These materials are incorporated as they exist on the date of approval.) Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. It is also available for inspection at the Office of the Federal Register Information Center, room 8401, 1100 L Street NW., Washington, DC 20408.

(b) All scales used to weigh meat products sold or otherwise distributed in commerce or in States designated under section 301(c) of the Federal Meat Inspection Act, shall be of sufficient capacity to weigh the entire unit and/or package.

(c) No scale shall be used at a federally inspected establishment to weigh meat products unless it has been found upon test and inspection, as specified in NIST Handbook 44, to provide accurate weight. If a scale is reinspected or retested and found to be inaccurate, or if any repairs, adjustments or replacements are made to a scale, it shall not be used until it has been inspected and tested by a USDA official, or a State or local government weights and measures official, or State registered or licensed scale repair firm or person, and it must meet all accuracy requirements as specified in NIST Handbook 44. If a USDA inspector has put a retain tag on a scale it can only be removed by a USDA inspector. As long as the tag is on the scale, it shall not be used.

§ 317.21 Scales: Testing of.

(a) The operator of each official establishment that weighs meat food products shall cause such scales to be tested for accuracy, in accordance with the technical requirements of NIST Handbook 44, at least once during the calendar year. In cases where the scales are found not to maintain accuracy between tests, more frequent tests may be required and monitored by an authorized USDA program official.

(b) The operator of each official establishment shall display on or near each scale a valid certification of the scale's accuracy from a State or local government's weights and measures authority or from a State registered or licensed scale repair firm or person, or shall have an FSIS approved net weight program under a Total Quality Control System or Partial Quality Control Program in accordance with § 318.4 of this subchapter.

§ 317.22 Handling of failed product.

Any lot of product which is found to be out of compliance with net weight requirements upon testing in accordance with § 317.19 shall be handled as follows:

(a) A lot tested in an official establishment and found not to comply with net weight requirements may be reprocessed and must be reweighed and remarked to satisfy the net weight requirements of this section and be reinspected, in accordance with the requirements of this Part.

(b) A lot tested outside of an official establishment and found not to comply with net weight requirements must be reweighed and remarked with a proper net weight statement, provided that such reweighing and remarking shall not deface, cover, or destroy any other marking or labeling required under this subchapter and the net quantity of contents is shown with the same prominence as the most conspicuous feature of a label.

PART 381—[AMENDED]

4. The authority citation for part 381 continues to read as follows:

Authority: 21 U.S.C. 451 *et. seq.*; 7 U.S.C. 450 *et. seq.*

5. Section 381.121 (9 CFR 381.121) is amended by revising the first sentence of paragraph (a), revising paragraph (b), adding a new sentence to the end of paragraph (c)(1), adding a new sentence to the end of paragraph (c)(5), and revising paragraphs (c)(6) and (c)(9), and adding new paragraph (c)(10) to read as follows:

§ 381.121 Quantity of contents.

(a) The label shall bear a statement of the quantity of contents in terms of weight or measures as provided in paragraph (c)(5) of this section. * * *

(b) When a poultry product and a nonpoultry product are separately wrapped and are placed in a single immediate container bearing the same name of both products, the net weight on such immediate container may be the total net weight of the products, or such immediate container may show the net weights of the poultry product and the nonpoultry product separately. Notwithstanding the other provisions of this paragraph, the label on consumer size retail packages of stuffed poultry and other stuffed poultry products must show the total net weight of the poultry product, and in close proximity thereto, a statement specifying the minimum weight of the poultry in the product.

(c)(1) * * * An unused tare weight, as defined in section 381.121b of this subchapter, may be printed adjacent to the statement of net quantity of contents when the product is packaged totally with impervious packaging material and is packed with a usable medium.

* * * * *

(5) * * * Paragraphs (c) (8) and (9) of this section permit certain exceptions to this paragraph for multi-unit packages, and random weight consumer size and small packages (less than ½ ounce), respectively.

(6) The statement as it is shown on a label shall not be false or misleading and shall express an accurate statement of the quantity of contents of the container. Reasonable variations caused by loss or gain of moisture during the course of good distribution practices or by unavoidable deviations in good manufacturing practices will be recognized. Variations from stated quantity of contents shall be as provided in section 381.121b of this subchapter. The statement shall not include any term qualifying a unit of weight, measure, or count such as "jumbo quart," "full gallon," "giant quart," "when packed," "minimum," or words of similar importance except as provided in paragraph (b) of this section.

* * * * *

(9) The following exemptions from the requirements contained in this section are hereby established:

(i) Individually wrapped, random weight consumer size packages of poultry products (as specified in paragraph (c)(10) of this section) and poultry products that are subject to shrinkage through moisture loss during good distribution practices and are designated as gray area type of products as defined in NBS handbook 133, section 3.18.2, need not bear a net weight statement when shipped from an official establishment provided a net weight shipping statement which meets the requirements of paragraph (c)(6) of this section is applied to the shipping container prior to shipping it from the official establishment. Net weight statements so applied to the shipping container are exempt from the type size, dual declaration, and placement requirements of this paragraph if an accurate statement of net weight is shown conspicuously on the principal display panel of the shipping container. The net weight also shall be applied directly to random weight consumer size packages prior to retail display and sale. The net weight statement of random weight consumer size packages for retail sale shall be exempt from the type size, dual declaration, and placement requirements of this paragraph if an accurate statement of net weight is shown conspicuously on the principal display panel of the package.

(ii) Individually wrapped and labeled packages of less than ½ ounce net weight and random weight consumer size packages shall be exempt from the requirements of this paragraph if they are in a shipping container and the statement of net quantity of contents on the shipping container meets the requirements of paragraph (c)(6) of this section;

(iii) Individually wrapped and labeled packages of less than ½ ounce net weight bearing labels declaring net weight, price per pound, and total price, shall be exempt from the type size, dual declaration, and placement requirements of this paragraph if an accurate statement of net weight is shown conspicuously on the principal display panel of the package.

(10) As used in this section a "random weight consumer size package" is one of a lot, shipment or delivery of packages of the same product, with varying weights and with no fixed weight pattern.

6. New §§ 381.121a–381.121f (9 CFR 381.121a–381.121f) are added to part 381, and the Table of Contents is amended accordingly, to read as follows:

Sec.

* * * * *

381.121a Quantity of contents labeling.
381.121b Definitions and procedures for determining net weight compliance.
381.121c Scale requirements for accurate weights, repairs, adjustments and replacement after inspection.
381.121d Scales: testing of.
381.121e Handling of failed product.

* * * * *

§ 381.121a Quantity of contents labeling.

Sections 381.121a through 381.121e of this Part prescribe the procedures to be followed for determining net weight compliance and prescribe the reasonable variations from the declared net weight on the labels of immediate containers of products in accordance with § 381.121 of this part.

§ 381.121b Definitions and procedures for determining net weight compliance.

(a) For the purpose of § 381.121b of this part, the reasonable variations allowed, definitions, and procedures to be used in determining net weight and net weight compliance are described in the National Bureau of Standards (NBS) Handbook 133, "Checking the Contents of Packaged Goods," Washington, DC: U.S. Government Printing Office, Third Edition, September 1988, which is incorporation by reference, with the exception of the NBS Handbook 133 requirements listed in paragraph (b) of this section. Those provisions, incorporated by reference herein, are considered mandatory requirements. This incorporation was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. (These materials are incorporated as they exist on the date of approval.) Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. It is also available for inspection at the Office of the Federal Register Information Center, room 8401, 1100 L Street NW., Washington, DC 20408.

(b) The following NBS Handbook 133 requirements are not incorporated by reference.

Chapter 2—General Considerations

2.13.1 Polyethylene Sheeting and Film
2.13.2 Textiles
2.13.3 Mulch

Chapter 3—Methods of Test for Packages Labeled by Weight

3.11. Aerosol Packages

3.14. Glazed Raw Seafood and Fish
3.15. Canned Coffee
3.16. Borax
3.17. Flour

Chapter 4—Methods of Test for Packages Labeled by Volume

4.7. Milk
4.8. Mayonnaise and Salad Dressing
4.9. Paint, Varnish, and Lacquers—Nonaerosol
4.11. Peat Moss
4.12. Bark Mulch
4.15. Ice Cream Novelties

Chapter 5—Methods of Test for Packages Labeled by Count, Length, Area, Thickness, or Combinations of Quantities

5.4. Polyethlene Sheeting
5.5. Paper Plates
5.6. Sanitary Paper Products
5.7. Pressed and Blown Glass Tumblers and Stemware

Appendix D: Package Net Contents Regulations

D.1.1 U.S. Department of Health and Human Servcies, Food and Drug Administration
D.1.2 U.S. Department of Agriculture, Food Safety and Inspection Servcie
D.1.3 Federal Trade Commission
D.1.4 Environmental Protection Agency
D.1.5 U.S. Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms

§ 381.121c Scale requirements for accurate weights, repairs, adjustments, and replacement after inspection.

(a) All scales used to weight poultry products sold or otherwise distributed in commerce in federally inspected poultry plants shall be installed, maintained, and operated to insure accurate weights. Such scales shall meet the applicable requirements contained in National Institute of Science and Technology Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices," 1990 Edition, Washington, DC: U.S. Government Printing Office, September 1989, which is incorporated by reference. This incorporation was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. (These materials are incorporated as they exist on the date of approval.) A notice of any change in the Handbook cited herein will be published in the **Federal Register.** Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. It is also available for inspection at the Office of the Federal Register Information Center, room 8401, 1100 L Street NW., Washington, DC 20408.

(b) All scales used to weigh poultry products sold or otherwise distributed in commerce or in State designated under section 5(c) of the Poultry Products Inspection Act, shall be of sufficient capacity to weigh the entire unit and/or package.

(c) No scale shall be used at a federally inspected establishment to weigh poultry products unless it has been found upon test and inspection as specified in NIST Handbook 44 to provide accurate weight. If a scale is inspected or tested and found to be inaccurate, or if any repairs, adjustments or replacements are made to a scale, it shall not be used until it has been reinspected and retested by a USDA official, or a State or local government weights and measures official, or a State registered or licensed scale repair firm or person, and it must meet all accuracy requirements as specified in NIST Handbook 44. If a USDA inspector has put a "Retain" tag on a scale it can only be removed by a USDA inspector. As long as the tag is on the scale, it shall not be used.

§ 381.121d Scales; Testing of.

(a) The operator of each official establishment that weighs poultry food products shall cause such scales to be tested for accuracy in accordance with the technical requirements of NIST Handbook 44, at least once during the calendar year. In cases where the scales are found not to maintain accuracy between tests, more fequent tests may be required and monitored by an authorized USDA program official.

(b) The operator of each official establishment shall display on or near each scale a valid certification of the scale's accuracy from a State or local government's weights and measures authority or from a State registered or licensed scale repair firm or person, or shall have an FSIS approval net weight program under a Total Quality Control System or Partial Quality Control Program in accordance with § 381.145 of this subchapter.

§ 381.121e Handling of failed product.

Any lot of product which is found to be out of compliance with net weight requirements upon testing in accordance with § 381.121b of this subchapter shall be handled as follows:

(a) A lot tested in an official establishment and found not to comply with net weight requirements may be reprocessed and must be reweighed and remarked to satisfy the net weight requirements of this section, and be reinspected in accordance with the requirements of this part.

(b) A lot tested outside of an official establishment and found not to comply with net weight requirements must be reweighed and remarked with a proper net weight statement, provided that such reweighing and remarking shall not deface, cover, or destroy any other marking or labeling required under this subchapter and the net quantity of contents is shown with the same prominence as the most conspicuous feature of a label.

Done at Washington, DC, on: November 26, 1990.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 90–28126 Filed 11–29–90; 8:45 am]
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Federal Register

Friday,
November 30, 1990

Part IV

Department of the Treasury

Office of the Comptroller of the Currency

12 CFR Parts 5, 8, 11, and 16
Assessments and Other Fees; Final Rule

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 5, 8, 11, and 16

[Docket No. 90-20]

RIN 1557-AA99

Assessments and Other Fees

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is amending 12 CFR parts 5, 8, 11 and 16 to increase assessments by 11 percent and to set other fees for national banks. The revised schedule replaces the current schedule for assessments due on or before January 31, 1991. New fees will be implemented on January 1, 1991, for processing certain securities-related filings by national banks. Also, this final rule imposes an annual fee due on January 31 of each year on national banks with municipal and/or government securities dealer departments for which the OCC is the primary regulator. The OCC will address its long-term funding options in a subsequent rulemaking. This final rule affects national banks, District of Columbia banks supervised by the OCC, and federally licensed branches and agencies of foreign banks.

This final rule is necessary to address a near-term revenue shortfall which results from decreased revenue growth coupled with expanded supervisory requirements. These expanded requirements reflect the increased complexity of the financial services industry, changes in the asset quality of many national banks, and new statutory mandates. This final rule enables the OCC to continue meeting its supervisory and regulatory responsibilities.

EFFECTIVE DATE: December 31, 1990.

FOR FURTHER INFORMATION CONTACT: Janice A. Booker, Director, Customer and Industry Affairs Division, (202) 287-4169; Roy C. Madsen, Associate Director, Financial Management Division, (202) 447-0956; or Ferne Fishman Rubin, Attorney, Legal Advisory Services Division, (202) 447-1882, Office of the Comptroller of the Currency, Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

Background

Under the National Bank Act, 12 U.S.C. 1 *et seq.*, the OCC is responsible for supervising national banks and ensuring that they comply with applicable law. Pursuant to 12 U.S.C. 482, the OCC recovers its expenses by assessing national banks "in proportion to their assets or resources." The current assessment schedule, found at 12 CFR part 8, fulfills this statutory requirement. The OCC last revised its part 8 semiannual assessment schedule on December 1, 1988 (53 FR 48624).

Notice of Proposed Rulemaking

On July 6, 1990, the OCC published a notice of proposed rulemaking (Docket No. 90-12) in the **Federal Register** (55 FR 27964) concerning revisions to the assessment schedule and implementation of new fees. In that proposal, the OCC solicited comments on several long-term funding options.

The OCC proposed to increase national bank assessments beginning with assessments due by January 31, 1991. The amount of future year revenues will vary, based on the growth of banking assets, the size distribution of banks, and the rate of inflation. The OCC also proposed new fees for processing certain securities-related filings by national banks and an annual fee on national banks with municipal and/or government securities dealer departments for which the OCC is primary regulator.

A copy of the proposal was sent to the chief executive officer of each national bank (Banking Bulletin No. 90-22, July 10, 1990). The banking bulletin ensured that each national bank received direct and timely notice of the proposed fee changes and provided the opportunity to comment on both the short-term funding proposals and the long-term funding options.

Final Rule

This final rule is intended to meet the OCC's short-term funding needs. The OCC is increasing assessments by 11 percent and implementing certain new fees. This final rule is not intended to meet the OCC's long-term funding requirements.

The 11 percent assessment increase exceeds the eight percent increase proposed. Bank asset growth, and hence, the OCC's revenue growth, have fallen when compared to both the anticipated and actual growth for the same period in 1989. In addition, the condition in the banking industry has changed at a faster rate than anticipated when the original proposal was formulated. As a result, resource requirements have increased beyond earlier expectations. The OCC is increasing its supervisory activities by placing more examiners on a continuous basis at various institutions.

Other factors mentioned in the proposal that have boosted the OCC's operating costs include the need for closer OCC supervision of an increased number of troubled institutions; the increased complexity of the financial services industry; and the OCC's additional regulatory and supervisory responsibilities under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law No. 101-73, 103 Stat. 183.

The costs for these activities are also projected to exceed those anticipated when the Notice of Rulemaking was published. For these reasons, the originally proposed assessment increase of eight percent is insufficient to allow the OCC to recover its costs as contemplated in 12 U.S.C. 482.

An 11 percent assessment increase does not, on an individual bank basis, represent a substantial dollar increase in assessments over the original proposal of eight percent. For example, on an annualized basis, national banks with assets of $20 million, $100 million, $1 billion, and $100 billion will pay approximately $285, $820, $4,233, and $178,889 more respectively than they would have paid with an eight percent increase.

The OCC expects to address its long-term funding needs in a subsequent rulemaking. Further, the OCC is pursuing certain legislative changes to expand its long-term funding options. The OCC will consider comments received in response to the July 6, 1990, Notice of Proposed Rulemaking in the development of any future proposal regarding long-term funding options. The OCC intends to continue to use the seven criteria discussed in the Notice of Proposed Rulemaking to evaluate the various long-term funding options.

The OCC is aware of the limitations of using an asset-based assessment schedule as its primary means of meeting future funding needs. The OCC will continue to evaluate the various long-term funding options available but has made no final determination.

Reasons for the Actions

The OCC expects the new fees and the changes to the assessment schedule to provide sufficient revenue to supervise the national banking system adequately for approximately two years. Without additional revenue, the OCC will operate at a significant deficit in 1991 and 1992 because the increasing supervisory demands of the changing banking environment have outpaced the OCC's ability to fund those demands.

Supervisory Environment

The financial services industry is changing rapidly. Differing financial

services and new and amended statutory responsibilities affect the OCC's supervision of national banks. In addition, the OCC has faced new challenges and resource pressures from:

- An increased number of troubled institutions, requiring closer supervision;
- Additional areas of risk, such as real estate lending, requiring additional resources;
- The increased complexity of the financial services industry and more sophisticated products, compelling the OCC to devise ways to examine and incorporate new procedures into the supervisory process; and
- More regulatory and supervisory responsibilities mandated by Congress, such as those contained in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law No. 101–73, 103 Stat. 183 (FIRREA).

Uncertain Asset Growth

The OCC's ability to adequately fund supervision is dependent upon the growth of national bank assets. Currently, asset-based assessments are the OCC's primary source of revenue. National bank assets have not grown as they had in the past. In the early 1980s, national bank assets grew at annual rates of 7.0 percent or more. In 1986, the annual growth rate fell to 6.6 percent, and by 1987 was less than 2.0 percent, the lowest rate since 1948. Although in 1989 the growth rate rose to 7.0 percent, national bank asset growth declined to 0.7 percent in 1990. Excluding the acquisition of thrift assets, national bank assets declined substantially in 1990.

Asset growth will continue to be uncertain in the 1990s. One reason for the uncertainty is the unknown effect of the new risk-based capital requirements upon asset growth. Furthermore, if the consolidation of smaller institutions into larger ones continues, the OCC's future assessment revenues will be reduced. This reduction occurs because under the OCC's regressive assessment schedule, the average assessment per dollar of assets decreases as asset size increases.

Comments Received

The OCC received 42 comments in response to the proposal. The commenters were national banks, their directors, officers, and employees, and trade associations. Several commenters opposed the assessment increase. The commenters' concerns fall into three major categories: That the OCC should contain costs and increase efficiency; that healthy banks should not subsidize problem banks; and that regulation is overly burdensome.

OCC Costs and Efficiency

Several commenters questioned whether the OCC has been sufficiently diligent in controlling costs. The OCC agrees it must continue to contain costs and maximize efficiency and is continuing to work on these important goals. However, the bank supervisory environment demands greater resources and these increased supervisory resource demands exceed the OCC's cost cutting efforts.

Bank supervision is labor intensive and employee salaries and benefits make up the largest portion of OCC expenditures. In 1990, they comprised approximately 72 percent of the OCC's costs, up from 66 percent in 1985. Numerous factors, including the supervisory environment and compensation, benefits, facilities and travel costs contribute to this trend. The supervisory environment requires better-trained and additional staff. The agency has added the equivalent of 405 full-time employees to its workforce since 1985.

Under FIRREA, OCC compensation must be comparable to that of the other financial regulatory agencies. The OCC is studying compensation and, with an interim increase in most employees' compensation, has moved toward general comparability with the other regulators.

As with other employers, the OCC's benefit costs increased steeply in the 1980s. In 1980, the OCC's benefits cost approximately 11 percent of payroll, compared with 21 percent in 1990. These costs are anticipated to continue to increase. The OCC is constraining these costs through negotiating with the benefit providers and requiring its employees to pay some of these increased costs.

In addition, retirement plans have become more expensive. The Federal Employee Retirement System (FERS) is significantly more costly to the OCC than the Civil Service Retirement Plan. The proportion of FERS employees will rise over time as employees retire and are replaced by new employees who are in FERS. The OCC faces other increasing costs. For example, as a result of an expiring lease and the need for more efficient utilization of space, the OCC will move its Washington headquarters office in 1991. Although the relocation reduces office space costs over the long term, it causes the OCC's expenses to increase slightly in the short term. Additionally, space costs for other district, field and duty station offices are expected to increase as leases expire and are renegotiated.

Finally, bank supervision requires extensive travel by examiners. In recent years, Federal travel allowances have increased as travel costs have escalated. Travel costs associated with bank supervision are expected to continue to rise due to increased lodging rates, common carrier fares and mileage rates. For most examination activities, OCC examiners drive their own cars to the banks and mileage rates encourage car pooling. When traveling by air, OCC examiners fly coach and they stay in reasonably-priced hotel rooms. They do not have expense accounts and are reimbursed only for reasonable travel-related expenses.

Cost Control

The OCC controls and cuts costs where possible and is committed to a tight and balanced budget. The OCC has adopted strategies designed to use its resources with maximum efficiency and to improve its ability to achieve its mission. It has controlled costs while adopting procedures that provide more effective bank supervision. To supplement its examination activities, the OCC uses ongoing, off-site monitoring of bank performance, which leverages resources by allowing them to be concentrated on the parts of the system that present the greatest risk.

In order to achieve longer-term savings, the OCC expanded its field office facilities and improved its automated systems capabilities to support off-site supervisory activities. As a result of these leveraging efforts, the OCC is realizing some staff and travel savings. Without leveraging resources, the current supervisory conditions would require a staff greater than the current 3,246 employees, and expenditures greater than 1990's projected $263.8 million.

The OCC's cost containment efforts are countered by the increased resource demands of the current bank supervisory environment. The OCC staff and costs have increased over the past several years, yet from 1985 to 1990, the annual rate of increase in the cost to supervise $1 billion of bank assets has been only 4.7 percent. This is consistent with an inflation rate averaging 4.4 percent. These cost containment efforts are further demonstrated by the trend in the OCC's overhead rate—which measures the relationship of support to bank supervision costs. That rate consistently has fallen since 1987, because the OCC has directed a greater proportion of its resources toward direct bank supervision.

Well-managed Banks Should Not Subsidize Troubled Banks

Most commenters observed that the current assessment methodology requires well-managed banks to pay some of the costs of special supervisory attention given to troubled banks. The commenters strongly suggested that a troubled bank be assessed higher fees due to the greater level of OCC resources devoted to supervising that bank.

Well-run banks do subsidize troubled banks. However, 12 U.S.C. 482 currently does not allow the OCC to charge higher assessments to those banks that receive disproportionate attention from the OCC. This suggestion, as well as various other commenter suggestions, will be addressed in a long-term funding alternative after required statutory changes have been obtained.

Regulations are Overly Burdensome

Several commenters expressed concern about increasing regulatory burden. Commenters stated that the commercial banking industry is faced with increasing costs as a result of compliance and regulatory reporting. They stated that the competitive banking environment limits the banker's ability to increase fees to recover these extra costs. Consequently, they commented that these actions adversely affect bank profits.

The OCC recognizes that bank profits are affected directly by compliance with various statutory and regulatory requirements. In this respect, the banks and the OCC are in a similar situation. The resources of each are affected by statutory and regulatory requirements intended to promote a fair and durable financial services industry. The OCC is committed to continuing to devise a system of regulation which minimizes the burden on the industry while meeting statutory requirements.

OCC Action

The OCC must act promptly to prevent a revenue shortfall in 1991 and beyond. To meet its revenue requirements, the OCC is issuing this final rule to revise the assessment schedule and implement other fees.

11 Percent Increase

The OCC is increasing by 11 percent the marginal assessment rate of each of the ten brackets in the assessment schedule. The increase should raise about $13.4 million per semiannual assessment, or $26.8 million per year. The revised assessment schedule, like the present one, maintains marginal assessment rates which decline as bank assets increase. The asset brackets are still indexed annually to changes in the general price level.

The revised assessment schedule reflected in 12 CFR 8.2 is effective for the semiannual assessment period January 1, 1991, and beyond. The first semiannual assessment payment under the new schedule is due by January 31, 1991.

The assessment increase is necessary to avoid deficits which may deter the OCC's ability to fulfill its statutory, regulatory and supervisory responsibilities. The increase is the minimum amount necessary to support the OCC's increasing and evolving supervisory responsibilities. The increase from the eight percent proposed in the proposed rule to the 11 percent implemented with this rule reflects this minimum amount. The revision is consistent with the requirements of 12 U.S.C. 482, because the new assessment schedule treats banks of similar asset size in the same manner, and is necessary for the OCC to recover its costs.

Fees for Securities-Related Filings

The new fees for securities-related filings are based on two principles. First, the OCC should recover the costs associated with processing securities-related filings. Second, the OCC should require parties making securities-related filings to bear the cost of processing them.

This final rule, to the extent practicable, places the cost on those directly benefiting from the OCC's processing. This has been the OCC's long-standing policy in prior fee rulemakings, as well as this final rule. *See 50* FR 1439 (January 11, 1985); 49 FR 38954 (October 2, 1984); 46 FR 16656 (March 13, 1981); 45 FR 85042 (December 24, 1980).

Beginning on January 1, 1991, the OCC will impose fees associated with:

- Filings made pursuant to the Securities Exchange Act of 1934 and 12 CFR part 11;
- Filings of proxy and information statements in conformance with the requirements of subpart E of part 11 pursuant to 12 CFR 5.33; and
- Filings of offering circulars and documents relating to the offer and sale of a bank's securities pursuant to 12 CFR part 16.

These fees will recover a portion of the OCC's cost of reviewing and processing those filings. National banks that have applied, pursuant to § 5.33, for OCC approval of a merger, consolidation or purchase and assumption transaction (merger transaction) must file proxy materials or information statements with the OCC as required by subpart E or part 11. The OCC uses this material to determine the adequacy of disclosure to shareholders, one of six factors considered in acting on merger applications.

The OCC also is amending § 5.33 and § 11.501 to clarify the existing requirement that banks adequately inform shareholders of all aspects of merger transactions. Section 5.33 clarifies that banks must provide proxy statements or information statements in conformance with subpart E of part 11.

In evaluating a merger application, the Comptroller considers many factors, including "the adequacy of disclosure of the terms of the merger." See 12 CFR 5.33(b)(2)(vi). In evaluating the adequacy of disclosure, the Comptroller looks to the determination by the OCC's Securities & Corporate Practices Division of banks' compliance with the requirements of part 11. See §§ 20.1 and 21.1, *Comptroller's Manual for Corporate Activities*. Consequently, § 5.33, as amended, does not impose an additional filing burden on banks.

The OCC will charge the same fees for securities filings as those paid by corporations to the SEC for similar filings. Those fees will not fully recover the aggregate cost of reviewing proxy material, information statements filed by banks pursuant to § 5.33 and offering circulars and other documents filed under part 16. The OCC will publish a fee schedule as part of its Notice of Comptroller of the Currency Fees. The following table lists the expected amounts of the new securities-related filing fees.

Part 11 filings	Fee (A)
Form F-1	$250
Form F-2	$250
Form F-3	No fee
Form F-4	No fee
Form F-5	Note: (B)(1), (2), and (3)
Form F-6	Note: (B)(2)
Form F-7	No fee
Form F-8	No fee
Form F-10	$250
Form F-11	$100
Form F-11A	$100
Form F-12	No fee
Form F-13	Note: (C)
Form F-20	No fee
Part 16 Filings	
Offering circulars and documents filed pursuant to 12 CFR 16.3, 16.4(e), 16.4(f) and 16.7.	$100 minimum (D)

Notes

(A) General considerations:

(1) Fees are not refundable.

(2) Filing fees calculated on a percentage basis should be accompanied by a letter of transmittal stating the amount of the filing fee and how it was determined.

(3) In determining fees calculated on a percentage basis, the market value of securities shall be established by either the average high and low prices reported in the consolidated reporting system (for exchange traded securities and last sale reported over-the-counter securities) or the average of the bid and asked price (for other over-the-counter securities) as of a specified date within five business days prior to the date of the filing. If there is no market for the securities, the value shall be based upon the book value of the securities computed as of the latest practicable date prior to the date of the filing, unless the bank has an accumulated capital deficit, in which case one-third of the par value of the securities shall be used.

(B) Proxy and Information Statements:

(1) Preliminary proxy material or information statements involving merger, consolidation, purchase and assumption transactions: a fee of one-fiftieth of one percent of the proposed cash payment or the value of the securities and other property to be transferred to security holders. The value of securities or other property to be transferred to security holders, whether or not in combination with a cash payment for the same securities, shall be based on the market value of the transferred securities. See note (A)(3) above for the calculation of market value.

(2) Preliminary proxy material where a contest as set forth in 12 CFR 11.511 exists: a fee of $500 from each participant who files a Form F–6.

(3) Other preliminary proxy material that solicits proxies, or information statements concerning business for which a shareholder vote is necessary: A fee of $125.

(C) A fee of one-fiftieth of one percent of the value of the cash or of the value of the securities or other property offered by the bidder. Where the bidder is offering securities or other non-cash consideration for some or all of the securities to be acquired, whether or not in combination with a cash payment for the same securities, the value of the consideration to be offered for such securities shall be based on the market value of the securities to be received by the bidder. See note (A)(3) above for the calculation of market value.

(D) A fee of one-fortieth of one percent of the maximum aggregate price at which the securities are to be offered or $100, whichever is greater.

Franchise Fee for Bank Securities Dealers

As of January 1, 1991, the OCC is imposing an annual franchise fee of $1,500 on every national bank or department or division of a bank that is registered or on file as either a municipal or a government securities dealer. Two fees will be paid if a bank engages in both types of securities dealer activity. The OCC will adjust this fee annually based upon the cost of supervising these activities. National bank subsidiaries or affiliates that are registered or on file as municipal or government securities dealers are not subject to OCC franchise fees because these entities already pay a fee to the National Association of Securities Dealers.

Because these costs are now being paid from assessments on all national banks, banks that are not securities dealers are subsidizing the supervision of those that are. The new fee will allocate the cost of supervision to those institutions that perform the activity.

The amount of the fee could change based on the data available when the fees are calculated. The OCC's Notice of Comptroller of the Currency Fees will include the annual franchise fees for securities dealer activities. The fees will be due on January 31 of each year.

Notice of Comptroller of the Currency Fees

Currently, 12 CFR 8.8 provides that the OCC shall publish a "Notice of Comptroller of the Currency Fees" no later than the first business day in December for all fees to be charged in the upcoming year. During the course of a year, statutes and regulations are amended and may impose new supervisory responsibilities on the OCC. Furthermore, new types of applications and filings may become necessary. These situations may require that the OCC impose new types of fees before the beginning of a new year.

Consequently, the OCC is amending § 8.8 to permit interim changes to the Notice of Comptroller of the Currency Fees. In addition, the OCC is amending § 5.5 for clarification purposes, by adding a reference to § 8.8. The OCC will provide 30 days notice of any fee change.

Technical Changes

The OCC also is amending §§ 5.33 and 11.501 to clarify the existing requirement that banks adequately inform shareholders of all aspects of merger transactions. Revised § 5.33 clarifies that banks are required to provide proxy statements or information statements in conformance with subpart E of part 11. In addition, the OCC is removing unnecessary sentences pertaining to 1985 fees throughout part 8. Finally, the OCC is updating the authority citation and OMB control number reference in § 16.1.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), it is certified that this final rule will not have a substantial economic impact on a significant number of small entities. While this final rule will have some impact on all national banks, it will not have a significant or disparate impact on small banks. The across-the-board assessment increase proposed will increase costs somewhat for banks of all sizes. Additionally, the small-bank subsidy included in large bank assessments will continue. The new fees will increase costs slightly for banks that file securities-related forms or reports. However, even when the effects of the various fees are combined, the increase will not be significant.

Executive Order 12291

The OCC has determined that this final rule is not a "major rule" and therefore does not require a Regulatory Impact Analysis. While this final rule will have some impact on national banks regardless of size, that impact will not result in (1) and annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The new fees and rates will increase costs slightly for all banks; however the increase will not be significant.

List of Subjects

12 CFR Part 5

Administrative practice and procedure, Corporate filings, Fees, National banks, Reporting and recordkeeping requirements, Securities.

12 CFR Part 8

Assessments, Banks and banking, Fees, National banks.

12 CFR Part 11

Confidential business information, Fees, National banks, Reporting and recordkeeping requirements, Securities.

12 CFR Part 16

Fees, National banks, Offering circulars, Reporting and recordkeeping requirements, Securities.

Authority and Issuance

For the reasons set forth in the preamble, parts 5, 8, 11 and 16 of chapter I of title 12 of the Code of Federal Regulations are amended as set forth below:

PART 5—[AMENDED]

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

Authority: 12 U.S.C. 1 *et seq.*; 12 U.S.C. 93a.

2. In § 5.5, paragraph (b) is revised to read as follows:

§ 5.5 Fees.

* * * * *

(b) Each year, the Office will prepare a report on the determination of the projected average processing costs and the new filing fee schedule. The Office will make the report available to interested parties upon request. The new filing fee schedule will be published in the Notice of Comptroller of the Currency Fees described in § 8.8 of this chapter.

* * * * *

3. In § 5.33, paragraphs (b)(6) and (d) are revised to read as follows:

§ 5.33 Merger, consolidation, purchase and assumption.

* * * * *

(b) * * *

(6) *Other factors.* (i) In addition to the factors listed elsewhere in this section, the Office considers banking factors and will normally not approve a merger if it will result in a bank which has inadequate capital, unsatisfactory management or poor earnings prospects.

(ii) It is required that all shareholders be adequately informed of all aspects of the transaction. In this regard, banks are required to file with the Office proxy material or information statements in conformance with subpart E of part 11 of this chapter.

* * * * *

(d) *Place of filing.* (1) Applications should be submitted for filing with the Director for Analysis in the appropriate district office or with the Director for Multinational and Regional Bank Supervision.

(2) Proxy material or information statements should be submitted for filing with the Director, Securities & Corporate Practices Division.

* * * * *

PART 8—[AMENDED]

4. The authority citation for part 8 is revised to read as follows:

Authority: 12 U.S.C. 93a, 481, 482 and 3102; 15 U.S.C. 78 c and l; and 26 D.C. Code 102.

5. Section 8.1 is revised to read as follows:

§ 8.1 Scope and application.

The assessments contained in this part are made pursuant to the authority contained in 12 U.S.C. 93A, 481, 482 and 3102; 15 U.S.C. 78 c and l; and 26 D.C. Code 102.

6. In § 8.2, the table and the first undesignated paragraph following the table are revised and paragraph (c) is removed to read as follows:

§ 8.2 Semiannual assessment.

(a) * * *

If the bank's total assets (consolidated domestic and foreign subsidiaries) are:		The semiannual assessment is:		
Over—	But not over—	This amount—	Plus	Of excess over—
Column A	Column B	Column C	Column D	Column E
Million	Million			Million
0	X_1	0	.001265400	0
X_1	X_2	Y_1	.000158175	X_1
X_2	X_3	Y_2	.000126540	X_2
X_3	X_4	Y_3	.000082251	X_3
X_4	X_5	Y_4	.000069597	X_4
X_5	X_6	Y_5	.000056943	X_5
X_6	X_7	X_6	.000050616	X_6
X_7	X_8	X_7	.000043068	X_7
X_8	X_9	X_8	.000040515	X_8
X_9		X_9	.000026529	X_9

Every national bank falls into one of the ten asset-size brackets denoted by columns A and B. The lower (column A) and upper (column B) endpoints of each bracket will be indexed each year to reflect changes in the GNP implicit price deflator. The percent change in the level of prices, as measured by the deflator, will be calcuated for each June-to-June period and used to revise the bracket endpoints. The bracket endpoints will be rounded to the nearest $5 million (with the exception of the smallest asset-size bracket, which will be rounded to the nearest $100 thousand.)

* * * * *

(b) * * *

7. Section 8.8 is revised to read as follows:

§ 8.8 Notice of Comptroller of the Currency fees.

(a) *December notice of fees.* A "Notice of Comptroller of the Currency Fees" shall be published no later than the first business day in December of each year for fees to be charged by the Office during the upcoming year. These fees will be effective January 1 of that upcoming year.

(b) *Interim notice of comptroller of the Currency fees.* The Office may issue an "Interim Notice of Comptroller of the Currency Fees" or issue an amended "Notice of Comptroller of the Currency Fees" from time to time throughout the year as necessary. Interim or amended notices will be effective 30 days after issuance.

8. A new § 8.15 is added to read as follows:

§ 8.15 Annual franchise fees.

(a) *Fees.* National banks that are registered or on file as municipal and/or government securities dealers shall pay by January 31 an annual franchise fee covering each dealer activity. The Office will set the franchise fees for those activities at an amount designed to allocate supervisory costs to banks engaging in dealer activities.

(b) *Notice of Comptroller of the Currency Fees.* The OCC publishes the franchise fee schedule in the Notice of Comptroller of the Currency Fees described in § 8.8.

(c) *Exception.* The requirements of this section do not apply to a national bank subsidiary or affiliate that is registered or on file as either a municipal or government securities dealer.

PART 11—[AMENDED]

9. The authority citation for part 11 is revised to read as follows:

Authority: 12 U.S.C. 93a; 15 U.S.C. 78l, 78m, 78n, 78p, and 78w.

10. In § 11.101, paragraph (a) is revised to read as follows:

§ 11.101 Scope of part.

(a) This part is issued by the Comptroller of the Currency pursuant to 12 U.S.C. 93a, section 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78) (the "Act") and applies to all securities subject to registration pursuant to section 12(b) or section 12(g) of the Act by a national bank or a bank operating under the Code of Law for the District of Columbia ("bank"). Subpart E of this part also applies to proxy statements and information statements filed pursuant to § 5.33 of this chapter.

* * * * *

11. In § 11.103, the section heading is revised, the existing text is designated as paragraph (a) and a heading is added at the beginning of the paragraph, and a new paragraph (b) is added to read as follows:

§ 11.103 Filing of material with the Comptroller of the Currency and fees.

(a) *Filing of material.* * * *

(b) *Fees.* Fees must accompany certain filings before they will be accepted by the Office as specified in the Notice of Comptroller of the Currency Fees.

(1) The OCC publishes filing fees in the Notice of Comptroller of the Currency Fees described in § 8.8 of this chapter.

(2) Fees must be paid by check payable to the Comptroller of the Currency.

PART 16—[AMENDED]

12. The authority citation for part 16 is revised to read as follows:

Authority: 12 U.S.C. 1 *et seq.* and 93a.

13. Section 16.1 is revised to read as follows:

§ 16.1 Authority and OMB control number.

(a) *Authority.* This part is issued under the general authority of the national banking laws, R.S. 324 *et seq.* and OCC's general rulemaking authority in 12 U.S.C. 93a, and contains rules applicable to the offering of securities.

(b) *OMB control number.* The collection of information requirements contained in this part were approved by the Office of Management and Budget under OMB control number 1557–0120.

14. In § 16.3, the section heading is revised and a new paragraph (h) is added to read as follows·

§ 16.3 Offering circular requirements, filing, effective date and fees

* * * * *

(h) Fees must accompany offering circulars and offering documents filed pursuant to this paragraph, § 16.4 (e) and (f) and § 16.7 before they will be accepted by the Office. The OCC publishes filing fees in the Notice of Comptroller of the Currency Fees described in § 8.8 of this chapter. Fees must be paid by check payable to the Comptroller of the Currency.

Dated: November 26, 1990.

Robert L. Clarke,

Comptroller of the Currency.

[FR Doc. 90–28114 Filed 11–29–90; 8:45 am]

BILLING CODE 4810–33–M

federal register

Friday
November 30, 1990

Part V

Department of Labor

Employment and Training Administration

Job Training Partnership Act: Migrant and Seasonal Farmworker Programs; Preapplications for Federal Assistance, and Solicitation for Grant Application

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act: Migrant and Seasonal Farmworker Programs; Preapplications for Federal Assistance, and Solicitation for Grant Application

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of invitation to submit preapplications and funding applications for migrant and seasonal farmworker training and employment programs.

SUMMARY: The Department of Labor (DOL) announces preapplication and funding application instructions for Program Year (PY) 1991 (July 1, 1991 through June 30, 1992) Migrant and Seasonal Farmworker Programs pursuant to section 402 of the Job Training Partnership Act (JTPA). Applicants selected for funding will be designated and funded as grantees for PY 1991. In addition, such applicants will not have to recompete for funding for PY 1992 (July 1, 1992 through June 30, 1993) if applicable regulatory and other requirements are met, an acceptable training plan is submitted, and funds are available.

Because some applicants misunderstood the filing deadlines in prior year notices, the language describing those deadlines has been clarified in the notice for this designation cycle. The clarifications do not reflect any change in policy but simply amplify existing requirements.

DATES: No exceptions to the mailing and hand-delivery conditions set forth in this notice for pre-applications and applications to the DOL will be granted. Pre-applications and applications submitted late to the DOL will not be accepted.

Preapplications submitted by mail to the DOL must be posted by certified or registered mail, return receipt requested, and postmarked no later than December 20, 1990. Preapplications submitted by hand-delivery to the DOL will be accepted daily between the hours of 8:15 a.m. and 4:45 p.m., Eastern Time, but no later than 4:45 p.m., Eastern Time, on December 20, 1990.

Applications submitted by mail to the DOL must be posted by certified or registered mail, return receipt requested, and postmarked no later than January 14, 1991. Applications submitted by hand-delivery to the DOL will be accepted daily between the hours of 8:15 a.m. and 4:45 p.m., Eastern Time, but no later than 4:45 p.m., Eastern Time, on January 14, 1991.

ADDRESSES: Preapplications and applications to the DOL must be mailed or hand-delivered to James DeLuca, Grant Officer, ETA, Room C-4305, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Charles C. Kane, Chief, Division of Seasonal Farmworker Programs, Room N-4641, 200 Constitution Avenue, NW., Washington, DC 20210. Phone: (202) 535-0500.

SUPPLEMENTARY INFORMATION: This notice consists of: Part I—Introduction, Part II—Preapplication for Federal Assistance, and Part III—Solicitation for Grant Application (SGA). Parts II and III constitute invitations from the Department of Labor for public agencies, and private nonprofit organizations authorized by their Charters or Articles of Incorporation to provide training and employment, and other services described in this notice, to submit Preapplications for Federal Assistance and funding applications for PY 1991 JTPA Title IV, section 402, Migrant and Seasonal Farmworker Programs.

Part I—Introduction

The DOL announces preapplication and funding application instructions for PY 1991 (July 1, 1991 through June 30, 1992) Migrant and Seasonal Farmworker Programs pursuant to section 402 of the JTPA. Applicants selected for funding will be designated and funded as grantees for PY 1991. In addition, such applicants will not have to recompete for funding for PY 1992 (July 1, 1992 through June 30, 1993) if applicable regulatory and other requirements are met, an acceptable training plan is submitted, and funds are available.

Background

The JTPA establishes programs to prepare youth and unskilled adults for entry into the labor force, and to afford job training to those economically disadvantaged individuals and others facing serious barriers to employment who are in special need of such training to obtain productive employment. In accordance with 29 U.S.C. 1501 et seq., regulations promulgated by DOL to implement JTPA are set forth at parts 626 through 638 and 684 of title 20, Code of Federal Regulations (CFR).

As stated at 20 CFR 633.102, it is the purpose of section 402 of JTPA, 29 U.S.C. 1672, to provide job training, employment opportunities, and other services for those individuals who suffer chronic seasonal unemployment and underemployment in the agriculture industry. These conditions have been substantially aggravated by continual advancements in technology and mechanization resulting in displacement and contribute significantly to the Nation's rural employment problem. Because these factors substantially affect the entire national economy, farmworker employment and training problem are centrally administered at the national level. Programs and activities supported under this section shall, in accordance with section 402(c)(3) of JTPA:

(1) Enable farmworkers and their dependents to obtain or retain employment;

(2) Allow participation in other program activities leading to their eventual placement in unsubsidized agricultural or nonagricultural employment;

(3) Allow activities leading to stabilization in agricultural employment; and

(4) Include related assistance and supportive services.

Regulations promulgated by DOL to implement the provisions of title IV, section 402, of JTPA are set forth in 20 CFR part 633 and part 636. These parts contain all the regulations under JTPA applicable to migrant and other seasonally employed farmworker programs. 20 CFR 633.103(a). Should the regulations at parts 633 and 636 conflict with regulations elsewhere in 20 CFR, the regulations at parts 633 and 636 shall prevail with respect to programs and activities governed by these parts. 20 CFR 633.103(b). Further, should any instructions in this notice conflict with JTPA regulations, the JTPA regulations shall prevail. Applicants should consult and be familiar with 20 CFR part 633 in its entirety.

The Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 29 CFR part 97 are applicable to State and local governments and Indian and Native American entities. Nonprofit organizations continue to fall under Public Contracts and Property Management; Federal Standards for Federally Funded Grants and Agreements at 41 CFR 29-70.

Pursuant to 20 CFR 633.201, the DOL will not consider any funding application when fraud or criminal activity has been proven to exist within the applicant organization, or when efforts by the DOL to recover debts established by final agency action have been unsuccessful. Prior to the final selection of an applicant as a potential grantee, the DOL, as provided for in 20

CFR 633.204, will conduct a Responsibility Review of the available records to establish an organization's overall responsibility to administer Federal funds. Any applicant which does not have its application considered or is not selected as a potential grantee because of these provisions shall be advised of its appeal rights.

Comments from the States

Executive Order 12372, "Intergovernmental Review of Federal Programs," and the implementing regulations at 29 CFR part 17, are applicable to this program. Pursuant to these requirements, in States which have established a consultation process expressly covering this program, applicants shall submit their applications to the State for comment. Since States may also participate as competitors for this program, applications shall be submitted to the State upon the deadline for submission to the DOL. 20 CFR 633.202(d). Failure to comply with Federal-State consultation requirements may result in disqualification.

To strengthen the implementation of E.O. 12372, DOL specifies the following timeframe for its treatment of comments from the State's Single Point of Contact (SPOC) on JTPA section 402 applications:

1. As required by 29 CFR 17.8(a)(2), the SPOC must submit comments, if any, to the DOL no later than 60 days after the deadline date for applications;
2. The DOL will forward those comments to the applicant within 10 days of their receipt from the SPOC;
3. The applicant must submit its response to the SPOC's comments, if any, to the DOL no later than 10 days after the date of receipt from the DOL; and
4. The DOL will notify the SPOC of its decision regarding the comments and response, but will not implement that decision for at least 10 days after the SPOC has been notified.

State Planning Estimates

State planning estimates are provided in an Appendix to this notice solely for the purpose of developing the funding applications. These estimates are the same as the PY 1990 allocations. Final allocation levels for PY 1991 will be published at a later date.

Recommendation from the Governor

Following the 1986 review of JTPA section 402 grantee selection procedures, the DOL decided to award five extra rating points in the competition to the one application for each State that receives a recommendation from the Governor. This practice is consistent with the requirement of JTPA section 402(d) that the DOL consult with State and local officials in the administration of section 402 programs. The recommendation must be in writing, and will only be accepted if submitted as part of the application package to the Grant Officer. The application deadline date is announced elsewhere in this notice.

Part II—Preapplication for Federal Assistance

All States and the Commonwealth of Puerto Rico are open for competition for section 402 funds for PY 1991. Regulations at 20 CFR 633.105(b)(2) reserve for the DOL the right not to allocate any funds for use in a State whose funding allocation, to be determined by formula at a later date, is less than $120,000.

Applications for Statewide programs are strongly encouraged. Applicants applying for grants shall submit a preapplication consisting of:

(1) A Standard Form 424 Facesheet found in OMB Circular No. A–102;

(2) An attachment identifying, by State or counties, the target area to be served;

(3) For a private nonprofit organization, a recent (within the last six months) certification from a Certified Public Accountant that its financial management system is capable of properly accounting for and safeguarding Federal funds; and

(4) For a public agency, a recent (within the last six months) certification by the Chief Fiscal Officer attesting to the adequacy of the agency's accounting system to properly account for and safeguard Federal funds.

Two copies of the Preapplication for Federal Assistance shall be submitted either by mail or hand-delivery, along with two copies of the following:

(a) A statement indicating the legally constituted authority under which the organization functions;

(b) An employer identification number from the Internal Revenue Service and, for nonprofit applicants, proof of the organization's tax-exempt status.

As noted earlier in this announcement, *see supra*, **"DATES"**, para. 2, preapplications mailed to the DOL must be posted by registered or certified mail, return receipt requested, and postmarked no later than December 20, 1990. All preapplications hand-delivered to the DOL will be accepted daily between the hours of 8:15 a.m. and 4:45 p.m., Eastern Time. A receipt will be provided bearing the time and date of delivery. No hand deliveries will be accepted after 4:45 p.m., Eastern Time on December 20, 1990. No exceptions to these mailing and hand-delivery conditions for preapplications to the DOL will be granted. Preapplications not meeting these conditions will not be accepted.

Preapplications for Federal Assistance must be mailed or hand delivered to: James DeLuca, Grant Officer, ETA, room C–4305, 200 Constitution Avenue, NW., Washington, DC 20210.

Part III—Solicitating for Grant Application

The DOL is soliciting applications for grants under the provisions of JTPA Title IV, section 402, to provide training, employment opportunities, and other services to migrant and seasonal farmworkers.

Review of Funding Applications

Applications will be reviewed and rated by a competitive review panel, using the specific review standards cited at 20 CFR part 633.203. Panel results are advisory in nature and are not binding on the Grant Officer. In addition, prior to the final selection of an applicant as a potential grantee, the DOL will conduct a Responsibility Review of the available records pursuant to 20 CFR 633.204. This review is intended to establish overall responsibility to administer Federal funds and is independent of the competitive process. Applicants failing to meet the requirements of this section of the regulations will not be selected as potential grantees irrespective of their standing in the competition.

Specific Rating Criteria

The rating criteria and the weights assigned to each are described below:

(i) An understanding of the problems of migrant and seasonal farmworkers. Range 0 to 25 points. This factor rates the applicant's analysis of the nature and extent of needs of the target group, and the proposed program's potential to address those needs. Ratings will be based on a clear and concise narrative demonstrating this understanding.

(ii) A strategic service plan for the area to be served. Range 0 to 25 points. This factor rates the applicant's knowledge of the socioeconomic characteristics of the target population; the resources of the target area; the appropriateness of the proposed type and mix of training and supportive services to be implemented to meet the identified needs; and the proposed linkages and coordination; i.e., plans for involving appropriate human resource agencies and programs in the design and delivery of training and other services

proposed to meet the needs of participants. Ratings will be based on a clear and concise narrative demonstrating this familiarity, and documented programmatic ties to appropriate area agencies and programs.

(iii) A previously demonstrated capability to administer effectively a diversified employability development program for migrant and seasonal farmworkers. Range 0 to 18 points. This factor rates program experience, and capability of meeting or exceeding planned goals. Ratings will be based on the successful past operation of a comprehensive multiactivity training and employment program for farmworkers, and on documentation that planned performance goals were either met or exceeded during the period of performance.

(iv) General administrative and financial management capability. Range 0 to 17 points. This factor rates the applicant's managerial experience, and the potential for efficient and effective administration of the proposed program. Ratings will be based on consideration of the administrative expertise of present and proposed managerial and decision-making staff, and the extent to which the management plan demonstrates the ability to capably operate a multiactivity delivery system.

(v) Designated Skills Criterion. Range 0 to 15 points. With this factor, the Department announces the addition of a Designated Skills criterion worth 15 points. This factor will measure a proposal in terms of the activities incorporated into the applicant's program for literacy/numeracy training, agricultural upgrade training, and youth training.

Content and Format of Funding Application

Exclusive of charts or graphs and letters of support and commitment, the funding application should not exceed 75 pages of double-spaced unreduced type. Detailed budgets and planning estimates are not to be a part of the funding application. These will be negotiated later with applicants selected for grant awards.

The application format must be followed and contain the sections listed below. The sections correspond to the rating criteria listed in the preceding subpart of this notice, so that information pertinent to rating criterion item (i) is contained in Section I; information pertinent to rating criterion item (ii) is contained in section II, etc.

Section I—Program Approach

This section should describe the applicant's approach to fulfilling the intent of JTPA section 402. Elements to be included are:

(a) A description of the nature and extent of the needs and problems of migrant and seasonal farmworkers in the target area which must be resolved in order for them to obtain productive employment. Include a list of barriers which must be removed;

(b) A description of the socioeconomic characteristics of the farmworker population to be served, i.e. number of farmworkers, family and racial composition, migrant or seasonal status, educational profile. Identify whether the applicant's program will have an individual or family focus.

Section II—Strategic Service Plan

This section should describe and demonstrate the applicant's understanding of the job market and environmental factors affecting farmworker employment and training programs, including the type and mix of services to be provided, current and proposed programmatic ties to appropriate State and local agencies, private nonprofit organizations, and other groups, particularly JTPA/Service Delivery Area entities, providing resources and services to farmworkers. This section should also describe the method of delivering a program to resolve the problems identified in section I. Elements to be included are:

(a) A detailed description of each major activity and component of the program proposed to meet the identified needs, including a discussion of outreach and recruitment, eligibility verification, and participant assessment;

(b) The rationale for the program mix of training, employability development, and supportive services activities;

(c) A description of linkages to agencies, organizations and institutions within the target area that will result in the coordinated delivery of services to the disadvantaged migrant and seasonal farmworker population. This section should demonstrate the applicant's capacity to leverage other resources—both public and private—and to mobilize these community resources to assure that the strategic service plan relates to problems identified in section I. Letters of commitment documenting appropriate programmatic ties should be attached to the application;

(d) A description of the proposed delivery system, including a list of field/regional office locations and any other delivery agents, and the services to be provided by each;

(e) A labor market assessment with projections for employment growth and specific job opportunities available in the target area;

(f) A description of the applicant's capacity to develop training and employment opportunities both in and out of agriculture;

(g) A description of the extent to which the applicant has worked specifically with agricultural employers to develop career ladders; and

(h) An analysis of the extent to which the proposed employment and training program, including linkages and delivery system, is consistent with the labor market assessment.

Section III—Program Experience

This section should describe the applicant's experience in capably administering employment and training programs for migrant and seasonal farmworkers. Elements to be included are:

(a) The type of programs operated, including the contract, grant or agreement number, the name of the funding agency, the amount of funding and the period of performance;

(b) The nature of the training, employability development, and supportive services activities which were provided;

(c) The actual versus planned numbers of participants and placements into unsubsidized employment for each program activity; and

(d) Performance standards results.

Section IV—Administration and Staff

This section should describe the applicant's organizational and staffing characteristics. Elements to be included are:

(a) The number of people presently involved in the administration of the organization and the number of people who will be involved in the administration of the proposed program, including job titles. Position descriptions of managerial and decision-making positions should be attached;

(b) A description of the management and administration plan including:

(1) Organizational structure;

(2) Personnel management procedures;

(3) Fiscal accounting system, including a plan for maintaining cash on hand at a reasonable level, not to exceed an average daily need; the allowance payment system, if applicable; and fiscal reporting procedures;

(4) Participant tracking and reporting system;

(5) Internal monitoring system;

(6) Program evaluation system;

(7) Property management system;

(8) Participant grievance procedures; and

(9) Equal Employment Opportunity policy.

For nonprofit applicants, include a description of the manner and extent to which the applicant's governing body, such as the board of directors and executive committee, represents the proposed service delivery area and contributes to the organization's strategic planning.

Section V—Designated Skills

This section should describe the applicant's training program efforts with regard to three types of training which the DOL intends to encourage through this revision of the selection process. Elements to be included are a description of:

(a) Literacy/Numeracy training. Encouragement of this type of training is a response to the national crisis of illiteracy. Lack of fundamental skills in reading, writing, and arithmetic is viewed by the DOL as a deficiency which directly diminishes an individual's employability. Likewise, the absence of literacy and numeracy skills reduces the competitiveness of the Nation's workforce at a time when the economy is demanding more cognitive and less manual labor skills;

(b) Agricultural Upgrade training. Section 402(c)(3) of the JTPA directs the Secretary, among other things, to initiate training activities leading to stabilization in agricultural employment. The DOL believes that this is best accomplished through the provision of agricultural upgrade training to individuals who wish to remain in agricultural occupations. Such training will lead either to a higher wage or to permanent year-round employment or both; and

(c) Youth training leading to positive termination. Section 402(c)(3) of the JTPA similarly directs the Secretary to carry out programs enabling farmworkers and their dependents to obtain or retain employment. The DOL believes that with regard to farmworker dependents and in particular farmworker youth, training activities leading to (1) attainment of academic credentials—elementary school certificate, high school diploma or General Educational Development (G.E.D.) certificate; or (2) enrollment in Job Corps, or similar vocational education program, comports well with legislative intent.

Potential grant designees will be evaluated on the extent and nature of their commitment to the designated skills training goals in addition to the usual activities leading to unsubsidized employment. The points will be awarded only when programmatic activities incorporating literacy/numeracy, or agricultural upgrade, or youth training, or a combination of the three designated skills components are clearly demonstrated. The three components will be considered separately. Therefore, up to 15 points, five for each component, may be awarded to successful applications.

Applicants should be aware that at this time, while current performance standards are under review, no changes to them or the methodology used in calculating them have been finalized. However, because a potential designee's implementation of designated skills training could affect its ability to meet such performance standards, no sanctions will be imposed upon a grantee which fails to meet its standards by virtue of participation in designated skills training activities.

Following the first designation cycle after implementation of this criterion, ETA will review the results of program performance and assess the overall impact of the designated skills component in preparation for subsequent rounds or grant competition.

Submission of Funding Application

Three copies of the funding applications shall be submitted either by mail or hand-delivery. As noted earlier in this announcement, *see supra*, **"DATES"**, para. 3, applications mailed to the DOL must be posted by registered or certified mail, return receipt requested, no later than January 14, 1991. All applications hand-delivered to DOL will be accepted daily between the hours of 8:15 a.m. and 4:45 p.m., Eastern Time. A receipt will be provided bearing the time and date of delivery. No hand-deliveries will be accepted after 4:45 p.m., Eastern Time, on January 14, 1991. No exceptions to these mailing and hand-delivery conditions for applications to the DOL will be granted. Applications submitted late to DOL will not be accepted.

Funding appplications must be mailed or hand-delivered to: James DeLuca, Grant Officer, ETA, Room C–4305, 200 Constitution Avenue, NW., Washington, DC 20210.

Notification of Selection

The following conditions are applicable, pursuant to 20 CFR 633.205:

(a) Respondents to this SGA which are selected as potential grantees will be notified by the DOL. The notification will invite each potential grantee to negotiate the final terms and conditions of the grant, will establish a reasonable time and place for the negotiation, and will indicate the State or area to be covered by the grant. Grants will be awarded for the performance period July 1, 1991 through June 30, 1992. Applicants selected will not have to recompete for funding for PY 1992 (July 1, 1992 through June 30, 1993) if applicable regulatory and other requirements are met, an acceptable training plan is submitted, and funds are available;

(b) In the event that no grant applications are received for a specific State or area or those received are deemed to be unacceptable, or where a grant agreement is not successfully negotiated, the DOL may give the Governor first right to submit an acceptable application pursuant to the Precondition for Grant Application and Responsibility Review tests at 20 CFR 633.201 and 633.204, respectively. Should the Governor not accept the offer within 15 days after being notified, the Department may then: (1) Designate another organization or organizations, (2) reopen the area for competitive bidding, or (3) use the funds for national account activities;

(c) An applicant whose grant application is not selected by the DOL to receive JTPA section 402 funs will be notified in writing;

(d) Applicants who submit grant applications which have been rejected may not resubmit a new grant application for the State(s) or area(s) in which they are interested in providing services until the jurisdiction is announced by DOL as reopened for competition;

(e) Any applicant whose grant application is denied in whole or part by the DOL will be advised of its appeal rights.

Signed at Washington, DC, this 9th day of November 1990.

Paul A. Mayrand,

Director, Office of Special Targeted Programs.

Charles C. Kane,

Chief, Division of Seasonal Farmworker Programs.

James Deluca,

Grant Officer, Division of Acquisition and Assistance.

Robert T. Jones,

Assistant Secretary of Labor.

Appendix—U.S. Department of Labor Employment and Training Administration PY 1990 MSFW Allotment to States

State	Dollar allotment
Alabama	89,819
Alaska	0
Arizona	1,365,383
Arkansas	1,311,695
California	11,544,039
Colorado	857,239
Connecticut	213,629

APPENDIX—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION PY 1990 MSFW ALLOTMENT TO STATES—Continued

State	Dollar allotment
Delaware	129,619
District of Columbia	0
Florida	4,397,910
Georgia	1,804,016
Hawaii	278,876
Idaho	944,459
Illinois	1,328,974
Indiana	875,629
Iowa	1,481,617
Kansas	767,429
Kentucky	1,534,344
Louisiana	896,585
Maine	370,445
Maryland	321,938
Massachusetts	338,359
Michigan	968,883
Minnesota	1,442,160
Mississippi	1,643,641

APPENDIX—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION PY 1990 MSFW ALLOTMENT TO STATES—Continued

State	Dollar allotment
Missouri	1,237,716
Montana	756,934
Nebraska	865,511
Nevada	168,461
New Hampshire	127,664
New Jersey	334,513
New Mexico	578,290
New York	1,743,300
North Carolina	3,299,331
North Dakota	531,773
Ohio	1,019,389
Oklahoma	661,123
Oregon	1,062,501
Pennsylvania	1,343,813
Rhode Island	0
South Carolina	1,209,926
South Dakota	786,754
Tennessee	1,079,137

APPENDIX—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION PY 1990 MSFW ALLOTMENT TO STATES—Continued

State	Dollar allotment
Texas	5,672,002
Utah	262,941
Vermont	241,980
Virginia	1,115,211
Washington	1,726,236
West Virginia	247,399
Wisconsin	1,386,070
Wyoming	226,922
Puerto Rico	3,302,448
Formula grant total	66,695,033
TA/housing	2,351,967
Grand total	69,047,000

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Federal Register

Friday
November 30, 1990

Part VI

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 3 and 52

Federal Acquisition Regulation (FAR); Procurement Integrity; Interim Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 3 and 52

[Federal Acquisition Circular 90-2]

RIN 9000-AD01

Federal Acquisition Regulation (FAR); Procurement Integrity

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Amendment to interim rule with request for comment.

SUMMARY: On November 5, 1990, section 27 of the OFPP Act was further amended by section 815 of the FY 1991 DoD Authorization Act, Pub. L. 101–510. The post-employment restrictions contained in subsection 27(f) of the Act are suspended during the period beginning December 1, 1990, and ending May 31, 1991. Section 815 also provides that contractors need only obtain one certification required by subsection 27(e)(1)(B) from individuals required to certify under the subsection and that this certification be obtained at the earliest possible date after the beginning of the individual's employment or association with that contractor. The Conference Report accompanying the amended Act states, "If a company decides to rely on certification executed prior to the suspension of section 27, it should take appropriate action to ensure that its employees are advised that section 27 has been reinstated." (See 136 CONG. REC. H 12199 (daily ed. October 23, 1990).) This amendment to the interim rule implements section 815.

DATES: *Effective Date:* December 30, 1990.

Comment Date: Comments on this amendment to the interim rule, published in FAC 84–60 (55 FR 36782) September 6, 1990, should be submitted to the FAR Secretariat at the address shown below on or before December 31, 1990, to be considered in the formulation of a final rule. The comment period for the interim ruled published in 55 FR 36782 is hereby extended to that date. Please provide comments on both FAC 84–60 and FAC 90–2 in the same submission.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW., Room 4041, Washington, DC 20405

Please cite FAC 90–2 and FAC 84–60 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Olson, Office of Federal Acquisition Policy, Room 4041, GS Building, Washington, DC 20405, (202) 501–3221. Please cite FAC 90–2.

SUPPLEMENTARY INFORMATION:

A. Determination to Amend an Interim Rule

A determination has been made under authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) to issue the regulations in FAC 90–2 as an amendment to the interim rule in FAC 84–60 (55 FR 36782). This action is necessary to implement revisions to section 27 of the OFPP Act. Pursuant to Public Law 98–577 and FAR 1.501, public comments received in response to this amendment and the interim rule will be considered in formulating a final rule.

B. Regulatory Flexibility Act

This amendment to the interim rule in FAC 84–60 is not expected to have a significant economic impact on a substantial number of small entities because only minor revisions to contractor responsibilities have been made. However, because the interim rule (FAC 84–60, 55 FR 36782) may 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., an Initial Regulatory Flexibility Analysis (IRFA) was prepared and was sent to the Chief Counsel for Advocacy of the Small Business Administration upon issuance of that rule. A copy of the IRFA may be obtained from the FAR Secretariat. Comments are invited on both the interim rule and this amendment. Comments from small entities concerning the affected FAR subparts will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite FAR Case 90–610 (FAC 90–2) in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this amendment to the interim rule does not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 3 and 52

Government procurement.

Dated: November 26, 1990.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition Policy.

Federal Acquisition Circular

[Number 90–2]

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 90–2 is effective November 30, 1990.

Eleanor Spector,

Deputy Assistant Secretary of Defense for Procurement, DoD.

Richard H. Hopf, III,

Associate Administrator for Acquisition Policy, GSA.

S.J. Evans,

Assistant Administrator for Procurement, NASA.

The Administrator of the Office of Federal Procurement Policy, Office of Management and Budget, and the Director, Office of Government Ethics concur.

Allan V. Burman,

Administrator, Office of Federal Procurement Policy.

Stephen D. Potts,

Director, Office of Government Ethics.

Federal Acquisition Circular (FAC) 90–2 amends the Federal Acquisition Regulation as specified below:

Item-Procurement Integrity

On November 5, 1990, section 27 of the OFPP Act was further amended by section 815 of the FY 1991 DoD Authorization Act, Pub. L. 101–510. The post-employment restrictions contained in subsection 27(f) of the Act are suspended during the period beginning December 1, 1990 and ending May 31, 1991. Section 815 also provides that contractors need only obtain one certification required by subsection 27(e)(1)(B) from individuals required to certify under that subsection and that this certification be obtained at the earliest possible date after the beginning of the individual's employment or association with that contractor. The Conference Report accompanying the amended Act states, "If a company decides to rely on certification executed prior to the suspension of section 27, it should take appropriate action to ensure that its employees are advised that section 27 has been reinstated." (See 136 CONG. REC. H 12199 (daily ed. October 23, 1990).) This amendment to the interim rule implements section 815.

Therefore, 48 CFR parts 3 and 52 are amended as set forth below:

1. The authority citation for 48 CFR parts 3 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTERESTS

2. Section 3.104–1 is amended by revising the first sentence of paragraph (a) to read as follows:

3.104–1 General.

(a) Section 3.104 implements section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423), as amended by section 814 of the FY 90/91 National Defense Authorization Act, Pub. L. 101–189, and section 815 of the 1991 National Defense Authorization Act, Pub. L. 101–510 (hereinafter, section 27 is referred to as "the Act" or "the law as amended."). * * *

* * * * *

3. Section 3.104–2 is revised to read as follows:

3.104–2 Applicability.

(a) *Conduct and procurement activities during the period July 16, 1989, through November 30, 1989*—(1) *Gratuities, employment discussions, and soliciting, obtaining, or disclosing proprietary or source selection information.* (i) Participation in a procurement during the period July 16, 1989, through November 30, 1989, whether as a procurement official, competing contractor or through access to information, subjects the participant, during that period, to the prohibitions contained in section 27 as originally enacted.

(ii) If a particular procurement which was begun during the period July 16, 1989, through November 30, 1989, has not been completed by November 30, 1990, then on or after December 1, 1990:

(A) Any person who was subject to the prohibitions on disclosing proprietary or source selection information contained in subsection 27(c) of the law as originally enacted is subject to the disclosure prohibitions of subsection 27(d) of the law as amended;

(B) Except as provided in subdivision (a)(1)(ii)(A) of this subsection, a procurement official who was subject to the prohibitions on gratuities, employment discussions, and disclosing proprietary or source selection information contained in subsection 27(b) of the law as originally enacted is subject to the prohibitions under subsection 27(b) of the law as amended, if the activities performed by the procurement official prior to December 1, 1989, would also make him or her a procurement official under subsection 27(b) of the law as amended; and

(C) Except as provided in subdivision (a)(1)(ii)(A) of this subsection, a competing contractor who was subject to the prohibitions on gratuities, employment discussions, and soliciting or obtaining proprietary or source selection information contained in subsection 27(a) of the law as originally enacted is subject to the prohibitions under subsection 27(a) of the law as amended if it is still a competing contractor for that procurement on or after December 1, 1990.

(2) *Post-employment restrictions.* (i) Current and former Government employees who were procurement officials during the period July 16, 1989, through November 30, 1989, are subject, during that period, to the post-employment restrictions contained in section 27 as originally enacted.

(ii) On or after June 1, 1991, current and former Government employees who were procurement officials during the period July 16, 1989, through November 30, 1989, become subject to the post-employment restrictions contained in subsection 27(f) of the law as amended, if:

(A) The activities performed by the procurement official during the period July 16, 1989, through November 30, 1989, would also make him or her a procurement official under section 27, of the law as amended; and

(B) The 2-year period of any post-employment restriction that attached during the period July 16, 1989, through November 30, 1989, has not expired.

(b) *Conduct and procurement activities during the period December 1, 1989, through November 30, 1990*—(1) *Gratuities, employment discussions, and soliciting, obtaining, or disclosing proprietary or source selection information.* (i) The prohibitions on gratuities, employment discussions, and soliciting, obtaining, or disclosing proprietary or source selection information contained in section 27 were suspended during the period December 1, 1989, through November 30, 1990. Neither the prohibitions contained in section 27 as originally enacted nor as amended apply during the suspension period. Participation in a procurement solely during the suspension period does not subject any person to any of these prohibitions on or after December 1, 1990.

(2) *Post-employment restrictions.* (i) The post-employment restrictions contained in section 27 were suspended during the period December 1, 1989, through November 30, 1990. Neither the post-employment restrictions contained in section 27 as originally enacted nor as amended apply to any person during the suspension period. In addition, these post-employment restrictions do not apply on or after December 1, 1990, to any current or former Government employee whose only participation in a procurement occurred during the period from December 1, 1989, through November 30, 1990.

(ii) The suspension of the post-employment restrictions during the period December 1, 1989, through November 30, 1990, does not interrupt the running of the 2-year period of any post-employment restriction that attached to a Government employee who was a procurement official during the period July 16, 1989, through November 30, 1989.

(c) *Conduct and procurement activities on or after December 1, 1990.—(1) Gratuities, employment discussions, and soliciting, obtaining, or disclosing proprietary or source selection information.* (i) The prohibitions contained in section 27, of the law as amended, apply on or after December 1, 1990, to persons who participate in a procurement on or after that date, whether as a procurement official, a competing contractor, or through access to information.

(ii) As provided in subdivision (a)(1)(ii) of this subsection, the prohibitions contained in section 27, of the law as amended, may also apply to procurement officials, competing contractors, and other persons who, during the period July 16, 1989, through November 30, 1989, were subject to the prohibitions of section 27 as originally enacted.

(2) *Post-employment restrictions.* (i) Public Law 101–510 continues the suspension of the post-employment restrictions contained in subsection 27(f) of the law as amended through May 31, 1991. Government employees who perform procurement official activities solely during the period December 1, 1990, through May 31, 1991, do not become subject to the post-employment restrictions contained in subsection 27(f) of the law as amended either during or after the suspension period.

(ii) The post-employment restrictions of subsection 27(f) of the law as amended are effective June 1, 1991. Government employees who perform procurement official activities on or after June 1, 1991, are subject to those restrictions.

(iii) As provided in subdivision (a)(2)(ii) of this subsection, the post-employment restrictions contained in

subsection 27(f) of the law as amended may also apply, on or after June 1, 1991, to current or former Government employees who were procurement officials during the period July 16, 1989, through November 30, 1989.

(iv) The continued suspension of the post-employment restrictions does not interrupt the running of the 2-year period of any post-employment restriction that attached to a procurement official during the period July 16, 1989, through November 30, 1989.

4. Section 3.104–3 is amended by revising the introductory text of paragraph (d) to read as follows:

* * * * *

(d) *Post-employment Restrictions resulting from procurement activities of Government officers or employees who are or were procurement officials (subsection 27(f) of the Act; not effective until June 1, 1991).*

* * * * *

3.104–4 [Amended]

5. Section 3.104–4 is amended in paragraph (a) by removing the reference "5 CFR 2638.201" the second time it appears and inserting in its place "5 CFR 2638.204".

6. Section 3.104–7 is amended in paragraphs (b) and (c) by removing in the first sentences the word "prohibits" and inserting in their place the word "restricts"; by adding a sentence at the end of both paragraphs (b) and (c); by revising paragraph (d)(5); and in paragraph (d)(6) by removing the date "November 30, 1990" and inserting in its place "May 31, 1991" to read as follows:

3.104–7 Post-employment restrictions applicable to Government officers and employees serving as procurement officials and certifications required from procurement officials leaving Government service.

* * * * *

(b) * * * This restriction is not effective until June 1, 1991.

(c) * * * This restriction is not effective until June 1, 1991.

(d) * * *

(5) An individual who has been granted a waiver by the President in accordance with subsection 27(f)(3) of the Act. Waivers under that subsection may be granted only to a civilian officer or employee of the Executive branch other than an officer and employee in the Executive Office of the President who, after his or her Federal Government employment is terminated, is or will be engaged in activities at a Government-owned, contractor-operated entity at which he or she served as an officer or employee immediately before his or her Federal Government employment began. Subsection 27(f)(3) is not effective until June 1, 1991.

* * * * *

7. Section 3.104–9 is amended in paragraph (c)(2) by revising the asterisked paragraph of the CONTRACTING OFFICER CERTIFICATE OF PROCUREMENT INTEGRITY to read as follows:

3.104–9 Certification requirements.

* * * * *

(c) * * *

(2) * * *

* * * * *

* Subsections 27 (a), (b), and (d), are effective on December 1, 1990. Subsection 27(f) is effective on June 1, 1991. THIS CERTIFICATION CONCERNS A MATTER WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES AND THE MAKING OF A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO PROSECUTION UNDER TITLE 18, UNITED STATES CODE, SECTION 1001.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

8. Section 52.203–8 is amended by removing in the title of the provision the date "(SEP 1990)" and inserting in its place "(NOV 1990)"; by adding in paragraph (b)(2) of the provision in the CERTIFICATE OF PROCUREMENT INTEGRITY following the words "possible violation of" the words "subsections 27 (a), (b), (d), or (f) of"; by revising in paragraph (b) of the provision in the CERTIFICATE OF PROCUREMENT INTEGRITY the asterisked paragraph; and by revising paragraph (f) of the provision to read as follows:

52.203–8 Requirement for Certificate of Procurement Integrity.

* * * * *

(b) * * *

* Subsections 27 (a), (b), and (d) are effective on December 1, 1990. Subsection 27(f) is effective on June 1, 1991.

* * * * *

(f) In making the certification in paragraph (2) of the certificate, the officer or employee of the competing contractor responsible for the offer may rely upon a one-time certification from each individual required to submit a certification to the competing contractor, supplemented by periodic training. These certifications shall be obtained at the earliest possible date after an individual required to certify begins employment or association with the contractor. If a contractor decides to rely on a certification executed prior to the suspension of section 27 (i.e., prior to December 1, 1989), the Contractor shall ensure that an individual who has so certified is notified that section 27 has been reinstated. These certifications shall be maintained by the Contractor for 6 years from the date a certifying employee's employment with the company ends or, for an agent, representative, or consultant, 6 years from the date such individual ceases to act on behalf of the Contractor.

* * * * *

9. Section 52.203–9 is amended by removing in the title of the clause the date "(SEP 1990)" and inserting in its place "(NOV 1990)"; by removing in paragraph (c) of the clause in the CERTIFICATE OF PROCUREMENT INTEGRITY—MODIFICATION the date ("SEP 1990)" and inserting in its place "(NOV 1990)"; by revising in paragraph (c)(3) of the clause in the CERTIFICATE OF PROCUREMENT INTEGRITY—MODIFICATION the asterisked paragraph; and by revising paragraph (d) of the clause to read as follows:

52.203–9 Requirement for Certificate of Procurement Integrity-Modification.

* * * * *

(c) * * *

(3) * * *

* Subsections 27 (a), (b), and (d) are effective on December 1, 1990. Subsection 27(f) is effective on June 1, 1991.

* * * * *

(d) In making the certification in paragraph (2) of the certificate, the officer or employee of the competing Contractor responsible for the offer or bid, may rely upon a one-time certification from each individual required to submit a certification to the competing Contractor, supplemented by periodic training. These certifications shall be obtained at the earliest possible date after an individual required to certify begins employment or association with the contractor. If a contractor decides to rely on a certification executed prior to the suspension of section 27 (i.e., prior to December 1, 1989), the Contractor shall ensure that an individual who has so certified is notified that section 27 has been reinstated. These certifications shall be maintained by the Contractor for a period of 6 years from the date a certifying employee's employment with the company ends or, for an agency, representative, or consultant, 6 years from the date such individual ceases to act on behalf of the contractor.

* * * * *

[FR Doc. 90–28113 Filed 11–29–90; 8:45 am]

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federal register

Friday
November 30, 1990

Part VII

Department of the Treasury

Office of Foreign Assets Control

31 CFR Part 570

Kuwaiti Assets Control Regulations; Final Rule

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 570

Kuwaiti Assets Control Regulations

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule.

SUMMARY: On August 2, 1990, upon Iraq's invasion of Kuwait, the President issued Executive Order No. 12722. In that order he declared a national emergency with respect to Iraq, involving the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), ordered specified sanctions against Iraq, and authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the Order. Pursuant to this declaration of national emergency, the President also issued Executive Order No. 12723, at the request of the recognized Government of Kuwait, blocking all property and interests in property of the Government of Kuwait as a protective measure. On August 9, 1990, the President issued Executive Orders No. 12724 and No. 12725, imposing additional sanctions on Iraq, consistent with Resolution 661, dated August 6, 1990, of the United Nations Security Council, and imposing similar sanctions on Kuwait to ensure that no benefit from the United States flowed to the Government of Iraq in militarily-occupied Kuwait. In implementation of those Orders, the Treasury Department is issuing the Kuwaiti Assets Control Regulations ("Regulations").

The Regulations block all property and interests in property of the Government of Kuwait or any person purporting to be the Government of Kuwait, its agencies instrumentalities, and controlled entities, including the Central Bank of Kuwait, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of U.S. persons, including their overseas branches. The Regulations also generally prohibit: (a) Imports into the United States of goods or services from Kuwait; (b) exports from the United States of goods, technology or services to Kuwait or entities operated from Kuwait; (c) any dealing by any U.S. person in Kuwait-origin goods or any other goods from Kuwait or intended for Kuwait; (d) transactions by U.S. persons relating to travel by U.S. citizens and permanent resident aliens to Kuwait, including their activities within Kuwait; (e) transactions by U.S. persons relating to transportation to or from Kuwait; transportation services to or from the United States by Kuwaiti persons, vessels, or aircraft; or the sale in the United States by any person holding authority under the Federal Aviation Act of any transportation by air which includes any stop in Kuwait; (f) performance by U.S. persons of contracts in support of industrial, commercial, public utility, or governmental projects in Kuwait; and (g) any transfer of funds by U.S. persons to the Government of Kuwait or any person in Kuwait.

EFFECTIVE DATE: November 30, 1990.

FOR FURTHER INFORMATION CONTACT: William B. Hoffman, Chief Counsel, Tel.: (202) 535–6020, or Steven I. Pinter, Chief of Licensing, Tel.: (202) 535–9449, Office of Foreign Assets Control, Department of the Treasury, Washington, DC.

SUPPLEMENTARY INFORMATION: All General Licenses issued by the Office of Foreign Assets Control prior to November 30, 1990, may continue to be relied on to validate actions prior to this date during the period of their validity. Specific licenses issued prior to this date continue in effect according to their terms unless modified by the Office of Foreign Assets Control.

Authorizations contained in General Licenses issued prior to publication of these regulations can now be found in the following sections:

Issuance date	License No.	Regulation Section
8/02/90	General License No. 1	Amended
8/15/90	General License No. 1, amended.	Section 570.504
8/08/90	General License No. 2	Section 570.509
8/08/90	General License No. 3	Amended
10/15/90	General License No. 3, amended.	Section 570.512
8/08/90	General License No. 4	Revoked 10/2/90
8/13/90	General License No. 5	Section 570.504
8/15/90	General License No. 6	Section 570.513
8/15/90	General License No. 7	Amended
10/18/90	General License No. 7, amended.	Section 570.510
8/23/90	General License No. 8	Section 570.514
8/27/90	General License No. 9	Section 570.517
8/30/90	General License No. 10	Section 570.505
9/01/90	General License No. 11	Section 570.508
9/26/90	General License No. 12	Section 570.520

Transactions otherwise prohibited under this part may be authorized by a general license contained in subpart E or by a specific license issued pursuant to the procedures described in § 570.801 of subpart H.

Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) does not apply. Because the Regulations are issued with respect to foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations.

These regulations are being issued without prior notice and public procedure pursuant to the Administrative Procedure Act. For this reason, the collections of information contained in these regulations are being submitted to the Office of Management and Budget ("OMB") under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.).* Comments concerning the collection of information and the accuracy of estimated average annual burden, and suggestions for reducing this burden should be directed to OMB, Paperwork Reduction Project (1505–****), Washington, DC 20503, with copies of the Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Ave., NW.—Annex, Washington, DC 20220. Any such comments should be submitted not later than January 29, 1991. Notice of OMB action on these requests will be published in the **Federal Register.**

The collections of information in these regulations are contained in §§570.503, 570.509–570.512, 570.515, 570.517, 570.518, 570.520, 570.521, subpart F, and §§570.703, and 570.801. This information is required by the Office of Foreign Assets Control for licensing, compliance, civil penalty and enforcement purposes. This information will be used to determine the eligibility of applicants for the benefits provided through specific licenses, to determine whether persons subject to the regulations are in compliance with applicable requirements, and to determine whether and to what extent civil penalty or other enforcement action is appropriate. The likely respondents and recordkeepers are individuals and business organizations.

Estimated total annual reporting and/or recordkeeping burden: 2000 hours.

The estimated annual burden per respondent/recordkeeper varies from 30 minutes to 10 hours, depending on individual circumstances, with an estimated average of 2 hours.

Estimated number of respondents and/or recordkeepers: 1000.

Estimated annual frequency of responses: 1–12.

List of Subjects in 31 CFR Part 570

Iraq, Kuwait, Banks banking, finance, Blocking of assets, Imports, Exports, Loan programs, Penalties, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, part 570 is added to chapter V as follows:

PART 570—KUWAITI ASSETS CONTROL REGULATIONS

Authority: 50 U.S.C. 1701 *et seq.*; 50 U.S.C. 1601 *et seq.*; 22 U.S.C. 287c; Pub. L. 101–513, 104 Stat. 2047–55 (Nov. 5, 1990); 3 U.S.C. 301; E.O. 12722, 55 FR 31803 (Aug. 3, 1990); E.O. 12723, 55 FR 31805 (Aug. 3, 1990); E.O. 12725, 55 FR 33091 (Aug. 13, 1990).

Subpart A—Relation of This Part to Other Laws and Regulations

Sec.

570.101 *Relation of this part to other laws and regulations.*

Subpart B—Prohibitions

570.201 *Prohibited transactions involving property in which the Government of Kuwait has an interest; transactions with respect to securities.*
570.202 *Effect of transfers violating the provisions of this part.*
570.203 *Holding of certain types of blocked property in interest-bearing accounts.*
570.204 *Prohibited importation of goods or services from Kuwait.*
570.205 *Prohibited exportation and exportation of goods, technology, or services to Kuwait.*
570.206 *Prohibited dealing in property.*
570.207 *Prohibited transactions relating to travel to Kuwait or to activities within Kuwait.*
570.208 *Prohibited transportation-related transactions involving Kuwait.*
570.209 *Prohibited performance of contracts.*
570.210 *Prohibited transfers of funds to the Government of Kuwait or any person in Kuwait.*
570.211 *Evasions; attempts; conspiracies.*
570.212 *Effective date.*

Subpart C—General Definitions

570.301 *Blocked account; blocked property.*
570.302 *Effective date.*
570.303 *Entity.*
570.304 *Entity of the Government of Kuwait; Kuwaiti government entity.*
570.305 *General license.*
570.306 *Government of Iraq.*
570.307 *Government of Kuwait.*
570.308 *Interest.*
570.309 *Iraq; Iraqi.*
570.310 *Kuwait; Kuwaiti.*
570.311 *Kuwaiti origin.*
570.312 *Kuwaiti person.*
570.313 *License.*
570.314 *Person.*
570.315 *Property; property interest.*
570.316 *Specific license.*
570.317 *Transfer.*
570.318 *UNSC Resolution 661.*
570.319 *United States.*
570.320 *U.S. financial institution.*
570.321 *United States person; U.S. person.*

Subpart D—Interpretations

570.401 *Reference to amended sections.*
570.402 *Effect of amendment.*
570.403 *Termination and acquisition of an interest of the Government of Kuwait.*
570.404 *Payments from blocked accounts to U.S. exporters and for other obligations prohibited.*
570.405 *Acquisition of instruments including bankers acceptances.*
570.406 *Extensions of credit or loans to Kuwait.*
570.407 *Payments in connection with certain authorized transactions.*
570.408 *Offshore transactions.*
570.409 *Transshipments through the United States prohibited.*
570.410 *Imports of Kuwaiti goods from third countries.*
570.411 *Exports to third countries.*
570.412 *Release of Kuwaiti goods from bonded warehouse or foreign trade zone.*
570.413 *Goods intended for export to Kuwait.*
570.414 *Imports of Kuwaiti goods and purchases of goods from Kuwait.*
570.415 *Setoffs prohibited.*
570.416 *Travel transactions for journalistic activity in Kuwait.*
570.417 *Transactions among licensed entities.*
570.418 *Transactions incidental to a licensed transaction.*

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

570.501 *Effect of license or authorization.*
570.502 *Exclusion from licenses and authorizations.*
570.503 *Payments and transfers to blocked accounts in U.S. financial institutions.*
570.504 *Completion of certain foreign exchange, securities, and commodities transactions.*
570.505 *Completion of certain transactions related to bankers acceptances authorized.*
570.506 *Payment by the Government of Kuwait of obligations to persons within the United States authorized.*
570.507 *Certain exports to Kuwait authorized.*
570.508 *Import of household and personal effects from Kuwait authorized.*
570.509 *Payment and transfers authorized for shipments of oil under contract and en route to the United States prior to the effective date.*
570.510 *Payment and transfers authorized for goods and services exported to Kuwait prior to the effective date.*
570.511 *Extensions and renewals authorized.*
570.512 *Investment and reinvestment of Government of Kuwait funds held in blocked accounts.*
570.513 *Transactions related to telecommunications authorized.*
570.514 *Transactions related to mail authorized.*
570.515 *Fees for professional services authorized.*
570.516 *Certain transactions with respect to patents, trademarks, and copyrights authorized.*
570.517 *Procedures established for export transactions initiated prior to effective date.*
570.518 *Certain standby letters of credit and performance bonds.*
570.519 *Certain imports for diplomatic or official personnel authorized.*
570.520 *Donations of food to relieve human suffering authorized.*
570.521 *Certain exportations of medical supplies authorized.*

Subpart F—Reports

570.601 *Required records.*
570.602 *Reports to be furnished on demand.*
570.603 *Reports on certain correspondent bank accounts.*

Subpart G—Penalties

570.701 *Penalties.*
570.702 *Prepenalty notice.*
570.703 *Presentation responding to prepenalty notice.*
570.704 *Penalty notice.*
570.705 *Referral to United States Department of Justice.*

Subpart H—Procedures

570.801 *Licensing.*
570.802 *Decisions.*
570.803 *Amendment, modification, or revocation.*
570.804 *Rulemaking.*
570.805 *Delegation by the Secretary of the Treasury.*
570.806 *Rules governing availability of information.*

Subpart I—Paperwork Reduction Act

570.901 [Reserved].

Appendix A to Part 570—Kuwaiti Governmental Entities

Subpart A—Relation of This Part To Other Laws and Regulations

§ 570.101 Relation of this part to other laws and regulations.

(a) This part is separate from, and independent of, the other parts of this chapter. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to any other provision of law or regulation authorizes any transaction prohibited by this part.

(b) No license or authorization contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

Subpart B—Prohibitions

§ 570.201 Prohibited transactions involving property in which the Government of Kuwait has an interest; transactions with respect to securities.

(a) Except as authorized by regulations, rulings, instructions,

licenses, or otherwise, no property or interests in property of Government of Kuwait that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of U.S. persons, including their overseas branches, may be transferred, paid, exported, withdrawn or otherwise dealt in.

(b) Unless otherwise authorized by this part or by a specific license expressly referring to this section, the transfer (including the transfer on the books of any issuer or agent thereof), the endorsement or guaranty of signatures on, or any other dealing in any security (or evidence thereof) registered or inscribed in the name of the Government of Kuwait and held within the possession or control of a U.S. person is prohibited, irrespective of the fact that at any time either at or subsequent to the effective date the registered or inscribed owner thereof may have, or appears to have, assigned, transferred, or otherwise disposed of any such security.

(c) A transfer of property to or from the Government of Kuwait and not involving a U.S. person shall be recognized for purposes of this section if the transfer complied with all applicable United Nations Security Council resolutions as implemented in the country of transfer as to the property transferred, and was otherwise lawful in the country of transfer.

(d) *Example:* If a U.S. person acquires a security which had been sold on August 9, 1990, by the Government of Kuwait to a citizen of the United Kingdom, the security would not be considered property in which the Government of Kuwait has an interest if the August 9 transfer was lawful in the United Kingdom. The United Kingdom implemented UNSC Resolution 661 prior to August 9, 1990, with respect to transfers of securities to and from the Government of Kuwait.

§ 570.202 Effect of transfers violating the provisions of this part.

(a) Any transfer after the effective date, which is in violation of any provision of this part or of any regulation, ruling, instruction, license, or other direction or authorization hereunder and involves any property in which the Government of Kuwait has or has had an interest since such date, is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power or privilege with respect to such property.

(b) No transfer before the effective date shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or interest in, any property in which the Government of Kuwait has an interest, or has had an interest since such date, unless the person with whom such property is held or maintained, prior to such date, had written notice of the transfer or by any written evidence had recognized such transfer.

(c) Unless otherwise provided, an appropriate license or other authorization issued or pursuant to the direction or authorization of the Director of the Office of Foreign Assets Control before, during, or after a transfer shall validate such transfer or render it enforceable to the same extent that it would be valid or enforceable but for the provisions of the International Emergency Economic Power Act, the United Nations Participation Act, and this part, and any ruling, order, regulation, direction, or instruction issued hereunder.

(d) Transfers of property which otherwise would be null and void or unenforceable by virtue of the provisions of this section shall not be deemed to be null and void or unenforceable as to any person with whom such property was held or maintained (and as to such person only) in cases in which such person is able to establish to the satisfaction of the Director of the Office of Foreign Assets Control each of the following:

(1) Such transfer did not present a willful violation of the provisions of this part by the person with whom such property was held or maintained;

(2) The person with whom such property was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or available to such person, that such transfer required a license or authorization by or pursuant to this part and was not so licensed or authorized, or if a license or authorization did purport to cover the transfer, that such license or authorization had been obtained by misrepresentation of a third party or the withholding of material facts or was otherwise fraudulently obtained; and

(3) Promptly upon discovery that

(i) Such transfer was in violation of the provisions of this part or any regulation, ruling, instruction, license, or other direction or authorization hereunder, or

(ii) Such transfer was not licensed or authorized by the Director of the Office of Foreign Assets Control, or

(iii) If a license did purport to cover the transfer, such license had been obtained by misrepresentation of a third party or the withholding of material facts or was otherwise fraudulently obtained;

the person with whom such property was held or maintained filed with the Office of Foreign Assets Control a report setting forth in full the circumstances relating to such transfer. The filing of a report in accordance with the provisions of this paragraph shall not be deemed evidence that the terms of paragraphs (d) (1) and (2) of this section have been satisfied.

(e) Unless licensed or authorized pursuant to this part, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property in which, on or since the effective date, there existed an interest of the Government of Kuwait.

§ 570.203 Holding of certain types of blocked property in interest-bearing accounts.

(a) Any person, including a U.S. financial institution, currently holding property subject to § 570.201 which, as of the effective date or the date of receipt if subsequent to the effective date, is not being held in an interest-bearing account, or otherwise invested in a manner authorized by the Office of Foreign Assets Control, must transfer such property to, or hold such property or cause such property to be held in, an interest-bearing account or interest-bearing status in a U.S. financial institution as of the effective date or the date of receipt if subsequent to the effective date of this section, unless otherwise authorized or directed by the Office of Foreign Assets Control. This requirement shall apply to currency and any other financial assets, bank deposits, accounts, and any proceeds resulting from the sale of tangible or intangible property. If interest is credited to an account separate from that in which the interest-bearing asset is held, the name of the account party on both accounts must be the same and must clearly indicate the blocked Government of Kuwait entity having an interest in the accounts.

(b) For purposes of this section, the term "interest-bearing account" means a blocked account in a U.S. financial institution earning interest at rates that are commercially reasonable for the amount of funds in the account. Except as otherwise authorized, the funds may not be invested or held in instruments the maturity of which exceeds 90 days, unless such investments are readily marketable and are purchased at the direction of the Government of Kuwait.

(c) This section does not apply to blocked tangible property, such as

chattels, nor does it create an affirmative obligation on the part of the holder of such blocked tangible property to sell or liquidate the property and put the proceeds in a blocked account. However, the Office of Foreign Assets Control may issue licenses permitting or directing sales of tangible property in appropriate cases.

§ 570.204 Prohibited importation of goods or services from Kuwait.

Except as otherwise authorized, no goods or services of Kuwaiti origin may be imported into the United States, nor may any U.S. person engage in any activity that promotes or is intended to promote such importation.

§ 570.205 Prohibited exportation and reexportation of goods, technology, or services to Kuwait.

Except as otherwise authorized, no goods, technology (including technical data or other information), or services may be exported from the United States, or, if subject to U.S. jurisdiction, exported or reexported from a third country to Kuwait, to any entity owned or controlled by the Government of Kuwait, or to any entity operated from Kuwait, except donated foodstuffs in humanitarian circumstances, and donated supplies intended strictly for medical purposes, the exportation of which has been specifically licensed pursuant to §§ 570.507, 570.519, 570.520 or 570.521.

§ 570.206 Prohibited dealing in property.

Except as otherwise authorized, no U.S. person may deal in property of Kuwaiti origin exported from Kuwait or Iraq after August 6, 1990, property intended for exportation to Kuwait, or property intended for exportation from Kuwait to any other country, nor may any U.S. person engage in any activity that promotes or is intended to promote such dealing.

§ 570.207 Prohibited transactions relating to travel to Kuwait or to activities within Kuwait.

Except as otherwise authorized, no U.S. person may engage in any transaction relating to travel by any U.S. citizen or permanent resident alien to Kuwait, or to activities by any U.S. citizen or permanent resident alien within Kuwait, or to activities by any U.S. citizen or permanent resident alien within Kuwait, after the effective date, other than transactions:

(a) Necessary to effect the departure of a U.S. citizen or permanent resident alien from Kuwait or Iraq;

(b) Relating to travel and activities for the conduct of the official business of the United States Government or the United Nations; or

(c) Relating to journalistic activity by persons regularly employed in such capacity by a newsgathering organization.

This section prohibits the unauthorized payment by a U.S. person of his or her own travel or living expenses to or within Kuwait.

§ 570.208 Prohibited transportation-related transactions involving Kuwait.

Except as otherwise authorized, the following are prohibited:

(a) Any transaction by a U.S. person relating to transportation to or from Kuwait;

(b) The provision of transportation to or from the United States by any Kuwaiti person or any vessel or aircraft of Kuwaiti registration; or

(c) The sale in the United States by any person holding authority under the Federal Aviation Act of any transportation by air which includes any stop in Kuwait.

(d) *Example*: Unless licensed or exempted, no U.S. person may insure, or provide ticketing, ground, port, refueling, bunkering, clearance, or freight forwarding services, with respect to any sea, ground, or air transportation the destination of which is Kuwait, or which is intended to make a stop in Kuwait.

§ 570.209 Prohibited performance of contracts.

Except as otherwise authorized, no U.S. person may perform any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Kuwait.

§ 570.210 Prohibited transfer of funds to the Government of Kuwait or any person in Kuwait.

Except as otherwise authorized, no U.S. person may commit or transfer, directly or indirectly, funds or other financial or economic resources to the Government of Kuwait or any person in Kuwait.

§ 570.211 Evasions; attempts; conspiracies.

Any transaction for the purpose of, or which has the effect of, evading or avoiding, or which facilitates the evasion or avoidance of, any of the prohibitions set forth in this subpart, is hereby prohibited. Any attempt to violate the prohibitions set forth in this part is hereby prohibited. Any conspiracy formed for the purpose of engaging in a transaction prohibited by this part is hereby prohibited.

§ 570.212 Effective date.

The effective dates of the prohibitions and directives contained in this subpart B are as follows:

(a) With respect to §§ 570.201, 574.202, and 570.211, 5 a.m., Eastern Daylight Time ("EDT"), August 2, 1990;

(b) With respect to §§ 570.204, 570.205, 570.206, 570.207, 570.208, 570.209, and 570.210, 8:55 p.m. EDT, August 9, 1990; and

(c) With respect to § 570.203, November 30, 1990.

Subpart C—General Definitions

§ 570.301 Blocked account; blocked property.

The terms *blocked account* and *blocked property* shall mean any account or property in which the Government of Kuwait has an interest, with respect to which payments, transfers, exportations, withdrawals, or other dealings may not be made or effected except pursuant to an authorization or license authorizing such action.

§ 570.302 Effective date.

The term *effective date* refers to the effective date of the applicable prohibition, as identified in § 570.212.

§ 570.303 Entity.

The term *entity* includes a corporation, partnership, association, or other organization.

§ 570.304 Entity of the Government of Kuwait; Kuwaiti Government entity.

The term *entity of the Government of Kuwait* or *Kuwaiti Government entity* includes:

(a) Any corporation, partnership, association, or other entity in which the Government of Kuwait owns a majority or controlling interest, any entity managed or funded by that government, or any entity which is otherwise controlled by that government;

(b) Any agency or instrumentality of the Government of Kuwait, including the Central Bank of Kuwait.

§ 570.305 General license.

The term *general license* means any license or authorization the terms of which are set forth in this part.

§ 570.306 Government of Iraq.

The term *Government of Iraq* includes:

(a) The state and the Government of Iraq, as well as any political subdivision, agency, or instrumentality thereof, including the Central Bank of Iraq;

(b) Any partnership, association, corporation, or other organization substantially owned or controlled by the foregoing;

(c) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since the effective date, acting or purporting to act directly or indirectly on behalf of any of the foregoing; and

(d) Any other person or organization determined by the Director of the Office of Foreign Assets Control to be included within this section.

§ 570.307 Government of Kuwait.

The term *Government of Kuwait* includes:

(a) The state and the Government of Kuwait and any entity purporting to be the Government of Kuwait, as well as any political subdivision, agency, or instrumentality thereof, including the Central Bank of Kuwait;

(b) Any partnership, association, corporation, or other organization substantially owned or controlled by the foregoing;

(c) Any person to the extent that such person is or has been, or to the extent that there is reasonable cause to believe that such person is or has been, since the effective date, acting or purporting to act directly or indirectly on behalf of any of the foregoing; and

(d) Any other person or organization determined by the Director of the Office of Foreign Assets Control to be included within this section.

§ 570.308 Interest.

Except as otherwise provided in this part, the term *interest* when used with respect to property (*e.g.*, "an interest in property") means an interest of any nature whatsoever, direct or indirect.

§ 570.309 Iraq; Iraqi.

The term *Iraq* means the country of Iraq and any territory under the jurisdiction or authority thereof, legal or illegal. The term "Iraqi" means pertaining to Iraq as defined in this section.

§ 570.310 Kuwait; Kuwaiti.

The term *Kuwait* means the country of Kuwait and any territory under the jurisdiction or authority thereof. The term "Kuwaiti" means pertaining to Kuwait as defined in this section.

§ 570.311 Kuwaiti origin.

The term *goods or services of Kuwaiti origin* includes:

(a) Goods produced, manufactured, grown, or processed within Kuwait;

(b) Goods which have entered into Kuwaiti commerce;

(c) Services performed in Kuwait or by a Kuwaiti national who is acting as an agent, employee, or contractor of the Government of Kuwait, or of a business entity located in Kuwait. Services of Kuwaiti origin are not imported into the United States when such services are provided in the United States by a Kuwaiti national employed in the United States.

§ 570.312 Kuwaiti person.

The term *Kuwaiti* person means any Kuwaiti citizen, any person organized under the laws of Kuwait, or any person owned or controlled, directly or indirectly, by a Kuwaiti national or the Government of Kuwait.

§ 570.313 License.

Except as otherwise specified, the term *license* means any license or authorization contained in or issued pursuant to this part.

§ 570.314 Person.

The term *person* means an individual, partnership, association, corporation, or other organization.

§ 570.315 Property; property interest.

The terms *property* and *property interest* include, but are not limited to, money, checks, drafts, bullion, bank deposits, savings accounts, debts, indebtedness, obligations, notes, debentures, stocks, bonds, coupons, any other financial instruments, banker's acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership or indebtedness, letters of credit and any documents relating to any rights or obligations thereunder, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendor's sales agreements, land contracts, leaseholds, ground rents, real estate and any other interest therein, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks, or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, services of any nature whatsoever, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future or contingent.

§ 570.316 Specific license.

The term *specific license* means any license or authorization not set forth in this part but issued pursuant to this part in response to an application.

§ 570.317 Transfer.

The term *transfer* means any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, convey, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property and, without limitation upon the foregoing, shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the appointment of any agent, trustee, or fiduciary; the creation or transfer of any lien; the issuance, docketing, filing, or the levy of or under any judgment, decree, attachment, injunction, execution, or other judicial or administrative process or order, or the service of any garnishment; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition, the exercise of any power of appointment, power of attorney, or other power; or the acquisition, disposition, transportation, importation, exportation, or withdrawal of any security.

§ 570.318 UNSC Resolution 661.

The term *UNSC Resolution 661* means United Nations Security Council Resolution No. 661, adopted August 6, 1990, prohibiting certain transactions with respect to Iraq and Kuwait.

§ 570.319 United States.

The term *United States* means the United States, its territories and possessions, and all areas under the jurisdiction or authority thereof.

§ 570.320 U.S. financial institution.

The term *U.S. financial institution* means any U.S. person (including foreign branches) that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures or options, or procuring purchasers and sellers thereof, as principal or agent; including, but not limited to, depository institutions, banks, savings banks, trust companies, securities brokers and dealers, commodity futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies,

employee benefit plans, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices and agencies of foreign financial institutions which are located in the United States, but not such institutions' foreign branches, offices, or agencies.

§ 570.321 United States person; U.S. person.

The term *United States person* or *U.S. person* means any United States citizen; permanent resident alien; juridical person organized under the laws of the United States or any jurisdiction within the United States, including foreign branches; or any person in the United States.

Subpart D—Interpretations

§ 570.401 Reference to amended sections.

Except as otherwise specified, reference to any section of this part or to any regulation, ruling, order, instruction, direction, or license issued pursuant to this part shall be deemed to refer to the same as currently amended.

§ 570.402 Effect of amendment.

Any amendment, modification, or revocation of any section of this part or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Director of the Office of Foreign Assets Control shall not, unless otherwise specifically provided, be deemed to affect any act done or omitted to be done, or any civil or criminal suit or proceeding commenced or pending prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction, or license shall continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 570.403 Termination and acquisition of an interest of the Government of Kuwait.

(a) Whenever a transaction licensed or authorized by or pursuant to this part results in the transfer of property (including any property interest) from the Government of Kuwait, such property shall no longer be deemed to be property in which the Government of Kuwait has or has had an interest unless there exists in the property another such interest, the transfer of which has not been effected pursuant to license or other authorization.

(b) Unless otherwise specifically provided in a license or authorization issued pursuant to this part, if property (including any property interest) is transferred or attempted to be transferred to the Government of Kuwait, such property shall be deemed to be property in which there exists an interest of the Government of Kuwait.

§ 570.404 Payments from blocked accounts to U.S. exporters and for other obligations prohibited.

No debits may be made to a blocked account to pay obligations to U.S. persons or other persons, including payment for goods, technology or services exported prior to the effective date, except as authorized pursuant to this part.

§ 570.405 Acquisition of instruments including bankers acceptances.

No U.S. person may acquire or deal in any obligation, including bankers acceptances, where the documents evidencing the obligation indicate, or the U.S. person has actual knowledge, that the underlying transaction is in violation of §§ 570.201, 570.204, or 570.205. This interpretation does not apply to obligations arising from an underlying transaction licensed or otherwise authorized pursuant to this part.

§ 570.406 Extensions of credits or loans to Kuwait.

(a) The prohibition in § 570.210 applies to the unlicensed renewal of credits or loans in existence on the effective date, whether by affirmative action or operation of law.

(b) The prohibition in § 570.210 applies to credits or loans extended in any currency.

§ 570.407 Payments in connection with certain authorized transactions.

Payments are authorized in connection with transactions authorized in or pursuant to Subpart E.

§ 570.408 Offshore transactions.

(a) The prohibitions contained in §§ 570.201 and 570.206 apply to transactions by U.S. persons in locations outside the United States with respect to property which the U.S. person knows, or has reason to know, that the Government of Kuwait has or has had an interest since the effective date.

(b) Prohibited transactions include, but are not limited to, importation into locations outside the United States of, or dealings within such locations in, goods or services of Kuwaiti origin.

(c) *Examples:* (1) A U.S. person may not, within the United States or abroad, purchase, sell, finance, insure, transport, act as a broker for the sale or transport of, or otherwise deal in, Kuwaiti crude oil or petroleum products refined in Kuwait.

(2) A U.S. person may not, within the United States or abroad, conduct transactions of any nature whatsoever with an entity that he knows or has reason to know is a Kuwaiti Government entity unless the entity is licensed by the Office of Foreign Assets Control to conduct such transactions with U.S. persons.

§ 570.409 Transshipments through the United States prohibited.

(a) The prohibitions in § 570.205 apply to the importation into the United States, for transshipment or transit, of goods which are intended or destined for Kuwait, or an entity operated from Kuwait.

(b) The prohibitions in § 570.204 apply to the importation into the United States, for transshipment or transit, of goods of Kuwaiti origin which are intended or destined for third countries.

(c) Goods in which the Government of Kuwait has an interest which are imported into or transshipped through the United States are blocked pursuant to § 570.201.

§ 570.410 Imports of Kuwaiti goods from third countries.

(a) Importation into the United States from third countries of goods, including refined petroleum products, containing raw materials or components of Kuwaiti origin is prohibited unless those raw minerals or components were exported from Iraq or Kuwait prior to the effective date. In light of the universal prohibition in UNSC Resolution 661 on the importation of goods exported from Iraq or Kuwait after August 6, 1990, substantial transformation of Kuwaiti-origin goods in a third country does not exempt the third-country products from the prohibitions contained in this part.

(b) Importation into the United States of goods of Kuwaiti origin which were exported from Kuwait or Iraq on or after the effective date is prohibited pursuant to § 570.204.

§ 570.411 Exports to third countries.

(a) Exportation of goods or technology (including technical data and other information) from the United States to third countries is prohibited if the exporter knows, or has reason to know, that the goods or technology are intended for transshipment to Kuwait (including passage through, or storage in, intermediate destinations) without coming to rest in the third country and without being substantially transformed or incorporated into manufactured products in a third country. The exportation of goods and technology intended specifically for incorporation or substantial transformation into a third-country product is also prohibited if the particular product is to be used in Kuwait, is being specifically

manufactured to fill a Kuwaiti order, or if the manufacturer's sales of the particular product are predominantly to Kuwait.

(b) Exportation of goods or technology from the United States to third countries is not prohibited where the exporter has reasonable cause to believe that:

(1) The goods will come to rest in a third country for purposes other than reexportation to Kuwait; or

(2) The technology will come to rest in a third country for purposes other than reexport to Kuwait.

§ 570.412 Release of Kuwaiti goods from bonded warehouse or foreign trade zone.

Section 570.204 does not prohibit the release from a bonded warehouse or a foreign trade zone of goods of Kuwaiti origin imported into a bonded warehouse or a foreign trade zone either prior to the effective date or in a transaction authorized pursuant to this part after the effective date.

Note: Pursuant to § 570.201, property in which the Government of Kuwait has an interest may not be released unless authorized or licensed by the Office of Foreign Assets Control.

§ 570.413 Goods intended for export to Kuwait.

The prohibitions contained in § 570.201 do not apply to goods manufactured, consigned, or destined for export to Kuwait and not subject to § 575.518, if the Government of Kuwait has never held or received title to such goods on or after the effective date, and if any payment received from the Government of Kuwait with respect to such goods is placed in a blocked account in a U.S. financial institution pursuant to § 575.503.

§ 570.414 Imports of Kuwait goods and purchases of goods from Kuwait.

The prohibitions contained in § 570.201 shall not apply to the importation of Kuwaiti-origin goods and services described in § 570.204 if the importation of such goods is permitted by an authorization or license issued pursuant to this part. However, any payments in connection with such importation are subject to the prohibitions contained in §§ 570.201 and 570.210.

§ 570.415 Setoffs prohibited.

A setoff against a blocked account, whether by a U.S. bank or other U.S. person, is a prohibited transfer under § 570.201 if effected after the effective date.

§ 570.416 Travel transactions for journalistic activity in Kuwait.

(a) Section 570.207 does not prohibit travel transactions in Kuwait by persons regularly employed in journalistic activity by recognized newsgathering organizations.

(b) For purposes of this part:

(1) A person is considered regularly employed as a journalist if he or she is employed in a constant or regular manner by a recognized newsgathering organization. Free-lance journalists should have an assignment from a recognized newsgathering organization requiring travel to Kuwait, or be able to demonstrate that publication by a recognized newsgathering organization of a work requiring such travel is likely. The latter may be demonstrated by providing a resume listing previously-published free-lance works or copies of previously-published works.

(2) "Recognized newsgathering organizations" include those entities regularly and principally engaged in collecting news for publication in the public press, transmission by wire services, or broadcast by radio or television.

(c) Authorized travel transactions are limited to those incident to travel for the purpose of collecting and disseminating information for a recognized newsgathering organization, and do not include travel transactions related to any other activity in Kuwait.

§ 570.417 Transactions among licensed entities.

If two U.S. persons controlled by the Government of Kuwait have been granted specific licenses pursuant to this part authorizing them to engage in transactions with U.S. persons, they may also engage in transactions with each other. If an entity owned or controlled by the Government of Kuwait, but which is not a U.S. person, has been granted a specific license authorizing the entity to engage in transactions with a U.S. person, that entity may engage in transactions with a U.S. person controlled by the Government of Kuwait which has been licensed to operate, provided such transactions come within the scope of authorized transactions included in the U.S. person's operating license.

§ 570.418 Transactions incidental to a licensed transaction.

(a) Any transaction ordinarily incident to a licensed transaction and necessary to give effect thereto is also authorized, except a transaction by an unlicensed, blocked person or involving an unlicensed debit to a blocked account.

(b) *Example:* A license authorizing the Government of Kuwait to complete a securities sale also authorizes all activities by other parties required to complete the sale, including transactions by the buyer, brokers, transfer agents, banks, etc.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 570.501 Effect of license or authorization

(a) No license or other authorization contained in this part, or otherwise issued by or under the direction of the Director of the Office of Foreign Assets Control, shall be deemed to authorize or validate any transaction effected prior to the issuance of the license, unless specifically provided in such license or authorization.

(b) No regulation, ruling, instruction, or license authorizes any transaction prohibited under this part unless the regulation, ruling, instruction, or license is issued by the Office of Foreign Assets Control and specifically refers to this part. No regulation, ruling, instruction, or license referring to this part shall be deemed to authorize any transaction prohibited by any provision of this chapter unless the regulation, ruling, instruction or license specifically refers to such provision.

(c) Any regulation, ruling, instruction, or license authorizing any transaction otherwise prohibited under this part has the effect of removing a prohibition or prohibitions contained in subpart B from the transaction, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction, or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest in, or with respect to, any property which would not otherwise exist under ordinary principles of law.

§ 570.502 Exclusion from licenses an authorizations.

The Director of the Office of Foreign Assets Control reserves the right to exclude any person, property, or transaction from the operation of any license, or from the privileges therein conferred, or to restrict the applicability thereof with respect to particular persons, property, transactions, or classes thereof. Such action shall be binding upon all persons receiving actual or constructive notice of such exclusion or restriction.

§ 570.503 Payments and transfers to blocked accounts in U.S. financial institutions.

(a) Any payment of funds or transfer of credit or other assets, including any payment or transfer by any U.S. person outside the United States, to a blocked account in a U.S. financial institution in the name of the Government of Kuwait is hereby authorized, including incidental foreign exchange transactions, provided that such payment or transfer shall not be made from any blocked account if such payment or transfer represents, directly or indirectly, a transfer of any interest of the Government of Kuwait to any other country or person.

(b) This section does not authorize any payment or transfer to any blocked account held in a name other than that of the Government of Kuwait where such government is the ultimate beneficiary of such payment or transfer.

(c) This section does not authorize any payment or transfer of credit comprising an integral part of a transaction which cannot be effected without the subsequent issuance of a further license.

(d) This section does not authorize the crediting of the proceeds of the sale of securities or other assets, held in a blocked account or a sub-account thereof, or the income derived from such securities or assets, to a blocked account or sub-account, under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities or assets were or are held.

(e) This section does not authorize any payment or transfer from a blocked account in a U.S. financial institution to a blocked account held under any name or designation which differs from the name or designation of the specified blocked account or sub-account from which the payment or transfer is made.

(f) The authorization in paragraph (a) of this section is subject to the condition that written notification from the U.S. financial institution receiving an authorized payment or transfer is furnished to the Office of Foreign Assets Control, Blocked Assets Section, within 10 business days from the date of payment or transfer. This notification shall confirm that the payment or transfer has been deposited in a blocked account under the regulations in this part, and shall provide the account number, the name and address of the Government of Kuwait entity in whose name the account is held, the name and address of the transferee U.S. financial institution, and the amount of the payment or transfer.

(g) This section authorizes transfer of the funds of a blocked demand deposit account to a blocked interest-bearing account under the same name or designation as was the demand deposit account, as required pursuant to § 570.203 or at the instruction of the depositor, at any time. If such transfer is to a blocked account in a different U.S. financial institution, the transferee financial institution must furnish, within 10 business days of the date of transfer, the notification described in paragraph (f) of this section to the Office of Foreign Assets Control, Blocked Assets Section.

(h) This section authorizes the transfer of assets between blocked accounts in U.S. financial institutions at the instruction of the depositor for purposes of investment and reinvestment of assets in which the Government of Kuwait has an interest, as authorized in § 570.512. If such transfer is to a blocked account in a different U.S. financial institution, the transferee financial institution must furnish, within 10 business days of the date of transfer, the notification described in paragraph (f) of this section to the Office of Foreign Assets Control, Blocked Assets Section.

§ 570.504 Completion of certain foreign exchange, securities, and commodities transactions.

(a) U.S. financial institutions are authorized to perform and complete in accordance with its terms or, in agreement with the Government of Kuwait, to close out, offset, or liquidate, individually or on a net basis with subcontracts or other contracts, any contract with or on behalf of the Government of Kuwait, except as otherwise noted in paragraph (d) below, for foreign exchange, securities, currency, and interest rate transactions (including, without limitation, spot, forward, option, swap, and futures transactions), and commodity option, swap, and futures transactions (including the posting or payment of margin or settlement variation with respect to transactions described above), provided the contract was entered into prior to the effective date and any of the following requirements is met:

(1) Any funds, currency, securities, or other assets to be paid or delivered to the Government of Kuwait are credited to a blocked account in the name of the entity of the Government of Kuwait with which, or on whose behalf, the transaction was executed; or

(2) Any funds, currency, securities, or other assets to be paid or delivered to the Government of Kuwait are credited to a blocked account in the name of the entity of the Government of Kuwait and in the financial institution and location designated in the original payment instructions or terms of settlement or delivery for that contract; provided that the country in which payment, settlement, or delivery occurs has in place an arrangement satisfactory to the Office of Foreign Assets Control for ensuring that Government of Kuwait assets in such accounts are blocked or restricted; or

(3) All funds, currency, securities, or other assets due to the Government of Kuwait in connection with such transaction were paid or delivered to the Government of Kuwait prior to the effective date.

(b) All transactions by U.S. persons incidental to the transactions authorized in paragraph (a) are also authorized.

(c) This section does not authorize the crediting of the funds, currency, securities, or other assets received by, or for the benefit of, the Government of Kuwait in a transaction authorized in paragraph (a) to a blocked account or sub-account for the Government of Kuwait under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which the assets utilized by, or on behalf of, the Government of Kuwait in such transaction, were originally held.

§ 570.505 Completion of certain transactions related to bankers acceptances authorized.

(a) Persons other than the Government of Kuwait are authorized to buy, sell, and satisfy obligations with respect to bankers acceptances, and to pay under deferred payment undertakings, involving an interest of the Government of Kuwait as long as the bankers acceptances were created or the deferred payment undertakings were incurred prior to the effective date.

(b) Persons other than the Government of Kuwait are authorized to buy, sell, and satisfy obligations with respect to bankers acceptances, and to pay under deferred payment undertakings, involving the importation or exportation of goods to or from Kuwait that do not involve an interest of the Government of Kuwait as long as the bankers acceptances or the deferred payment undertakings were accepted prior to the effective date.

(c) Nothing in this section shall authorize or permit a debit to a blocked account. Specific licenses for the debiting of a blocked account may be issued on a case-by-case basis.

§ 570.506 Payment by the Government of Kuwait of obligations to persons within the United States authorized.

(a) The transfer of funds after the effective date by, through, or to any U.S. financial institution or other U.S. person solely for the purpose of payment of obligations of the Government of Kuwait to persons or accounts within the United States is authorized, provided that the obligation arose prior to the effective date, and the payment requires no debit to a blocked account. Property is not blocked by virtue of being transferred or received pursuant to this section.

(b) A person receiving payment under this section may distribute all or part of that payment to any person, provided that any such payment to the Government of Kuwait must be to a blocked account in a U.S. financial institution.

§ 570.507 Certain exports to Kuwait authorized.

(a) All transactions ordinarily incident to the exportation of any item, commodity, or product from the United States to or destined for Kuwait are authorized if:

(1) Such exports would ordinarily be authorized under one of the following regulations administered by the Department of Commerce: 15 CFR 371.6—General license BAGGAGE (accompanied and unaccompanied baggage); 15 CFR 371.13—General license GUS (shipments to personnel and agencies of the U.S. Government); or,

(2) Such exports are for the official use of the United Nations, its personnel and agencies (excluding its relief or developmental agencies).

(b) All transactions related to exportation or reexportation not otherwise authorized in this part are prohibited unless licensed pursuant to the procedures described in § 570.801 by the Office of Foreign Assets Control.

§ 570.508 Import of household and personal effects from Kuwait authorized.

The importation of household and personal effects of Kuwaiti origin, including baggage and articles for family use, of persons arriving in the United States directly or indirectly from Kuwait is authorized. Articles included in such effects may be imported without limitation provided they were actually used by such persons or their family members abroad, are not intended for any other person or for sale, and are not otherwise prohibited from importation.

§ 570.509 Payments and transfers authorized for shipments of oil under contract and en route to the United States prior to the effective date.

(a) Oil of Kuwaiti origin or oil in which the Government of Kuwait has an interest may be imported into the United States only if:

(1) Prior to the effective date, the oil was loaded for ultimate delivery to the United States on board a vessel in Iraq, Kuwait, or a third country;

(2) The oil was imported into the United States before 11:59 p.m. Eastern Daylight Time, October 1, 1990; and

(3) The bill of lading accompanying the oil was issued prior to the effective date.

(b) Any payment owed or balance not paid to or for the benefit of the Government of Kuwait prior to the effective date for oil imported pursuant to paragraph (a) must be paid into a blocked account in a U.S. financial institution.

(c) Transactions conducted pursuant to this section must be reported in writing to the Office of Foreign Assets Control, Blocked Assets Section, no later than 10 days after the date of importation.

Note.—Transactions authorized by this provision have been completed prior to November 30, 1990. The text of this section is included for the convenience of the user.

§ 570.510 Payments and transfers authorized for goods and services exported to Kuwait prior to the effective date.

(a) Specific licenses may be issued on a case-by-case basis to permit payment under a financing arrangement requiring payment by a U.S. financial institution, from a blocked account or otherwise, of amounts owed to or for the benefit of a person with respect to goods or services exported prior to the effective date directly or indirectly to Kuwait, or to third countries for an entity operated from Kuwait, or for the benefit of the Government of Kuwait, where the license application presents evidence satisfactory to the Office of Foreign Assets Control that:

(1) The exportation occurred prior to the effective date (such evidence may include, *e.g.*, the bill of lading, the air waybill, the purchaser's written confirmation of completed services, customs documents, and insurance documents); and

(2) If delivery or performance occurred after the effective date, due diligence was exercised to divert delivery of the goods for Kuwait and to effect final delivery of the goods to a non-prohibited destination, or to prevent performance of the services.

(b) This section does not authorize exportation or the performance of services after the effective date pursuant to a contract entered into or partially performed prior the effective date.

(c) Transactions conducted under specific licenses granted pursuant to this section must be reported in writing to the Office of Foreign Assets Control, Blocked Assets Section, no later than 10 days after the date of payment.

(d) Separate criteria may be applied to the issuance of licenses authorizing payment from an account of or held by a blocked U.S. bank owned or controlled by the Government of Kuwait.

§ 570.511 Extensions and renewals authorized.

(a) The extension or renewal, at the request of the account party, of a letter of credit or a standby letter of credit issued or confirmed by a U.S. financial institution is authorized.

(b) Transactions conducted pursuant to this section must be reported to the Office of Foreign Assets Control, Blocked Assets Section, within 10 days after completion of the transaction.

§ 570.512 Investment and reinvestment of Government of Kuwait funds held in blocked accounts.

(a) U.S. financial institutions are hereby authorized to invest and reinvest assets held in blocked accounts in the name of the Government of Kuwait, subject to the following conditions:

(1) The assets representing such investments and reinvestments are credited to a blocked account or sub-account which is in the name of the Government of Kuwait and which is located in the United States or within the possession or control of a U.S. person;

(2) The proceeds of such investments and reinvestments are not credited to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such funds or securities were held; and

(3) No immediate financial or economic benefit accrues to the Government of Iraq, or a person in Kuwait.

(b)(1) U.S. persons seeking to avail themselves of this authorization must register with the Office of Foreign Assets Control, Blocked Assets Section before undertaking transactions authorized under this section.

(2) Transactions conducted pursuant to this section must be reported to the Office of Foreign Assets Control,

Blocked Assets Section, within 10 days after completion of the transaction.

§ 570.513 Transactions related to telecommunications authorized.

All transactions of U.S. common carriers with respect to the receipt and transmission of telecommunications involving Kuwait are authorized, provided that any payment owed to the Government of Kuwait or persons in Kuwait is paid into a blocked account in a U.S. financial institution.

§ 570.514 Transactions related to mail authorized.

All transactions by U.S. persons, including payment and transfers to common carriers, incident to the receipt or transmission of mail between the United States and Kuwait are authorized, provided that mail is limited to items not exceeding 12 ounces.

§ 570.515 Fees for professional services authorized.

Specific licenses may be issued on a case-by-case basis to permit payment to U.S. persons providing professional services to the Government of Kuwait including, but not limited to, legal, accounting, and investment advisory services.

§ 570.516 Certain transactions with respect to patents, trademarks, and copyrights authorized.

Transactions related to the registration and renewal in the United States Patent and Trademark Office or the United States Copyright Office of patents, trademarks, and copyrights in which the Government of Kuwait or a person in Kuwait has an interest are authorized.

§ 570.517 Procedures established for export transactions initiated prior to effective date.

(a) Goods awaiting exportation to Kuwait on the effective date and seized or detained by the U.S. Customs Service on the effective date or thereafter may be released to the exporter, provided the following documents are filed with Customs officials at the port where such goods are located:

(1) A copy of the contract governing the exportation (sale or other transfer) of the goods to Kuwait or, if no contract exists, a written explanation of the circumstances of exportation, including in either case a description of the manner and terms of payment received or to be received by the exporter (or other person) for, or by reason of, the exportation of the goods;

(2) An invoice, bill of lading, or other documentation fully describing the goods; and

(3) A statement by the exporter substantially in the following form:

> Any amount received from or on behalf of the Government of Kuwait by reason of the attempted exportation of the goods released to [name of exporter] by the U.S. Customs Service on [date], and fully described in the attached documents, has been or will be placed into a blocked account in a U.S. bank and the Office of Foreign Assets Control, Blocked Assets Section, will be immediately notified. [Name of exporter] agrees to fully indemnify the U.S. Government for any amount ultimately determined by a court of competent jurisdiction to be due or payable to or for the benefit of any person by reason of the failure of [name of exporter] to properly pay into a blocked account any amount received for the goods from or on behalf of the Government of Kuwait. [Name of exporter] also agrees to waive all claims (1) against any payments received and placed into a blocked account, except as may be later authorized by law, regulations, or license, and (2) against the U.S. Government with regard to the disposition of amounts placed into a blocked account. The statement should be dated and signed by the exporter or by a person authorized to sign on the exporter's behalf. The Customs Service may release the goods to the exporter upon receipt of the documentation and statement described above, provided it is satisfied that all customs laws and regulations have been complied with, including the execution of such hold harmless assurances as it shall determine to be appropriate. The documentation and statement received by Customs will be forwarded to the Office of Foreign Assets Control for review and appropriate action.

§ 570.518 Certain standby letters of credit and performance bonds.

(a)(1) Notwithstanding any other provision of law, payment into a blocked account in a U.S. financial institution by an issuing or confirming bank under a standby letter of credit in favor of a Kuwaiti beneficiary is prohibited by § 570.201 and not authorized, notwithstanding the provisions of § 570.503, if:

(i) A specific license has been issued pursuant to the provisions of paragraph (b) of this section, or

(ii) 10 business days have not expired after notice to the account party pursuant to paragraph (b) of this section.

(2) Nothing in this section shall affect the obligation of an issuing or confirming bank to make payment into a blocked account on behalf of an entity owned or controlled by the Government of Kuwait pursuant to a standby letter of credit if such entity is:

(i) Licensed by the Office of Foreign Assets Control to transact business with U.S. persons, or

(ii) Listed in appendix A to this part as "Not Controlled/Not Restricted" or "Controlled/Licensed to Operate."

(b) Whenever an issuing or confirming bank shall receive such demand for payment under such a standby letter of credit, it shall promptly notify the account party. The account party may then apply within five business days for a specific license authorizing the account party to establish a blocked account on its books in the name of the Kuwaiti beneficiary in the amount payable under the credit, in lieu of payment by the issuing or confirming bank into a blocked account and reimbursement therefor by the account party. Nothing in this section relieves any such bank or such account party from giving any notice of defense against payment or reimbursement that is required by applicable law.

(c) Where there is outstanding a demand for payment under a standby letter of credit, and the issuing or confirming bank has been enjoined from making payment, upon removal of the injunction, the account party may apply for a specific license for the same purpose and in the same manner as that set forth in paragraph (b) of this section. The issuing or confirming bank shall not make payment under the standby letter of credit unless:

(1) 10 business days have expired since the bank has received notice of the removal of the injunction and

(2) A specific license issued to the account party pursuant to the provisions of this paragraph has not been presented to the bank.

(d) If necessary to assure the availability of the funds blocked, the Director of the Office of Foreign Assets Control may at any time require the payment of the amounts due under any letter of credit described in paragraph (a) of this section into a blocked account in a U.S. financial institution or the supplying of any form of security deemed necessary.

(e) Nothing in this section precludes the account party on any standby letter of credit or any other person from at any time contesting the legality of the demand from a Kuwaiti beneficiary or from raising any other legal defense to payment under the standby letter of credit.

(f) This section does not affect the obligation of the various parties to the instruments covered by this section if

the instruments and payments thereunder are subsequently unblocked.

(g) The section does not authorize any U.S. person to reimburse a non-U.S. bank for payment to a Kuwaiti beneficiary under a standby letter of credit, except by payments into a blocked account in accordance with § 570.503 or paragraph (b) or (c) of this section.

(h) A person receiving a specific license under paragraph (b) or (c) of this section shall certify to the Office of Foreign Assets Control within 5 business days after receipt of that license that it has established the blocked account on its books as provided in those paragraphs. However, in appropriate cases, this time period may be extended upon application to the Office of Foreign Assets Control when the account party has filed a petition with an appropriate court seeking a judicial order barring payment by the issuing or confirming bank.

(i) For the purposes of this section,

(1) The term "standby letter of credit" shall mean a letter of credit securing performance of, or repayment of any advance payments or deposits under, a contract, or any similar obligation in the nature of a performance bond;

(2) The term "account party" shall mean the person for whose account the standby letter of credit is opened; and

(3) The term "Kuwaiti beneficiary" shall mean a beneficiary that is

(i) A person in Kuwait,

(ii) An entity operated from Kuwait, or

(iii) The Government of Kuwait.

§ 570.519 Certain imports for diplomatic or official personnel authorized.

All transactions ordinarily incident to the importation of any goods or services into the United States destined for official or personal use by diplomatic and support personnel employed by the recognized Government of Kuwait are authorized, unless the importation is otherwise prohibited by law.

§ 570.520 Donations of food to relieve human suffering authorized.

(a) Specific licenses may be issued on a case-by-case basis to permit exportation to Kuwait of donated food intended to relieve human suffering.

(b) In general, specific licenses will only be granted for donations of food to be provided through the United Nations in accordance with United Nations Security Council Resolutions 661 and 666 and in cooperation with the International Committee of the Red Cross or other appropriate humanitarian agencies for distribution by them or under their supervision, or in such other manner as may be approved under United Nations Security Council Resolution 666 and any other applicable Security Council resolutions, in order to ensure that such donations reach the intended beneficiaries.

(c) Applications for specific licenses pursuant to paragraph (a) shall be made in advance of the proposed exportation, and provide the following information:

(1) The nature, quantity, value, and intended use of the donated food; and

(2) The terms and conditions of distribution, including the intended method of compliance with such terms and conditions of distribution as may have been adopted by the United Nations Security Council or a duly authorized body subordinate thereto to govern the shipment of foodstuffs under applicable United Nations Security Council resolutions, including Resolutions 661 and 666.

§ 570.521 Certain exportations of medical supplies authorized.

(a) Specific licenses may be issued on a case-by-case basis to permit exportation to Kuwait of supplies intended strictly for medical purposes, in accordance with the provisions of United Nations Security Council Resolutions 661 and 666, and other applicable Security Council resolutions.

(b) In general, specific licenses will only be granted for the exportation of medical supplies through the International Committee of the Red Cross or other appropriate humanitarian agencies for distribution by them or under their supervision, or in such other manner as may be approved under applicable Security Council resolutions, in order to ensure that such supplies reach the intended recipient.

(c) Applications for specific licenses pursuant to paragraph (a) shall be made in advance of the proposed exportation, and provide the following information:

(1) The nature, quantity, value, and intended use of the medical supplies;

(2) The terms and conditions of distribution, including the intended method of compliance with such terms and conditions of distribution as may have been adopted by the United Nations Security Council or a duly authorized body subordinate thereto to govern the shipment of medical supplies under applicable Security Council resolutions.

Subpart F—Reports

§ 570.601 Required records.

Every person engaging in any transaction subject to the provisions of this part shall keep a full and accurate record of each such transaction in which that person engages, regardless of whether such transaction is effected pursuant to license or otherwise, and such record shall be available for examination for at least 2 years after the date of such transaction.

§ 570.602 Reports to be furnished on demand.

Every person is required to furnish under oath, in the form of reports or otherwise, from time to time and at any time as may be required, complete information relative to any transaction, regardless of whether such transaction is effected pursuant to license or otherwise, subject to the provisions of this part. Such reports may be required to include the production of any books of account, contracts, letters or other papers, connected with any such transaction or property, in the custody or control of the person required to make such reports. Reports with respect to transactions may be required either before or after such transactions are completed. The Director of Foreign Assets Control may, through any person or agency, conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation, regardless of whether any report has been required or filed in connection therewith.

§ 570.603 Report on certain correspondent bank accounts.

(a) U.S. financial institutions are required to file a monthly report concerning any bank account held by them in the name of a bank in which the Government of Kuwait holds an equity interest of 10% or more (*i.e.*, a correspondent bank account).

(b) The report, consisting of a copy of a monthly bank statement for the account, must:

(1) Include a summary of the average balance in the account for the period covered by the report,

(2) List the actual date on which account statements are made available to account holders, and

(3) State the exact location at which documents showing debits from and credits to the account may be reviewed and the name and telephone number of a person responsible for the content of the report.

(The report should not include copies of documents showing debits and credits.)

(c) A report filed pursuant to this section must arrive at the Office of Foreign Assets Control, Compliance

Section, no later than the last business day of the month following the activity summarized in the report. The report may be sent by facsimile to (202) 377–7222 or mailed to the following address:

Compliance Unit—603, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW—2131 Annex, Washington, DC 20220.

Subpart G—Penalties

§ 570.701 Penalties.

(a) Section 586E of the Iraq Sanctions Act of 1990, contained in the Foreign Operations Authorization and Appropriation Act of 1990, dated November 5, 1990, 104 Stat. 1979, provides that notwithstanding section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) and section 5(b) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(b))—

(1) A civil penalty of not to exceed $250,000 may be imposed on any person who, after the enactment of this Act, violates or evades or attempts to violate or evade Executive Order Number 12722, 12723, 12724, 12725, or any license, order, or regulation issued under such Executive Order;

(2) Whoever after the date of enactment of the Iraq Sanctions Act willfully violates or evades or attempts to violate or evade Executive Order Number 12722, 12723, 12724, or 12725 or any license, order, or regulation issued under any such Executive Order—

(i) Shall, upon conviction, be fined not more than $1,000,000 if a person other than a natural person; or

(ii) If a natural person, shall upon conviction, be fined not more than $1,000,000 be imprisoned for not more than 12 years, or both.

Any officer, director, or agent of any corporation who knowingly participates in a violation, evasion, or attempt described in paragraph (a)(2) of this section may be punished by imposition of the fine, imprisonment (or both) specified in paragraph (a)(2)(ii) of this section.

(b) Attention is directed to 18 U.S.C. 1001, which provides:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(c) Violations of this part may also be subject to relevant provisions of the Customs laws and other applicable laws.

§ 570.702 Prepenalty notice.

(a) *When required:* If the Director of the Office of Foreign Assets Control has reasonable cause to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act, and the Director determines that further proceedings are warranted, he shall issue to the person concerned a notice of his intent to impose a monetary penalty. The prepenalty notice shall be issued whether or not another agency has taken any action with respect to this matter.

(b) *Contents.*

(1) *Facts of violation.* The prepenalty notice shall describe the violation, specify the laws and regulations allegedly violated, and state the amount of the proposed monetary penalty.

(2) *Right to make presentations.* The prepenalty notice also shall inform the person of his right to make a written presentation within 30 days of mailing of the notice as to why a monetary penalty should not be imposed, or, if imposed, why it should be in a lesser amount than proposed.

§ 570.703 Presentation responding to prepenalty notice.

(a) *Time within which to respond.* The named person shall have 30 days from the date of mailing of the prepenalty notice to make a written presentation to the Director.

(b) *Form and contents of written presentation.* The written presentation need not be in any particular form, but shall contain information sufficient to indicate that it is in response to the prepenalty notice. It should contain responses to the allegations in the prepenalty notice and set forth the reasons why the person believes the penalty should not be imposed or, if imposed, why it should be in a lesser amount than proposed.

§ 570.704 Penalty notice.

(a) *No violation.* If, after considering any presentations made in response to the prepenalty notice and any relevant facts, the Director determines that there was no violation by the person named in the prepenalty notice, he promptly shall notify the person in writing of that determination and that no monetary penalty will be imposed.

(b) *Violation.* If, after considering any presentations made in response to the prepenalty notice, the Director determines that there was a violation by the person named in the prepenalty notice, he promptly shall issue a written notice of the imposition of the monetary penalty to that person.

§ 570.705 Referral to United States Department of Justice.

In the event that the person named does not pay the penalty imposed pursuant to this subpart or make payment arrangements acceptable to the Director within 30 days of the mailing of the written notice of the imposition of the penalty, the matter shall be referred to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

Subpart H—Procedures

§ 570.801 Licensing.

(a) *General licenses.* General licenses have been issued authorizing under appropriate terms and conditions certain types of transactions which are subject to the prohibitions contained in subpart B of this part. All such licenses in effect on the date of publication are set forth in subpart E of this part. It is the policy of the Office of Foreign Assets Control not to grant applications for specific licenses authorizing transactions to which the provisions of an outstanding general license are applicable. Persons availing themselves of certain general licenses may be required to file reports and statements in accordance with the instructions specified in those licenses. Failure to file such reports or statements will nullify the authority of the general license.

(b) *Specific licenses.*

(1) *General course of procedure.* Transactions subject to the prohibitions contained in subpart B of this part which are not authorized by general license may be effected only under specific licenses.

(2) *Applications for specific licenses.* Applications for specific licenses to engage in any transactions prohibited by or pursuant to this part may be filed by letter or on an application form with the Office of Foreign Assets Control. Any person having an interest in a transaction or proposed transaction may file an application for a license authorizing such transaction, but the applicant for a specific license is

required to make full disclosure of all parties in interest to the transaction so that a decision on the application may be made with full knowledge of all relevant facts and so that the identity and location of the persons who know about the transaction may be easily ascertained in the event of inquiry.

(3) *Information to be supplied.* The applicant must supply all information specified by relevant instructions and/or forms, and must fully disclose the names of all the parties who are concerned with or interested in the proposed transaction. If the application is filed by an agent, the agent must disclose the name of his principal(s). Such documents as may be relevant shall be attached to each application as a part of such application except that documents previously filed with the Office of Foreign Assets Control may, where appropriate, be incorporated by reference. Applicants may be required to furnish such further information as is deemed necessary to a proper determination by the Office of Foreign Assets Control. If an applicant or other party in interest desires to present additional information or discuss or argue the application, he may do so at any time before or after decision. Arrangements for oral presentation should be made with the Office of Foreign Assets Control.

(4) *Effect of denial.* The denial of a license does not preclude the reopening of an application or the filing of a further application. The applicant or any other party in interest may at any time request explanation of the reasons for a denial by correspondence or personal interview.

(5) *Reports under specific licenses.* As a condition for the issuance of any license, the licensee may be required to file reports with respect to the transaction covered by the license, in such form and at such times and places as may be prescribed in the license or otherwise.

(6) *Issuance of license.* Licenses will be issued by the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury or licenses may be issued by the Secretary of the Treasury acting directly or through any specifically designated person, agency, or instrumentality.

(c) *Address.* License applications, reports, and inquiries should be addressed to the appropriate section or individual within the Office of Foreign Assets Control, or to its Director, at the following address:

Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW., Annex, Washington, DC 20220.

§ 570.802 Decisions.

The Office of Foreign Assets Control will advise each applicant of the decision respecting filed applications. The decision of the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall constitute final agency action.

§ 570.803 Amendment, modification, or revocation.

The provisions of this part and any rulings, licenses, whether general or specific, authorizations, instructions, orders, or forms issued hereunder may be amended, modified, or revoked at any time.

§ 570.804 Rulemaking.

(a) All rules and other public documents are issued by the Secretary of the Treasury upon recommendation of the Director of the Office of Foreign Assets Control. In general, rulemaking by the Office of Foreign Assets Control involves foreign affairs functions of the United States, and for that reason is exempt from the requirements under the Administrative Procedure Act (5 U.S.C. 553) for notice of proposed rulemaking, opportunity for public comment, and delay in effective date. Wherever possible, however, it is the practice of the Office of Foreign Assets Control to receive written submissions or hold informal consultations with interested parties before the issuance of any rule or other public document.

(b) Any interested person may petition the Director of the Office of Foreign Assets Control in writing for the issuance, amendment, or repeal of any rule.

§ 570.805 Delegation by the Secretary of the Treasury.

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Order No. 12723 and Executive Order No. 12725 may be taken by the Director, Office of Foreign Assets Control, or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

§ 570.806 Rules governing availability of information.

(a) The records of the Office of Foreign Assets Control which are required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as part 1 of this title 31 of the Code of Federal Regulations.

(b) Any form issued for use in connection with the Kuwaiti Assets Control Regulations may be obtained in person or by writing to the Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW., Annex, Washington, DC 20220, or by calling (202) 566–2701.

Subpart I—Paperwork Reduction Act

§ 570.901 [Reserved].

Appendix A to Part 570—Kuwaiti Governmental Entities

The Treasury Department has been asked about the status of various entities in which the Government of Kuwait or Kuwaiti nationals may have an interest for purposes of Executive Order Nos. 12722–12725. Based on information available to the Office of Foreign Assets Control, the following lists have been compiled.

The entities listed as "Controlled/Blocked" have been determined to be controlled by the Government of Kuwait and/or the Government of Iraq and should be regarded as blocked entities. This means U.S. persons are prohibited from engaging in transactions with these entities and all assets under U.S. jurisdiction owned or controlled by those entities are blocked. U.S. persons are not prohibited, however, from paying funds owed to these entities into blocked accounts held in U.S. financial institutions.

The entities listed as "Controlled/Licensed to Operate" should also be regarded as controlled by the Government of Kuwait, but as licensed to operate. This means the Office of Foreign Assets Control has determined that the entities are under the effective control of the recognized Government of Kuwait and U.S. persons are authorized to engage in transactions with them. These authorized transactions include entering into contracts, making and receiving payments, and conducting other commercial or financial transactions. If questions arise, U.S. persons should request from the entities concerned to see copies of the operating licenses.

The entities listed as "Not Controlled/No Restrictions" are not regarded by the Office of Foreign Assets Control as controlled by the Government of Kuwait. The names of these entities appear on the list solely for the purpose of clarification because requests regarding their status have been received. Some of the entities on this list may be subject to special Treasury Department licensing or reporting requirements.

Warning: These lists are subject to revision should new information become available, and are not inclusive. Additions to the lists are anticipated. The absence of a particular entity from any of the lists should not be regarded as indicative of whether the entity is owned or controlled by the Government of Kuwait or the Government of Iraq.

Controlled/Blocked

AlAhli Bank of Kuwait
AlAhli Insurance Company
Arab Fund for Economic and Social Development
Arab Trust Company
Bahrain Arab International Bank
Bank of Kuwait & Middle East
Burgan Bank
Central Bank of Kuwait
Commercial Bank of Kuwait
Commercial Facilities Company
The Gulf Bank
Gulf Insurance Company
Industrial Bank of Kuwait
International Financial Advisor
KREIC Singapore
Kuwait Cement Company
Kuwait Clearing Company
Kuwait Finance House
Kuwait Hotels Company
Kuwait Metal Pipe Industries Company
Kuwait Real Estate Bank
Kuwait Real Estate Investment Consortium (KREIC)
Kuwait Reinsurance Company
Kuwait Supply Company
Kuwait United Poultry Company
Mobile Telephone Systems
Mubarakiah Poultry and Feed Company
National Industries Company K.S.C.
National Real Estate Company
Public Warehousing Company
Rawdatain Water Bottling Company
Refrigeration Industries Company
Savings and Credit Bank
Securities Group Company
Securities House Company
United Fisheries of Kuwait
United Realty Company
Univest Invest Company
Warba Insurance Company

Controlled/Licensed To Operate

Credit des Bergues
Georgetown Industries, Inc. (including subsidiaries)
KFIC, Inc. (including subsidiaries)
Kuwait Airways Corporation
Kuwait Asia Bank
Kuwait Investment Office (including controlled entities)
Kuwait Investment Authority
Kuwait Maritime Transport Company
Kuwait & Middle East Financial Investment Company
Kuwait Petroleum Corporation (London) (including licensed affiliates)
Kuwait Petroleum—North Sea Holdings Ltd. (including subsidiaries)
Santa Fe International Corporation (including subsidiaries and affiliates)
Warfra Intervest Corporation (Cayman) (including subsidiaries and affiliates)

Not Controlled/No Restrictions

[Some of these entities may be subject to special Treasury Department licensing/reporting requirements.]

Alexandria Kuwait International Bank
Arab African International Bank
Arab Banking Corporation
Arab Financial Services Company
Arab Hellenic Bank
Arab Insurance Group
Arab Maritime Petroleum Transport
Arab Mining Company
Arab Petroleum Investments Corporation
Arab Turkish Bank
Bahrain Islamic Bank
Bahrain Islamic Investment Company
Bahrain Middle East Bank
Banco Arabe Espanol
Banco Atlantico
Bank of Bahrain and Kuwait
Bank of Oman, Bahrain & Kuwait
CHENI
Dao Heng Bank
FRAB Bank International
Gulf International Bank
Gulf Investment Corporation
Independent Petroleum Group
International Contracting Group
Jordan Fertilizer Industry
Jordan Kuwait Bank
Korea Kuwait Banking Corporation
Kuwait French Bank
Kuwait Investment Projects Company
Kuwait Lebanon Bank
Kuwait National Cinema Company
National Bank of Kuwait
National Investment Company
Oman Housing Bank
Pearl Holding Company
Swiss Kuwaiti Bank
The Arab Investment Company
UBAF Arab American Bank
United Arab Shipping Company
United Bank of Kuwait
United Gulf Bank
Yemen Kuwait Bank

Dated: November 21, 1990.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: November 27, 1990.

John P. Simpson,

Acting Assistant Secretary (Enforcement).

[FR Doc. 90–28319 Filed 11–28–90; 4:34 pm]

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