

§ 117.955 Buffalo Bayou.

(a) The draw of the Lockwood Drive bridge, mile 2.3 mile at Houston, and all drawbridges downstream of it, shall open on signal if at least 24 hours notice is given.

(b) The draws of the Southern Pacific railroad bridge, mile 3.1, and the Houston Belt and Terminal railroad bridge, mile 4.3, need not be opened for the passage of vessels.

3. Section 117.989 is revised to read as follows:

§ 117.989 Trinity River.

The draws of the Southern Pacific railroad bridges, mile 41.4 at Liberty and mile 117.3 at Goodrich, the Missouri Pacific railroad bridges, mile 54.8 at Kenefick and mile 181.8 at Riverside, and the Atchison Topeka and Santa Fe railroad bridge, mile 96.2 at Romayor, need not be opened for the passage of vessels.

Dated: January 10, 1990.

W.F. Merlin,

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

[FR Doc. 90-1327 Filed 1-19-90; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3705-2]

Approval and Promulgation of Air Quality Implementation Plan; Delaware; Final Proposed SO₂ Control Strategy for Delmarva Power & Light Co.; Indian River Plant

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware. The revision consists of the incorporation of a Conciliatory Order which is designed to reduce ambient sulfur dioxide (SO₂) levels around the Delmarva Power and Light Company's (DP&L) Indian River power plant. The Conciliatory Order addresses the nonattainment of the SO₂ National Ambient Air Quality Standards (NAAQS) in the area of the Delmarva Power and Light plant.

EFFECTIVE DATE: This rule will become effective on February 21, 1990.

ADDRESSES: Copies of the revision and accompanying documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, 841 Chestnut Building, Attn: Mr. Joseph W. Kunz, Chief (3AM11), Projects Management Section.

Delaware Department of Natural Resources and Environmental Control, Division of Environmental Control, Air Resources Section, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19901, Attn: Mr. Robert French.

Public Information Reference Unit, Library Systems Branch, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Kelly Yost at (215) 597-2746.

SUPPLEMENTARY INFORMATION: On April 14, 1989 (54 FR 14969), EPA published a Notice of Proposed Rulemaking (NPRM) for the revision of the State of Delaware SO₂ SIP. The NPRM proposed to incorporate into Delaware's SO₂ SIP, a Conciliatory Order originally issued by Delaware to correct a NAAQS violation caused by aerodynamic downwash effect at the DP&L, Indian River power plant. A description of the revision was provided in the NPRM and will not be restated here.

The public was given an opportunity to comment on the April 14, 1989 NPRM and only one comment was received by EPA. The comment, received on May 15, 1989 from DP&L, requested that their comments be incorporated into the final rulemaking notice. DP&L's comments concerned the following statement made by EPA in the NPRM:

In addition to the raising of stack height, there are other control options such as lower sulfur coal and SO₂ control technology which are viable control options at comparable costs and comparable implementation times.

DP&L's comment that "there are no control options other than those identified by DP&L that would satisfy EPA's scheduling and compliance criteria." Their reasoning is as follows:

*** [The] Company has performed extensive environmental, economic, engineering and technical feasibility studies to assess which alternative could be implemented in the time mandated by the DNREC and EPA to achieve and demonstrate compliance (February 29, 1992). The Company has spent significant resources to ascertain the potential feasibility of implementing new SO₂ removal technologies, conventional flue gas desulfurization systems, higher profile chimneys, as well as lower sulfur coals in order to correct the observed problem.

The results of these analyses were quite clear—there are only seven candidate solutions which are expected to result in total compliance and can be implemented within the time frame mandated by the EPA. These

solutions are described in the DNREC issued Conciliatory Order * * *

EPA recognizes that the control options identified by DP&L are the only ones which can feasibly be installed within the compliance time-frame mandated by the Clean Air Act. However, the other control options referred to by EPA could feasibly have been installed within the compliance time-frame set if installation began earlier.

Conciliatory Order: The NPRM was published as part of a "parallel processing" procedure in which EPA proposed approval of the unsigned Order while the State was completing its own administrative action, with the agreement that a signed Order would be submitted before final approval action would be taken. After the original Order was submitted to EPA, the State of Delaware, appointed a new State Secretary. For clarification purposes, a new Order was executed under the current State Secretary's signature, and that Order was submitted to EPA on May 31, 1989. In all other respects, this new Order is unchanged from that one upon which the proposed approval was based.

The State of Delaware has certified that a public hearing with regard to this proposed SIP revision was held on November 29, 1989, in Millsboro, Delaware, as required by 40 CFR 51.102.

Final Action: EPA approves this revision incorporating Delaware's Conciliatory Order into the Delaware SO₂ SIP. Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for SIP revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic and environmental factors, and in relation to relevant statutory and regulatory requirements. EPA has determined that this revision will not cause adverse effects to the air quality if approved, and the comments received do not effect EPA's decision to approve this action. The revision meets the requirements of section 110 of the Clean Air Act and 40 CFR part 51.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States

Court of Appeals for the appropriate circuit by March 23, 1990. This action may not be challenged later in proceedings to enforce its requirements (section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Sulfur dioxide.

Dated: December 20, 1989.

Edwin B. Erickson,
Regional Administrator.

Identification of Document

Subpart I-Delaware

PART 52—[AMENDED]

40 CFR part 52, subpart I, is amended as follows:

1. Section 52.420 is amended by adding paragraph (c)(38) to read as follows:

§ 52.420 Identification of plan.

(c) * * *

(38) Revision to the Delaware State Implementation Plan incorporation of a Conciliatory Order, was submitted on May 31, 1989. The order is designed to reduce ambient sulfur dioxide levels around the Delmarva Power and Light Company's Indian River power plant.

(i) Incorporation by reference.

(A) Letter dated May 31, 1989 from the State of Delaware containing the Conciliatory Order for incorporation into the Delaware State Implementation Plan.

(B) Conciliatory Order issued on May 31, 1989, for Delmarva Power and Light Company's Indian River power plant.

[FR Doc. 90-1421 Filed 1-19-90; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

45 CFR Part 3

Conduct of Persons and Traffic on the National Institutes of Health Federal Enclave

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Final rule.

SUMMARY: The National Institutes of Health (NIH) is revising the regulations in title 45 Code of Federal Regulations, part 3, governing the conduct of persons and traffic on the NIH Federal enclave in Bethesda, Maryland, to: (1) Describe explicitly the applicability and effect of

the Assimilative Crimes Act (18 U.S.C. 13), and identify certain Maryland criminal statutes that apply to the NIH under that Act; (2) identify for the information of the public certain Federal criminal statutes, which apply without regard to the place of the offense and which are particularly relevant to activities on Federal enclaves; and (3) add a new provision limiting solicitation.

EFFECTIVE DATE: This rule is effective January 22, 1990.

FOR FURTHER INFORMATION CONTACT: William G. Ketterer, Senior Attorney, NIH, Office of the General Counsel, Building 31, Room 2B-50, Bethesda, Maryland 20892, telephone (301) 496-6043.

SUPPLEMENTARY INFORMATION: These regulations revise the existing regulations at 45 CFR, part 3, to improve readability, update certain provisions, explicitly identify certain Federal and State criminal laws which presently apply independently of part 3, and add a provision governing solicitation.

Specifically, these regulations: make various editorial changes to the existing regulations; add paragraphs (d) and (e) to § 3.2 "Applicability", concerning the application of Federal statutes and assimilated Maryland statutes to the enclave; add § 3.44 "Solicitation", to strengthen the authority of the Director to regulate solicitation activity within the enclave; and revise § 3.22 relating to requests for identification, to conform the regulations to pertinent rulings of the United States Supreme Court.

The explicit citation of the Assimilative Crimes Act and specific Federal statutes in titles 18 and 21, United States Code, and certain Maryland Statutes of particular relevance to NIH, serve to better inform the public as to the applicability of these statutes and their penalties.

On November 21, 1988, the NIH published the Notice of Proposed Rulemaking (53 FR 46886). The public was given 60 days to comment on the proposed regulations. No public comments were received. Therefore, these final regulations are the same as the proposed regulations except for minor editorial changes.

Regulatory Impacts

The regulations have been reviewed under the requirements of Executive Order 12291, and the Director has determined that they do not constitute a major rule. If promulgated, these regulations will not result in an annual effect on the economy of \$100 million or more, nor will they create a major increase in costs or prices for

consumers, individual industries, or geographic regions, nor will they have significant adverse effects on the competition, employment, investment, innovation or ability of United States-based enterprises to compete in domestic or export markets.

The existing penalties for violations of provisions of the regulations set forth in subpart D of the existing regulation are not affected by these regulations, and any economic impact of the provision governing solicitation is expected to be insubstantial and will not affect a substantial number of small entities. For these reasons, the Director certifies that these regulations do not constitute a major rule under Executive Order 12291, and that a regulatory impact analysis is not required under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.).

The regulations have been reviewed under the requirements of Executive Order 12612 on "Federalism", and the Director has determined that they do not have implications for principles of Federalism that warrant the preparation of a Federalism Assessment. If promulgated, the regulations will not limit the policy making and administrative discretion of the States, nor will they affect the States' abilities to discharge traditional State governmental functions or otherwise affect any aspects of State sovereignty.

The regulations have also been reviewed under the requirements of Executive Order 12606 on the "Family", and the Director has determined that they do not contain a significant potential negative impact on family formation, maintenance, or general well-being.

Information Collection Requirements

The regulations have been reviewed under the requirements of the Paperwork Reduction Act of 1980, Public Law 96-511, and it has been determined that the regulations do not contain information-collection requirements subject to the Office of Management and Budget (OMB) approval under the Paperwork Reduction Act.

Catalogue of Federal Domestic Assistance

The regulations do not affect any assistance programs.

List of Subjects in 45 CFR Part 3

Conduct, Federal buildings and facilities, Government property, Traffic regulations.

For reasons set forth in the preamble, title 45, part 3 of the Code of Federal Regulations is revised to read as set forth below.

Dated: January 9, 1990.
 William F. Raub,
 Acting Director, National Institutes of Health.

PART 3—CONDUCT OF PERSONS AND TRAFFIC ON THE NATIONAL INSTITUTES OF HEALTH FEDERAL ENCLAVE

Subpart A—General

- Sec.
- 3.1 Definitions.
 - 3.2 Applicability.
 - 3.3 Compliance.
 - 3.4 False reports and reports of injury or damage.
 - 3.5 Lost and found, and abandoned property.
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- 3.21 Emergency vehicles.
- 3.22 Request for identification.
- 3.23 Parking.
- 3.24 Parking permits.
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- 3.27 Bicycles.

Subpart C—Facilities and Grounds

- 3.41 Admission to facilities or grounds.
- 3.42 Restricted activities.
- 3.43 Removal of property.
- 3.44 Solicitation.

Subpart D—Penalties

- 3.61 Penalties.

Authority: 40 U.S.C. 318–318d, 486;
 Delegation of Authority, 33 FR 604.

Subpart A—General

§ 3.1 Definitions.

Director means the Director or Acting Director of the National Institutes of

Health (NIH), or other officer or employee of NIH to whom the authority involved has been delegated.

Enclave means, unless the context requires a different meaning, the area, containing about 318 acres, acquired by the United States in several parcels in the years 1935 through 1983, and any further future acquisitions, comprising the National Institutes of Health located in Montgomery County, Maryland, over which the United States acquired exclusive jurisdiction under the Act of March 31, 1953, Chapter 158 (1953 Maryland Laws 311).

Police officer means a uniformed or non-uniformed police officer appointed under a delegation of authority to the Director under Title 40 United States Code section 318 or 318d; any other Federal law enforcement officer; and any other person whose law enforcement services are secured by contract, or upon request or deputation from a State or local law enforcement agency.

§ 3.2 Applicability.

(a) The regulations in this part apply to all areas in the enclave and to all persons on or within the enclave, except as otherwise provided.

(b) The regulations in this part do not apply to occupants, their visitors, and other authorized persons in areas used as living quarters:

(1) When specifically made inapplicable, and

(2) In the case of the following provisions: § 3.24 Parking permits; § 3.25 Servicing of vehicles; § 3.42 Hobbies and sports; and § 3.42(f) Smoking.

(c) All regulations in this part are in addition to the provisions in the United States Code, including title 18 relating to crimes and criminal procedure, and title 21 relating to food and drugs, which apply:

(1) Without regard to the place of the offense, or

(2) To areas (such as the enclave) subject to the "special maritime and territorial jurisdiction of the United States," as defined in Title 18 United States Code section 7.

(d) In accordance with the Assimilative Crimes Act (18 U.S.C. 13), whoever is found guilty of an offense which, although not made punishable by any act of Congress, nor any provision of these regulations, would be punishable if committed within the State of Maryland, shall be guilty of a like offense and subject to a like punishment. In the event of an irreconcilable conflict between a provision of this part and a Maryland statute governing the identical subject matter, this part shall control.

(e) Federal criminal statutes which apply. The following Federal criminal statutes in the United States Code apply to Federal enclaves and elsewhere without regard to the place of the offense. This listing is provided solely for the information of the public and is not all-inclusive. The omission of other Federal statutes does not mean that such other statutes do not apply. In any given situation, the cited statutory provisions and any amendments in effect when the alleged offense occurred shall determine the specifics of the offense, applicability, and penalty.

Subject	U.S. Code	Provides generally	Maximum penalty
1. By force or threat of force, willful injury, intimidation or interference with, or attempts to injure, intimidate or interfere with, a person from participating in or enjoying any benefit, service, privilege, program, facility, or activity, provided by or administered by the U.S., and engaging in certain other Federal protected activities.	18 U.S.C. 245.....	Prohibits.....	Not involving death or bodily injury: Imprisonment one year and/or \$1,000 fine.
2. Malicious destruction or damage, by an explosive, to a building or other property owned, possessed, used, or leased by the U.S., U.S. agency, or any organization receiving Federal financial assistance.	18 U.S.C. 844(f).....	Prohibits.....	First offense not involving death or personal injury: Imprisonment 10 years and/or \$10,000 fine and seizure and forfeiture of explosive materials.
3. Possession of explosive in buildings owned, possessed, used, or leased by U.S. or U.S. agency.	18 U.S.C. 844(g).....	Prohibits, except with written consent of the agency.	Imprisonment one year and/or \$1,000 fine and seizure and forfeiture of explosive materials.
4. Use of or carrying an explosive to commit, or during commission of, a felony prosecutable in a U.S. court.	18 U.S.C. 844(h).....	Prohibits.....	First offense: Imprisonment 10 years and seizure and forfeiture of explosive materials.
5. Use of or carrying a firearm during and in relation to any crime of violence prosecutable in a U.S. court.	18 U.S.C. 924(c).....	Prohibits.....	First offense: Imprisonment 5 years and \$5,000 fine and seizure and forfeiture of firearm and ammunition.

Subject	U.S. Code	Provides generally	Maximum penalty
6. Manufacture, distribution, dispensing, or possession with intent to do these acts, of narcotics and other controlled substances and counterfeit substances.	21 U.S.C. 841, 842, 843, 845.	Prohibits, except as authorized by the Controlled Substances Act (generally 21 U.S.C. 801-904).	First offense: Imprisonment 20 years and/or \$250,000 fine depending on the amount and kind of substance (twice the above penalties for distribution by a person at least 18 years of age to one under age 21).
7. Simple possession of narcotics or other controlled substances.	21 U.S.C. 844.	Prohibits, unless substance obtained directly, or pursuant to prescription or order, from a practitioner, acting in the course of professional practice, or as otherwise authorized under the Controlled Substances Act.	First offense: Imprisonment 1 year and/or \$5,000 fine.

(f) *Maryland criminal statutes that apply.* The matters described in this paragraph are governed, in whole or in part, by the current version of the cited Maryland criminal statutory provisions, which are made Federal criminal offenses under the Assimilative Crimes Act (18 U.S.C. 13). This listing sets forth areas of conduct particularly relevant to the enclave and is provided solely for the information of the public. The list is not all-inclusive and omission of other Maryland criminal statutes does not mean that such other statutes are not assimilated as Federal offenses under the Act. Generally, other Maryland criminal statutes will apply on the enclave, by force of the Act, unless superseded by Federal Law or a given provision of this part. In any given situation, the cited statutory provisions and any amendments in effect when the alleged offense occurred shall determine the specifics of the offense, applicability, and penalty.

Subject	Maryland code annotated	Provides generally	Maximum penalty
1. Pedestrian right-of-way	Transportation, Sec. 21-502. Sec. 21-511	Pedestrians have the right-of-way in crosswalks and certain other areas. Subject to certain limitations. Blind, partially blind, or hearing impaired pedestrians have the right-of-way at any crossing or intersection. Subject to certain limitations.	Imprisonment 2 months and/or \$500 fine. \$500 fine.
2. Drivers to exercise due care	Transportation, Sec. 21-504.	Drivers shall exercise due care to avoid colliding with pedestrians, children and incapacitated individuals.	\$500 fine.
3. Driving while intoxicated, under the influence of alcohol and/or a drug or controlled substance.	Transportation, Sec. 21-902.	Prohibits	Sec. 21-902(a) (driving while intoxicated, first offense): Imprisonment 1 year and/or \$1,000 fine. Sec. 21-902 (b), (c), (d) (driving under the influence): Imprisonment 2 months and/or \$500 fine.
4. Unattended motor vehicles	Transportation, Sec. 21-1101.	Prohibits leaving motor vehicles unattended unless certain precautions are taken.	\$500 fine.
5. Carrying or wearing certain concealed weapons (other than handguns) or openly with intent to injure.	Article 27, Sec. 36	Prohibits, except for law enforcement personnel or as a reasonable precaution against apprehended danger.	Imprisonment 3 years or \$1,000 fine.
6. Unlawful wearing, carrying, or transporting a handgun, whether concealed or openly.	Article 27, Sec. 36B	Prohibits except by law enforcement personnel or with permit.	First offense and no prior related offense: Imprisonment 3 years and/or \$2,500 fine.
7. Use of handgun or concealable antique firearm in commission of felony or crime of violence.	Article 27, Sec. 36B	Prohibits	Imprisonment 20 years.
8. Disturbance of the peace	Article 27, Sec. 122	Prohibits acting in a disorderly manner in public places.	Imprisonment 30 days and/or \$500 fine.
9. Gambling	Article 27, Secs. 240, 245	Prohibits betting, wagering and gambling, and certain games of chance (does not apply to vending or purchasing lottery tickets authorized under State law in accordance with approved procedures).	Sec. 240: Imprisonment one year and/or \$1,000 fine. Sec. 245: Imprisonment 2 years and/or \$100 fine.

§ 3.3 Compliance.

A person must comply with the regulations in this part; with all official signs; and with the lawful directions or orders of a police officer or other authorized person, including traffic and parking directions.

§ 3.4 False reports and reports of injury or damage.

A person may not knowingly give any false or fictitious report concerning an accident or violation of the regulations

of this part or any applicable Federal or Maryland statute to any person properly investigating an accident or alleged violation. All incidents resulting in injury to persons or willful damage to property in excess of \$100.00 (one hundred dollars) in value must be reported by the persons involved to the Police Office as soon as possible. The Police Office's main location and telephone number is: Building 31, Room B3BN10; (301) 496-5685.

§ 3.5 Lost and found, and abandoned property.

Lost articles which are found on the enclave, including money and other personal property, together with any identifying information, must be deposited at the Police Office or with an office (such as the place where found) which may likely have some knowledge of ownership. If the article is deposited with an office other than the Police Office and the owner does not claim it

within 30 days, it shall be deposited at the Police Office for further disposition in accordance with General Services Administration regulations (41 CFR part 101-48). Abandoned, or other unclaimed property and, in the absence of specific direction by a court, forfeited property, may be so identified by the Police Office and sold in accordance with 41 CFR 101-45.304-1 and 101-45.304-2.

§ 3.6 Nondiscrimination.

A person may not discriminate by segregation or otherwise against another person because of age, color, creed, handicap, national origin, race or sex, in furnishing or by refusing to furnish to that person the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided within the enclave. (Title 18 United States Code section 245 prohibits, by use of force or threat of force, willful injury, intimidation, or interference with, a person from participating in or enjoying any benefit, service, privilege, program, facility, or activity provided by or administered by the United States, attempts to do these acts, and engaging in certain other activities.)

Subpart B—Traffic Regulations

§ 3.21 Emergency vehicles.

A person must yield the right of way to an emergency vehicle operating its siren or flashing lights.

§ 3.22 Request for identification.

Upon request by a police officer, a person involved in any of the following situations must provide identification, for example, by exhibiting satisfactory credentials (such as an employment identification card or driver's license):

- (a) A traffic accident within the enclave;
- (b) The police officer reasonably believes that the individual is engaged in, or has engaged in, criminal conduct or a violation of the regulations of this part; or
- (c) The enclave or a portion of the enclave is not open to the public (see § 3.41).

A driver of a motor vehicle involved in an accident within the enclave shall also exhibit, upon the request of a police officer, the owner's registration card or other satisfactory proof of ownership.

§ 3.23 Parking.

(a) A person may not stand (vehicle stopped, with or without, an occupant), or park a motor vehicle or other vehicle:

- (1) In a lane, space, or area not designated by a sign for parking, and/or standing;
- (2) On a sidewalk;

(3) Within an intersection or crosswalk;

(4) Within 10 feet of a fire hydrant, 5 feet of a driveway, or 20 feet of a stop sign, crosswalk, or traffic control signal;

(5) In a double-parked position;

(6) At a curb painted yellow;

(7) On the side of a street facing oncoming traffic;

(8) In a position that would obstruct traffic;

(9) For a period in excess of 24 hours, except at living quarters, or with the approval of the Police Office.

(b) A person must park bicycles, motorbikes, and similar vehicles only in designated areas, and may not bring these vehicles inside buildings.

(c) A visitor must park in an area identified for that purpose by posted signs or similar instructions, such as "visitor parking" and "reserved for visitors".

(d) A person may not drive or park an unauthorized motor vehicle on a grassy, or any other unpaved, area without the approval of the Police Office.

§ 3.24 Parking permits.

Except for visitor parking, a person may not park a motor vehicle without displaying a parking permit, currently valid for that location. The Director may revoke or refuse to issue or renew any parking permit for violation of this section, or any provision of this part.

§ 3.25 Servicing of vehicles.

A person may not wash, polish, change oil, lubricate, or make nonemergency repairs on a privately owned vehicle.

§ 3.26 Speed limit.

The speed limit is 25 miles per hour, unless otherwise posted. A driver of a vehicle may not exceed the speed limit.

§ 3.27 Bicycles.

A person may not operate a bicycle, motorbike, or similar vehicle without a horn or other warning device, and, if the vehicle is operated between dusk and dawn, it must be equipped with an operating headlight, and taillight or reflector.

Subpart C—Facilities and Grounds

§ 3.41 Admission to facilities or grounds.

The enclave is officially open to the public during normal working and visiting hours and for approved public events. The enclave is closed to the public at all other times, and the Director may also officially close all or part of the enclave, or any building, in emergency situations and at other times the Director deems necessary to ensure the orderly conduct of Government

business. When all or part of the enclave is closed to the public, admission is restricted to employees and other authorized persons who may be required to display Government credentials or other identification when requested by a police officer and may be required to sign a register. The living quarters and adjacent areas are not open to the public but are open at all times to occupants and their visitors and business invitees, unless otherwise closed by the Director.

§ 3.42 Restricted activities.

(a) *Hobbies and sports.* A person may undertake hobbies and sports only in designated areas or as approved by the Director.

(b) *Pets and other animals.* A person may not bring on the enclave any cat, dog, or other animal except for authorized purposes. This prohibition does not apply to domestic pets at living quarters or to the exercise of these pets under leash or other appropriate restraints. The use of a dog by a handicapped person to assist that person is authorized.

(c) *Photography.* A person may take photographs, films or audiovisuals, for personal or news purposes on the grounds of the enclave or in entrances, lobbies, foyers, corridors, and auditoriums in use for public meetings, except when contrary to security regulations or Department of Health and Human Services policies, or where prohibited by appropriate signs. Photographs and similar activities for advertising or commercial purposes may be taken only with the advance written approval of the Director. A person may take photographs of a patient only with the informed consent of the patient (or the natural or legal guardian) and of the Director of the Warren Grant Magnuson Clinical Center or delegate.

(d) *Intoxicating beverages, narcotics, and other controlled substances.* A person may not possess, sell, consume, or use alcohol or other intoxicating beverages, except in connection with official duties, as part of authorized research, or as otherwise authorized by the Director, or, in the case of possession, consumption or use only, in living quarters. (The sale, consumption, use, or possession of narcotics and other controlled substances is prohibited and shall be governed by the Controlled Substances Act (21 U.S.C. 841-845); driving under the influence of an alcoholic beverage, drug or controlled substance is prohibited and shall be governed by the Maryland Transportation Code Annotated section 21-902.)

(e) *Nuisances and disturbances.* The following acts by a person are prohibited: Unwarranted loitering; disorderly conduct (acting in a disorderly manner to the disturbance of the public peace is prohibited and shall be governed by *Maryland Code Annotated*, Article 27, section 122); littering or disposal of rubbish in an unauthorized manner; the creation of any hazard to persons or property; the throwing of articles of any kind from or at a building; the climbing upon any part of a building for other than an authorized purpose; the loud playing of radios or other similar devices; and rollerskating, skateboarding, sledding or similar activities, except in officially designated areas.

(f) *Smoking.* Except as part of an approved medical research protocol, a person may not smoke in any building on the enclave.

§ 3.43 Removal of property.

A person may not remove Federal property from the enclave or any building on the enclave without a property pass, signed by an authorized property custodian, which specifically describes the items to be removed. In an emergency, or when the property custodian is not available, a police officer may approve removal of Federal property if, after consulting with the administrative officer or other appropriate official, the police officer is authorized by the official to do so. Privately-owned property, other than that ordinarily carried on one's person, may be removed only under this property pass procedure, or upon properly establishing ownership of the property to a police officer.

Packages, briefcases, or other containers brought within the enclave are subject to inspection while on, or being removed from, the enclave.

§ 3.44 Solicitation.

It shall be unlawful for a person (other than an employee using authorized bulletin boards), without prior written approval of the Director, to offer or display any article or service for sale within the enclave buildings or grounds; or to display any sign, placard, or other form of advertisement; or to collect private debts; or to solicit business, alms, subscriptions or contributions, except in connection with approved national or local campaigns for funds for welfare, health and other public interest purposes, or solicitation of labor organization membership or dues as authorized under the Civil Service Reform Act of 1978 (Pub. L. 95-454).

This provision shall not apply to authorized lessees and their agents and

employees with regard to space leased for commercial, cultural, educational, or recreational purposes, under the Public Buildings Cooperative Use Act of 1976 (40 U.S.C. 490(A)(16)).

Subpart D—Penalties

§ 3.61 Penalties.

(a) A person found guilty of violating any provision of the regulations in this part is subject to a fine of not more than \$50 or imprisonment of not more than thirty days or both, for each violation (40 U.S.C. 318c).

(b) Penalties for violation of offenses proscribed by Federal statutes (generally codified in title 18 of the United States Code) and Maryland criminal statutes which are made Federal offenses under the Assimilative Crimes Act and are prescribed in the applicable provisions of those statutes.

[FR Doc. 90-1399 Filed 1-19-90; 8:45 am]

BILLING CODE 4140-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 586

[Docket No. 89-07]

Inquiry Into Laws, Regulations and Policies of Government of Ecuador Affecting Shipping in United States/ Ecuador Trade

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission issues a Final Rule in Docket No. 89-07 finding unfavorable conditions to exist in the foreign oceanborne trade between the United States and Ecuador, which arise from certain laws and regulations of the Government of Ecuador. In order to meet or adjust unfavorable conditions found the Commission assesses a fee of \$50,000 per outbound voyage from the United States to Ecuador on Maritima Translagra, S.A., an Ecuadorian-flag carrier.

In addition, the Commission revises part 586 of the Code of Federal Regulations to incorporate as a single section the present part 586, and to add this final rule to that part as a new section. For this reason, the final rule issued in the separate proceeding in Docket No. 87-6, *Actions to Adjust or Meet Conditions Unfavorable to Shipping in the U.S./Peru Trade*, 54 FR 12629 (March 28, 1989) is reprinted herein as a recodification which makes no substantive change in the rule and does not otherwise affect its status.

EFFECTIVE DATES: March 3, 1990, except paragraph (a) of § 586.2 which is effective March 28, 1989, and paragraphs (b) and (c) of § 586.2 which are suspended until the Commission publishes an order in the Federal Register establishing their effectiveness.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: Pursuant to the authority of section 19(1)(b) ("section 19"), Merchant Marine Act, 1920 ("1920 Act"), 46 U.S.C. app. 876(1)(b), as implemented by 46 CFR part 585, the Federal Maritime Commission ("Commission" or "FMC") is authorized and directed to make rules and regulations affecting shipping in the foreign trade of the United States in order to adjust or meet general or special conditions unfavorable to shipping in the foreign trade of the United States and which arise out of, or result from, foreign laws, rules or regulations, or from competitive methods or practices employed by owners, operators, agents or masters of vessels of a foreign country.

The types of conditions which the Commission has found to be unfavorable to shipping in the foreign trade of the United States are set forth at 46 CFR 585.3. Among these are conditions which: (1) Preclude vessels in the foreign trade of the United States from competing in the trade on the same basis as any other vessel; (2) reserve substantial cargoes to the national-flag or other vessels and fail to provide, on reasonable terms, for effective and equal access to such cargo by vessels in the foreign trade of the United States; and (3) are discriminatory or unfair as between carriers, shippers, exporters, importers, or ports or between exporters from the United States and their foreign competitors, 46 CFR 585.3 (a), (b), and (d).

Background

The Commission instituted this proceeding by Notice of Inquiry issued on March 15, 1989 (54 FR 10,721) ("March Notice") to determine whether certain laws, regulations and policies of the Government of Ecuador ("GOE") created conditions unfavorable to shipping in the United States/Ecuador trade ("Trade") within the meaning of section 19. The basis of this inquiry was the allegation by Overseas Enterprises, Inc. ("OEI"), a U.S.-owned company, that it has been unable to reestablish a liquid bulk service in the Trade due to