Department of Agriculture, we have determined that the Mexican fruit fly has been eradicated from a portion of San Diego County, near El Cajon. The last finding of Mexican fruit fly in this area was made on May 5, 1990.

Since then, no evidence of Mexican fruit fly infestations has been found in this area. We have determined that Mexican fruit fly no longer exists in this area, and we are therefore removing it from the list of areas in § 301.64–3(c) regulated because of the Mexican fruit fly.

In California, a portion of Los Angeles County, near Compton, remains infested with the Mexican fruit fly.

Emergency Action

James W. Glosser, Administrator of the Animal and Plant Health Inspection Service, has determined that there is good cause for publishing this rule without prior opportunity for public comment. The area in California affected by this document was regulated due to the possibility that the Mexican fruit fly could be spread to noninfested areas of the United States. Since this situation no longer exists, and the continued regulated status of this area would impose unnecessary restrictions on the public, we are taking immediate action to remove the restrictions.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, there is good cause under 5 U.S.C. 553 to make this rule effective upon signature. We will consider comments received within 60 days of publication of this interim rule in **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**, including a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Basied on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This regulation affects the interstate movement of regulated articles from a portion of San Diego County in California. Within this area there are approximately 121 entities that could be affected, including 70 fruit/produce markets, 30 nurseries, 5 wholesale distributors, and 16 commercial growers of mainly avocados and citrus on approximately 350 acres. These entities comprise less than 1 percent of the total number of similar enterprises operating in the State of California.

The effect of this rule on these entities sould be insignificant since most of these small entities handle regulated articles primarily for local intrastate movement, not interstate movement, and the distribution of these articles was not affected by the regulatory provisions we are removing.

Many of these entities also handle other items in addition to the previously regulated articles so that the effect, if any, of this regulation on these entities is minimal. Further, the conditions in the Mexican fruit fly regulations and treatments in the Plant Protection and Quarantine Treatment Manual, incorporated by reference in the regulations, allowed interstate movement of most articles without significant added costs.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule containes no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (*See* 7 CFR 3015, subpart V).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Incorporation by reference, Mexican fruit fly, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for 7 CFR part 301 continues to read as follows:

Authority: U.S.C. 150bb, 150dd, 150ee, 150ff; 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

§ 301.64–3 [Amended]

2. In § 301.64–3, paragraph (c) is amended by removing the second paragraph under "California" that begins, "*San Diego County*. That portion of the county, in the El Cajon area * * *".

Done in Washington, DC, this 18 day of October 1990.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90–24988 Filed 10–22–90; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 37

[Docket No. RM89–15–000]

Generic Determination of Rate of Return on Common Equity for Public Utilities

October 15, 1990.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of benchmark rate of return on common equity for public utilities.

SUMMARY: In accordance with § 37.5 of its regulations, the Federal Energy Regulatory Commission, by its designee, the Director of the Office of Economic Policy, issues the update to the benchmark rate of return on common equity applicable to rate filings made during the period November 1, 1990 through January 31, 1991. This benchmark rate is set at 12.29 percent.

EFFECTIVE DATE: November 1, 1990.

FOR FURTHER INFORMATION CONTACT: Marvin Rosenberg, Office of Economic Policy, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208–1283.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the

Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 3308 at the Commission's Headquarters, 941 North Capitol Street, NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no change to the user and may be accessed using a personal computer with a modem by dialing (202) 208–1397. To access CIPs, set your communications software to use 300, 1200, or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this notice will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

Notice of Benchmark Rate of Return on Common Equity for Public Utilities

Issued October 15, 1990.

On December 26, 1989, the Federal Energy Regulatory Commission (Commission) issued a final rule (Order No. 517) concerning the generic determination of the rate of return on common equity for public utilities.[1] In several earlier rulemaking proceedings, the Commission established a discounted clash flow (DCF) formula to determine the average cost of common equity and a quarterly indexing procedure to calculate benchmark rates of return on common equity for public utilities and codified the formula and procedure at § 37.9 of its regulations.[2] In Order No. 517, the Commission determined that 4.3 percent is an appropriate expected annual dividend growth rate for use in the quarterly indexing procedure during the 12 months beginning February 1, 1990 and that 0.02 percent is an appropriate flotation cost adjustment factor for that period.

The Commission, by its designee, the Director of the Office of Economic Policy, uses the quarterly indexing procedure to determine that the benchmark rate of return on common equity applicable to rate filings made during the period November 1, 1990 through January 31, 1991 is 12.29 percent.

Section 37.9 of the Commission's regulations requires that the quarterly benchmark rate of return be set equal to the average cost of common equity for the jurisdictional operations of public utilities. This average cost is based on the average of the median dividend yields for the two most recent calendar quarters for a sample of 98 utilities. The average yield is used in the following formula with fixed adjustment factors (determined in the most recent annual proceeding) to determine the cost rate:

$$k_t = 1.02\ Y_t + 4.32$$

where k_t is the average cost of common equity and Y_t is the average dividend yield.

The attached appendix provides the supporting data for this update. The median dividend yields for the sample of utilities for the second and third quarters of 1990 are 7.69 percent and 7.93, respectively. The average yield for those two quarters is 7.81 percent. Use of the average dividend yield in the above formula produces an average cost of common equity of 12.29 percent.

This notice supplements the generic rate of return rule announced in Order No. 517, issued December 26, 1989 and effective on February 1, 1990.

List of Subjects in 18 CFR Part 37

Electric power rates, Electric utilities, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends part 37, chapter I, title 18 of the *Code of Federal Regulations*, as set forth below, effective November 1, 1990.

Richard P. O'Neill,

Director, Office of Economic Policy.

PART 37—GENERIC DETERMINATION OF RATE OF RETURN ON COMMON EQUITY FOR PUBLIC UTILITIES

1. The authority citation for part 37 is revised to read as follows:

Authority: 16 U.S.C. 791a–825r; 42 U.S.C. 7101–7352.

2. In § 37.9, paragraph (d) is revised to read as follows:

§ 37.9 Quarterly indexing procedure.

* * * * *

(d) *Table of Quarterly Benchmark Rates of Return.*

The following table presents the quarterly benchmark rates of return on common equity:

Benchmark applicability period (t)	Dividend increase adjustment factor (a)	Expected growth adjustment factor (b)	Current dividend yield (Y_t)	Cost of common equity (k_t)	Benchmark rate of return
Feb. 1, 1986 to Apr. 30, 1986	1.02	4.54	9.03	13.75	13.75
May 1, 1986 to July 31, 1986	1.02	4.54	8.37	13.08	13.25
Aug. 1, 1986 to Oct. 31, 1986	1.02	4.54	7.49	12.18	12.75
Nov. 1, 1986 to Jan. 31, 1987	1.02	4.54	6.75	11.43	12.25
Feb. 1, 1987 to Apr. 30, 1987	1.02	4.63	6.44	11.20	11.20
May 1, 1987 to July 31, 1987	1.02	4.63	6.54	11.30	11.30
Aug. 1, 1987 to Oct. 31, 1987	1.02	4.63	6.97	11.74	11.74
Nov. 1, 1987 to Jan. 31, 1988	1.02	4.63	7.49	12.27	12.27
Feb. 1, 1988 to Apr. 30, 1988	1.02	4.36	7.90	12.42	12.42
May 1, 1988 to July 31, 1988	1.02	4.36	7.99	12.51	12.51
Aug. 1, 1988 to Oct. 31, 1988	1.02	4.36	7.84	12.36	12.36
Nov. 1, 1988 to Jan. 31, 1989	1.02	4.36	7.92	12.44	12.44
Feb. 1, 1989 to Apr. 30, 1989	1.02	4.33	7.89	12.38	12.38
May 1, 1989 to July 31, 1989	1.02	4.33	7.95	12.44	12.44
Aug. 1, 1989 to Oct. 31, 1989	1.02	4.33	7.94	12.43	12.43
Nov. 1, 1989 to Jan. 31, 1990	1.02	4.33	7.56	12.04	12.04
Feb. 1, 1990 to Apr. 30, 1990	1.02	4.32	7.28	11.75	11.75
May 1, 1990 to July 31, 1990	1.02	4.32	7.38	11.85	11.85
Aug. 1, 1990 to Oct. 31, 1990	1.02	4.32	7.59	12.06	12.06
Nov. 1, 1990 to Jan. 31, 1991	1.02	4.32	7.81	12.29	12.29

[1] Generic Determination of Rate of Return on Common Equity for Public Utilities, Order No. 517 55 FR 146 (Jan. 3, 1990, FERC Stats. and Regs. ¶ 30,871 (Dec. 26, 1989).

[2] 18 CFR 37.9 (1989). The most recent adoption of the DCF formula and quarterly indexing procedure came in Order No. 489, 53 FR 3342 (Feb. 5, 1988).

Note: The Appendix will not be published in *Code of Federal Regulations.*

Appendix

Exhibit No. and Title

1—Initial sample of utilities
2—Utilities excluded from the sample for the indicated quarter due to either zero dividends or a reduction in dividends for this quarter or the prior three quarters
3—Annualized dividend yields for the indicated quarter for utilities retained in the sample

Source of Data: Standard and Poor's Compustat Services, Inc., COMPUSTAT PC UTILITY II Data Base.

EXHIBIT 1—SAMPLE OF UTILITIES

Utility	Ticker symbol	Industry code
Allegheny Power System	AYP	4911
American Electric Power	AEP	4911
Atlantic Energy Inc	ATE	4911
Baltimore Gas & Electric	BGE	4931
Black Hills Corp	BKH	4911
Boston Edison Co	BSE	4911
Carolina Power & Light	CPL	4911
Centerior Energy Corp	CX	4911
Central & South West Corp	CSR	4911
Central Hudson Gas & Elec	CNH	4931
Central Ill Public Service	CIP	4931
Central Louisiana Electric	CNL	4911
Central Maine Power Co	CTP	4911
Central Vermont Pub Serv	CV	4911
Cilcorp Inc	CER	4931
Cincinnati Gas & Electric	CIN	4931
CMS Energy Corp	CMS	4931
Commonwealth Edison	CWE	4911
Commonwealth Energy System	CES	4931
Consolidated Edison of NY	ED	4931
Delmarva Power & Light	DEW	4931
Detroit Edison Co	DTE	4911
Dominion Resources Inc	D	4931
DPL Inc	DPL	4931
DQE Inc	DQE	4911
Duke Power Co	DUK	4911
Eastern Utilities Assoc	EUA	4911
Empire District Electric Co	EDE	4911
Entergy Corp	ETR	4911
Fitchburg Gas & Elec Light	FGE	4931
Florida Progress Corp	FPC	4911
FPL Group Inc	FPL	4911
General Public Utilities	GPU	4911
Green Mountain Power Corp	GMP	4911
Gulf States Utilities Co	GSU	4911
Hawaiian Electric Inds	HE	4911
Houston Industries Inc	HOU	4911
I E Industries Inc	IEL	4931
Idaho Power Co	IDA	4911
Illinois Power Co	IPC	4931
Interstate Power Co	IPW	4931
Iowa Resources Inc	IOR	4911
Iowa-Illinois Gas & Elec	IWG	4931
Ipalco Enterprises Inc	IPL	4911
Kansas City Power & Light	KLT	4911
Kansas Gas & Electric	KGE	4911
Kansas Power & Light	KAN	4931
Kentucky Utilities Co	KU	4911
LG&E Energy Corp	LGE	4931
Long Island Lighting	LIL	4931
Maine Public Service	MAP	4911
Midwest Energy Co	MWE	4931
Minnesota Power & Light	MPL	4911
Montana Power Co	MTP	4931
Neco Enterprises Inc	NPT	4911
Nevada Power Co	NVP	4911
New England Electric System	NES	4911
New York State Elec & Gas	NGE	4931
Niagara Mohawk Power	NMK	4931
Nipsco Industries Inc	NI	4931
Northeast Utilities	NU	4911
Northern States Power—MN	NSP	4931
Ohio Edison Co	OEC	4911
Oklahoma Gas & Electric	OGE	4911
Orange & Rockland Utilities	ORU	4931
Pacific Gas & Electric	PCG	4931
Pacificorp	PPW	4931
Pennsylvania Power & Light	PPL	4911
Philadephia Electric Co	PE	4931
Pinnacle West Capital	PNW	4911
Portland General Corp	PGN	4911
Potomac Electric Power	POM	4911
PSI Resources Inc	PIN	4911
Public Service Co of Colo	PSR	4931
Public Service Co of NH	PNH	4911
Public Service Co of N Mex	PNM	4931
Public Service Entrp	PEG	4931
Puget Sound Power & Light	PSD	4911
Rochester Gas & Electric	RGS	4931
San Diego Gas & Electric	SDO	4931
Scana Corp	SCG	4931
SCECorp	SCE	4911
Sierra Pacific Res	SRP	4931
Southern Co	SO	4911
Southern Indiana Gas & Elec	SIG	4931
St. Joseph Light & Power	SAJ	4931
Teco Energy Inc	TE	4911
Texas Utilities Co	TXU	4911
TNP Enterprises Inc	TNP	4911
Tucson Electric Power Co	TEP	4911
Union Electric Co	UEP	4911
United Illuminating Co	UIL	4911
Unitil Corp	UTL	4911
Utilicorp United Inc	UCU	4931
Washington Water Power	WWP	4931
Wisconsin Energy Corp	WEC	4931
Wisconsin Public Service	WPS	4931
WPL Holdings Inc	WPH	4931

N=98.

EXHIBIT 2—UTILITIES EXCLUDED FROM THE SAMPLE FOR THE INDICATED QUARTER DUE TO EITHER ZERO DIVIDENDS OR A CUT IN THE DIVIDENDS FOR THIS QUARTER OR THE PRIOR THREE QUARTERS

[Year-90 Quarter-3]

Ticker symbol	Utility	Reason for exclusion
BSE	Boston Edison Co	Dividend rare was reduced for the quarter Calendar 90Q1.
GSU	Gulf States Utilities Co	Dividend rate was zero for quarter Calendar 90Q3.
IPC	Illinois Power Co	Dividend rate was zero for quarter Calendar 90Q3.
NMK	Niagara Mohawk Power	Dividend rate was zero for quarter Calendar 90Q3.
NPT	Neco Enterprises Inc	Dividend rate was zero for quarter Calendar 90Q3.
OEC	Ohio Edison Co	Dividend rate was reduced for the quarter Calendar 90Q3.
PE	Philadelphia Electric Co	Dividend rate was reduced for the quarter Calendar 90Q2.
PNW	Pinnacle West Capital	Dividend rate was zero for quarter Calendar 90Q3.
PGN	Portland General Corp	Dividend rate was reduced for the quarter Calendar 90Q1.
PNH	Public Service Co of N H	Dividend rate was zero for quarter Calendar 90Q3.
PNM	Public Service Co of N ME	Dividend rate was zero for quarter Calendar 90Q3.
TEP	Tucson Electric Power Co	Dividend rate was zero for quarter Calendar 90Q3.

N=12.

EXHIBIT 3—ANNUALIZED DIVIDEND YIELDS FOR THE INDICATED QUARTER FOR UTILITIES RETAINED IN THE SAMPLE

[Year-90 Quarter-3]

Ticker symbol	Price, 1st month of qtr-high	Price, 1st month of qtr-low	Price, 2nd month of qtr-high	Price, 2nd month of qtr-low	Price, 3rd month of qtr-high	Price, 3rd month of qtr-low	Average price	Dividends annual rate	Annualized dividend yield
AEP	29.875	28.625	30.250	26.000	27.250	26.000	28.000	2.400	8.571
ATE	36.375	34.125	36.000	32.000	33.500	31.875	33.979	2.960	8.711

EXHIBIT 3—ANNUALIZED DIVIDEND YIELDS FOR THE INDICATED QUARTER FOR UTILITIES RETAINED IN THE SAMPLE—Continued

[Year-90 Quarter-3]

Ticker symbol	Price, 1st month of qtr-high	Price, 1st month of qtr-low	Price, 2nd month of qtr-high	Price, 2nd month of qtr-low	Price, 3rd month of qtr-high	Price, 3rd month of qtr-low	Average price	Dividends annual rate	Annualized dividend yield
AYP	38.500	36.750	38.000	34.250	37.000	34.000	36.417	3.160	8.677
BGE	29.375	27.125	29.250	24.500	26.500	24.375	26.854	2.100	7.820
BKH	29.875	28.125	29.375	27.500	27.875	26.000	28.125	1.640	5.831
CER	34.000	32.000	34.750	30.750	32.375	29.750	32.271	2.460	7.623
CES	35.125	30.375	32.375	30.250	30.750	29.125	31.333	2.920	9.319
CIN	31.750	29.625	31.750	28.500	29.250	28.000	29.813	2.400	8.050
CIP	22.125	20.875	22.250	19.500	20.750	19.625	20.854	1.840	8.823
CMS	33.000	30.750	32.000	27.625	29.750	25.500	29.771	0.400	1.344
CNH	23.500	22.125	23.250	20.000	22.125	21.375	22.063	1.840	8.340
CNL	34.375	33.000	34.750	33.000	33.500	31.500	33.354	2.560	7.675
CPL	44.875	42.250	44.875	38.000	41.250	38.625	41.646	2.920	7.012
CSR	41.250	39.375	41.125	36.625	39.625	37.250	39.208	2.760	7.039
CTP	19.125	18.125	18.875	16.125	17.875	17.125	17.875	1.560	8.727
CV	29.125	27.250	27.750	22.750	24.875	21.875	25.604	2.080	8.124
CWE	33.000	29.125	32.000	27.250	31.375	28.375	30.188	3.000	9.938
CX	19.125	17.625	18.625	16.625	17.125	16.125	17.542	1.600	9.121
D	45.625	43.125	45.875	41.375	43.500	41.500	43.500	3.320	7.632
DEW	19.375	18.000	19.250	17.000	17.750	17.125	18.083	1.540	8.516
DPL	19.625	18.375	19.625	17.250	18.250	17.500	18.438	1.560	8.461
DQE	22.375	21.500	22.625	21.125	22.500	20.750	21.813	1.360	6.235
DTE	28.750	25.750	29.625	25.625	28.000	26.250	27.333	1.780	6.512
DUK	58.000	54.500	59.250	54.000	55.625	54.125	55.917	3.280	5.866
ED	25.000	22.500	25.250	19.750	22.375	20.500	22.563	1.820	8.066
EDE	29.750	28.625	29.875	28.125	28.250	27.250	28.646	2.320	8.099
ETR	20.125	19.000	19.500	18.000	19.500	18.250	19.063	1.000	5.246
EUA	32.875	31.000	32.125	26.125	28.500	25.000	29.271	2.600	8.883
FGE	30.625	27.750	27.750	25.125	32.500	25.750	28.250	2.120	7.504
FPC	37.125	35.750	37.625	34.125	34.625	33.500	35.458	2.640	7.445
FPL	31.250	29.250	31.125	26.500	27.750	26.125	28.667	2.360	8.233
GMP	24.500	22.750	23.875	21.250	23.000	22.000	22.896	2.020	8.823
GPU	44.250	41.250	43.375	38.500	42.000	39.500	41.479	2.600	6.268
HE	33.000	31.500	32.625	27.250	30.125	27.625	30.354	2.160	7 116
HOU	34.000	31.750	34.500	30.750	32.125	30.625	32.292	2.960	9.166
IDA	24.875	23.750	24.750	22.875	24.625	22.750	23.938	1.860	7.770
IEL	25.750	24.625	26.000	23.875	24.500	23.000	24.625	2.060	8.365
IOR	22.375	20.875	21.625	20.000	21.750	20.750	21.229	1.700	8.008
IPL	25.375	23.875	26.000	23.125	24.250	23.125	24.292	1.800	7.410
IPW	25.125	24.000	25.125	23.125	25.125	23.000	24.250	2.000	8.247
IWG	21.375	20.125	21.000	18.750	20.875	19.000	20.188	1.670	8.272
KAN	23.250	21.750	23.375	20.500	21.875	20.375	21.854	1.800	8.236
KGE	25.500	19.625	25.875	23.125	25.875	24.375	24.063	1.720	7.148
KLT	33.375	30.875	31.750	29.125	31.125	29.125	30.896	2.680	8.674
KU	20.000	18.750	20.125	17.250	19.250	17.500	18.813	1.460	7.761
LGE	38.375	36.250	38.750	35.500	36.875	35.250	36.833	2.840	7.710
LIL	21.625	19.625	21.750	18.000	19.250	17.750	19.667	1.500	7.627
MAP	21.750	21.000	22.000	21.125	22.000	21.250	21.521	1.680	7.806
MPL	25.500	24.000	25.375	22.875	23.875	22.250	23.979	1.860	7.757
MTP	19.875	18.250	20.000	17.750	18.875	17.375	18.688	1.420	7.599
MWE	20.750	19.500	20.375	18.375	20.250	18.500	19.625	1.640	8.357
NES	27.000	25.375	27.375	24.000	24.375	22.500	25.104	2.040	8.126
NGE	24.625	22.750	23.750	21.375	23.750	22.250	23.083	2.080	9.011
NI	18.125	16.750	18.500	15.750	16.625	15.875	16.938	1.040	6.140
NSP	36.250	33.750	36.000	28.375	30.625	29.375	32.396	2.320	7.161
NU	19.875	18.625	20.375	18.000	18.625	17.875	18.896	1.760	9.314
NVP	23.000	21.625	23.000	20.000	22.875	20.500	21.833	1.600	7.328
OGE	35.500	33.375	36.750	33.125	34.375	32.875	34.333	2.480	7.223
ORU	30.500	28.750	29.750	26.125	28.750	27.375	28.542	2.340	8.199
PCG	23.250	21.375	23.250	20.000	21.625	20.500	21.667	1.520	7.015
PEG	26.125	24.000	26.125	22.625	24.000	22.500	24.229	2.080	8.585
PIN	17.500	15.625	17.125	14.500	15.500	14.500	15.792	0.800	5.066
POM	21.000	19.500	21.250	18.125	19.375	18.000	19.542	1.520	7.778
PPL	42.875	40.500	42.750	39.125	40.000	39.000	40.708	2.980	7.320
PPW	21.375	19.750	20.875	17.500	20.375	18.500	19.729	1.440	7.299
PSD	20.625	19.375	20.625	18.750	19.500	18.750	19.604	1.760	8.978
PSR	21.500	20.375	21.375	20.000	21.000	20.000	20.708	2.000	9.658
RGS	19.250	18.125	19.250	16.875	18.500	17.500	18.250	1.560	8.548
SAJ	27.500	26.500	27.000	23.000	26.250	23.375	25.604	1.600	6.249
SCE	38.000	36.125	38.875	33.500	36.125	34.750	36.229	2.640	7.287
SCG	33.750	32.000	33.750	31.000	31.375	30.250	32.021	2.520	7.870
SDO	44.375	43.375	44.250	39.500	41.375	39.000	41.979	2.700	6.432
SIG	30.375	29.375	30.375	28.000	29.375	27.875	29.229	1.900	6.500
SO	26.000	24.500	25.625	23.000	24.000	23.250	24.396	2.140	8.772
SRP	22.125	20.750	22.000	18.750	20.000	18.625	20.375	1.840	9.031
TE	29.500	28.125	30.000	27.000	28.125	27.375	28.354	1.620	5.713
TNP	18.750	17.875	18.625	16.250	18.500	16.625	17.771	1.630	9.172
TXU	37.500	34.750	37.750	33.500	34.125	32.125	34.958	2.960	8.467

EXHIBIT 3—ANNUALIZED DIVIDEND YIELDS FOR THE INDICATED QUARTER FOR UTILITIES RETAINED IN THE SAMPLE—Continued

[Year-90 Quarter-3]

Ticker symbol	Price, 1st month of qtr-high	Price, 1st month of qtr-low	Price, 2nd month of qtr-high	Price, 2nd month of qtr-low	Price, 3rd month of qtr-high	Price, 3rd month of qtr-low	Average price	Dividends annual rate	Annualized dividend yield
UCU	20.000	19.250	20.125	17.500	18.625	17.375	18.813	1.440	7.654
UEP	26.625	25.500	27.375	24.625	25.625	24.875	25.771	2.080	8.071
UIL	29.500	27.750	29.750	26.875	28.750	27.250	28.313	2.320	8.194
UTL	34.875	32.625	34.750	32.625	34.500	32.875	33.708	2.200	6.527
WEC	29.750	28.375	30.000	27.125	28.375	26.625	28.375	1.760	6.203
WPH	22.625	21.125	22.375	20.000	21.875	20.000	21.333	1.740	8.156
WPS	21.375	20.625	21.500	19.750	21.500	20.000	20.792	1.660	7.984
WWP	29.750	28.500	29.875	27.625	28.000	27.000	28.458	2.480	8.714

M=86.

[FR Doc. 90-24663 Filed 10-22-90; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 14

Standing Advisory Committees; Editorial Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is making editorial amendments to certain of its regulations on standing advisory committees to improve the accuracy of the regulations.

EFFECTIVE DATE: October 23, 1990.

FOR FURTHER INFORMATION CONTACT: Robin F. Thomas, Office of Regulatory Affairs (HFC-222), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: FDA is amending certain of its regulations on standing advisory committees to improve the accuracy of the regulations.

21 CFR 14.31(e) is amended to state that FDA may draw consultants from other agencies of the Department of Health and Human Services as well as from other agencies. Section 14.40(b) is amended to clarify that the 15-day notice in the **Federal Register** does not apply to notices of advisory committee charter renewals. Section 14.100 is amended by revising paragraphs (d)(1)(i)(B) through (d)(1)(xvi)(B) to indicate that the panels review and evaluate data on the safety and effectiveness of marketed and investigational devices and make recommendations for their regulation.

The amendments in 21 CFR part 14 are editorial in nature. For this reason, FDA finds for good cause that notice and public procedure are unnecessary (5 U.S.C. 553 (b)(B) and (d)).

List of Subjects in 21 CFR Part 14

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

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

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

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

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

§ 14.31 [Amended]

2. Section 14.31 *Consultation by an advisory committee with other persons* is amended in paragraph (e) by removing "Department of Health and Human Services" and replacing it with "Food and Drug Administration".

3. Section 14.40 is amended by removing the last sentence in paragraph (b) and adding two new sentences to read as follows:

§ 14.40 Establishment and renewal of advisory committees.

* * * * *

(b) * * * A notice of establishment will be published at least 15 days before the filing of the advisory committee charter under paragraph (c) of this section. A notice of renewal does not require the 15-day notice.

* * * * *

§ 14.100 [Amended]

4. Section 14.100 *List of standing advisory committees* is amended by removing the phrase "devices currently in use" each time it appears and replacing it with "marketed and investigational devices" in paragraphs (d)(1)(i)(B), (d)(1)(ii)(B), (d)(1)(iii)(B), (d)(1)(iv)(B), (d)(1)(v)(B), (d)(1)(vi)(B), (d)(1)(vii)(B), (d)(1)(viii)(B), (d)(1)(ix)(B), (d)(1)(x)(B), (d)(1)(xi)(B), (d)(1)(xii)(B), (d)(1)(xiii)(B), (d)(1)(xiv)(B), (d)(1)(xv)(B), and (d)(1)(xvi)(B).

Dated: October 17, 1990.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 90-25042 Filed 10-22-90; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animals Drugs for Use In Animal Feeds; Monensin

AGENCY: Food and Drug Administration HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to correct an omission made at the time of approval of a supplemental new animal drug application (NADA) filed by Elanco Products Co. (March 26, 1990; 55 FR 11012). The supplemental NADA provides for continuous feeding Type C medicated feed containing monensin to growing turkeys. The approval should have provided for the use of a 60 gram-per-pound Type A medicated article in addition to the use of a 45 gram-per-pound Type A medicated article.

EFFECTIVE DATE: March 26, 1990.

FOR FURTHER INFORMATION CONTACT: Dianne T. McRae, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: In the Federal Register of March 26, 1990 (55 FR 11012), FDA published the approval of supplemental NADA 130–736 filed by Elanco Products Co., a division of Eli Lilly and Co., Lilly Corporate Center, Indianapolis, IN 46285. The supplement provides for the continuous feeding of monensin for treatment of coccidiosis in turkeys. The approval regulation provided for the use of 45 gram-per-pound monensin Type A medicated article for manufacture of the Type C medicated feed. Following publication, the firm pointed out that NADA 130–736 incorporated information from NADA 38–878 which also provided for the use of a 60 gram-per-pound monensin Type A medicated article and therefore, the published approval should have also provided for use of the 60-gram-per-pound Type A medicated article. Upon further review, the agency agrees, and therefore is publishing a correction.

The freedom of information summary and the environmental assessment which were made available at the time of the approval of the supplemental apply to both concentrations of the medicated article. Similarly, the 3 years of exclusive marketing which was granted effective March 26, 1990, applies to both concentrations of the medicated article.

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).

2. Section 558.355 is amended by revising paragraphs (b)(4), (b)(5), (b)(6), (b)(7), (b)(8), (b)(9), (b)(11), and (b)(12) to read as follows:

§ 558.355 Monensin.

* * * * *

(b) * * *

(4) To 000986: 45 and 60 grams per pound, as monensin sodium, paragraph (f)(2) of this section.

(5) To 000007: 45 and 60 grams per pound, as monensin sodium provided by No. 000986, paragraphs (f)(1)(xiii), (f)(1)(xx), and (f)(1)(xxi) of this section.

(6) To 000986: 45 and 60 grams per pound, as monensin sodium, paragraph (f)(5) of this section.

(7) To 000986: 20, 30, 45 and 60 grams per pound, as monensin sodium, paragraph (f)(3) of this section.

(8) To 010042: 45 and 60 grams per pound, as monensin sodium provided by No. 000986, paragraph (f)(1)(xiv) of this section.

(9) To 011716: 45 and 60 grams per pound, as monensin sodium provided by No. 000986, paragraphs (f)(1)(xv), (xvi), and (xvii) of this section.

* * * * *

(11) To 046573: 45 and 60 grams per pound, as monensin sodium provided by No. 000986, paragraphs (f)(1)(xviii), (xix), (xxiii), and (xxiv) of this section.

(12) To 000069: 45 and 60 grams per pound, as monensin sodium provided by No. 000986, paragraph (f)(1)(xxii) of this section.

* * * * *

Dated: October 3, 1990.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation Center for Veterinary Medicine.

[FR Doc. 90–25041 Filed 10–22–90; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8317]

RIN 1545–AP12

Minimum Funding Requirements—Plan Restoration

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations that add a new § 1.412(c)(1)–3T to the regulations governing the minimum funding requirements for qualified plans under section 412 of the Internal Revenue Code. The temporary regulation supplements the existing regulations by providing rules for the treatment of plans that are being or have been terminated pursuant to section 4041(c) or 4042 of and are restored to their sponsoring employers by order of the Pension Benefit Guaranty Corporation ("PBGC") pursuant to section 4047 of the Employee Retirement Income Security Act of 1974 ("ERISA"). The temporary regulation was developed simultaneously with a new regulation issued by the Pension Benefit Guaranty Corporation under section 4047 of ERISA.

These rules are needed because plan restoration raises unique issues under section 412 but the existing regulations do not provide guidance for the treatment of the funding standard account of a restored plan. The funding standard account of a plan that has been restored must be reestablished because the funding standard account of the plan will have been closed out at the time of termination and there will generally be a hiatus during which no contributions will have been made to the plan.

The text of the temporary regulations set forth in this document also serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking published in the proposed rules portion of this issue of the Federal Register. These regulations will provide the public with guidance necessary to comply with the law. They will affect sponsors of and participants in tax-qualified retirement plans.

EFFECTIVE DATE: The regulations are effective October 23, 1990, and thus apply for the plan valuation for the first plan year beginning on or after the later of October 23, 1990, or the date of a PBGC restoration order applicable to the plan.

FOR FURTHER INFORMATION CONTACT: Michael J. Roach at telephone 202–566–6260 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document adds new § 1.412(c)(1)–3T to part 1 of title 26 of the Code of Federal Regulations. The document addresses the relationship between the funding requirements of section 412 of the Internal Revenue Code and the restoration provisions of section 4047 of the Employee Retirement Income Security Act of 1974 ("ERISA"). The relationship between the minimum funding requirements of section 412 and the restoration provisions of section 4047 of the Employee Retirement Income Security Act of 1974 ("ERISA") is one aspect of a long history of statutory interrelationship and coordination that has characterized the development of pension law in this area since the enactment of ERISA. The plan termination insurance program administered by the Pension Benefit Guaranty Corporation ("PBGC") for the protection of participants in defined benefit plans is one of the cornerstones of the congressional policy underlying ERISA. See H.R. Rep. No. 93–807, 93d Cong., 2d Sess., 13. The establishment of