

security zones to accurately reflect expected uses of Apra Harbor and ensure public safety.

EFFECTIVE DATE: June 4, 1990.

FOR FURTHER INFORMATION CONTACT:

The project officer LT Kenneth Parris at (671) 477-3340 or FTS: 550-7314; or the project attorney LCDR Brian Durham at (808) 541-2108 or FTS 551-2108.

SUPPLEMENTARY INFORMATION: On February 6, 1990 the Coast Guard published a notice of proposed rule making in the *Federal Register* (55 FR 3984) for these regulations. Interested persons were requested to submit comments and no comments were received.

Drafting Information

The drafters of these regulations are Lieutenant Kenneth B. Parris, project officer for the Captain of the Port, Guam and Lieutenant Commander Brian Durham, Project Attorney, Fourteenth Coast Guard District Legal Office, Honolulu, Hawaii.

Discussion of Comments

No comments were received.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under Department of Transportation regulatory policies and Procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The users of the port of Guam fall into six main categories; Naval Combatants, Deep Draft Commercial Shipping, Commercial Fishing Vessels, Small Passenger Vessels, Dive Charter Boats and Pleasure Boats. Since these two zones will neither extend into a shipping channel, nor encompass commercial fishing grounds, tour locations, or pleasure boat areas, there should be little adverse impact on harbor use. Safety Zone A abuts one regular commercial diving area. Since Safety Zone A has been in effect less than six weeks in the last two years, it should have only minimal effect. Safety Zone B encompasses one dive charter location and will be unavailable for several months each year. The area encompassed by Safety Zone B is not used on a daily basis and alternate locations are readily available. The major dive charter operators directly affected by this regulation were personally contacted by the project officer and offered no objection to the regulation. Since the impact of these

regulations are expected to be minimal, the Coast Guard certifies that, they will not have a significant economic impact on a substantial number of small entities.

Federalism

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Final Regulations

In consideration of the foregoing, subpart 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. Section 165.1401 is revised to read as follows:

§ 165.1401 Apra Harbor, Guam—Safety Zones.

(a) The following is designated as Safety Zone A—The waters of the Pacific Ocean and Apra Outer Harbor encompassed within an arc of 725 yards radius centered at the center of Wharf H. (Located at 13°27'47"N and 144°39'01.9"E. Based on World Geodetic System 1984 Datum)

(b) The following is designated Safety Zone B—The waters of Apra Outer Harbor encompassed within an arc of 680 yards radius centered at the center of Naval Wharf Kilo. (Located at 13°26'43"N, 144°37'46.7"E. Based on World Geodetic system 1984 Datum)

(c) Special regulations. (1) Section 165.23 does not apply to Safety Zone A and/or Safety Zone B, except when Wharf H and/or Naval Wharf Kilo, or a vessel berthed at Wharf H and/or Naval Wharf Kilo, is displaying a red (BRAVO) flag by day or a red light by night.

(2) In accordance with the general regulations in 165.23 of this part, entry into these zones is prohibited unless authorized by the Captain of the Port, Guam.

3. A new § 165.1404 is added to read as follows:

§ 165.1404 Apra Harbor, Guam—Security Zone.

(a) The following is designated as Security Zone C—The waters of Apra

Outer Harbor, Guam surrounding Naval Mooring Buoy No. 702 (Located at 13°27'30.1"N and 144°38'12.9"E. Based on World Geodetic System 1984 Datum) and the Maritime Prepositioning ships moored thereto. The security zone will extend 100 yards in all directions around the vessel and its mooring. Additionally, a 50 yard security zone will remain in effect in all directions around buoy No. 702 when no vessel is moored thereto.

(b) In accordance with the general regulations in § 165.33 of this part, entry into Security Zone C is prohibited unless authorized by the Captain of the Port, Guam.

Dated: April 20, 1990.

V. O. Eschenburg,

Captain, U.S. Coast Guard, Captain of the Port, Guam.

[FR Doc. 90-10363 Filed 5-3-90; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3762-4]

Approval and Promulgation of Implementation Plans; Tennessee; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: This document corrects two errors in the Code of Federal Regulations for Tennessee. An amendment to § 52.2222 at 54 FR 4021 on January 27, 1989, added paragraph (C). This addition should be paragraph (c). The other error appeared in an amendment to § 52.2220 at 53 FR 39742 on October 12, 1988. Paragraph (c)(91) of § 52.2220, subparagraph (iii) should be (ii).

EFFECTIVE DATE: This action is effective May 4, 1990.

FOR FURTHER INFORMATION CONTACT: Richard A. Schutt at 404/347-2864 (FTS 257-2864).

Dated: April 23, 1990.

Joe R. Franzmathes,
Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

Subpart RR—Tennessee

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

Authority: 42 U.S.C. 7401-7642.

§ 52.2220 [Amended]

2. In § 52.2220, paragraph (c)(91)(iii) is redesignated as (c)(91)(ii).

§ 52.2222 [Amended]

3. In § 52.2222 paragraph (C) is redesignated as (c).

[FR Doc. 90-10353 Filed 5-3-90; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 261

[FRL-3762-3]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Technical amendment.

SUMMARY: On May 19, 1980, as part of its final and interim final regulations implementing section 3001 of the Resource Conservation and Recovery Act (RCRA), EPA promulgated a series of criteria for listing wastes as hazardous. The Agency is today conforming the language of the regulation to reflect the Agency's intent and consistent interpretation.

EFFECTIVE DATE: May 4, 1990.

FOR FURTHER INFORMATION CONTACT: The RCRA/Superfund Hotline at (800) 424-9346 or at (202) 382-3000. For technical information, contact Mr. William A. Collins, Office of Solid Wastes (OS-332), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-4791.

SUPPLEMENTARY INFORMATION: On May 19, 1980, EPA promulgated final and interim final regulations implementing section 3001 of the Resource Conservation and Recovery Act (RCRA). Section 3001(a), among other provisions, requires the Agency to promulgate criteria for listing wastes as hazardous. The Agency's regulations to implement this section of the Act is codified at 40 CFR 261.11.

The provision involved in this technical correction is § 261.11(a)(3), the criteria for listing toxic wastes. This provision states that the Agency will list a waste as toxic if the waste contains any toxic constituent listed in appendix VIII of part 261 unless, after considering a series of enumerated factors, the Administrator determines that the waste is not capable of posing a substantial hazard to human health and the environment even if managed improperly. Appendix VIII contains a

list of substances shown in scientific studies to be toxic, carcinogenic, mutagenic or teratogenic. The factors set out in the rule—drawn for the most part from sections 1004(5) and 3001(a) of RCRA—include the nature of the toxic constituents, the concentration of toxic constituents in the waste, the migratory potential of the constituents and their mobility and persistence after migrating from a waste. Other factors are the plausible ways the waste could be mismanaged, the quantity of waste generated, damage incidents caused by past management of the waste, and action by other regulatory agencies regarding the waste or waste constituents.

In practice, the Agency has always evaluated the waste factors (or those factors that are relevant) in its specific listing actions at issue, and then made judgments as to whether wastes containing an Appendix VIII constituent is capable of causing substantial harm if mismanaged. (See Listing Background Documents of: May 19, 1980, 45 FR 33084-33137; November 12, 1980, 45 FR 74884-74894; November 25, 1980, 45 FR 78524-78550; January 16, 1981, 46 FR 4614-4620; May 29, 1981, 46 FR 27473-27480; May 10, 1984, 49 FR 19922-19923; January 14, 1985, 50 FR 1978-2006; October 23, 1985, 50 FR 42936-42943; December 31, 1985, 50 FR 53315-53320; February 13, 1986, 51 FR 5327-5331; February 25, 1986, 51 FR 6537-6542; May 28, 1986, 51 FR 19320-19322; September 13, 1988, 53 FR 35412-35421; October 6, 1989, 54 FR 41402-41408; and December 11, 1989, 54 FR 50968-50979 (explaining the basis for listing the waste in 40 CFR 261.31, 261.32, and 261.33 based upon the criteria for listing in § 261.11(a)(3)). As written, however, the rule could mistakenly be read to imply that wastes are hazardous if they contain an appendix VIII constituent (conceivably in any concentration), without considering the enumerated factors which serve only to rebut the presumption.

As stated above, the Agency has never applied the rule in this way, and has always interpreted the rule to require consideration of the appropriate factors in determining whether to list wastes: By appropriate factors, the Agency does not mean that each factor enumerated in § 261.11(a)(3) must be considered in a particular case. The Agency therefore believes that the wording of the rule should be corrected to reflect the proper standard established by the rule. Accordingly, the Agency is amending § 261.11(a)(3) to state that wastes will be listed as

hazardous if they contain one or more appendix VIII constituents and after considering the enumerated factors, the Administrator determines that the waste is capable of posing substantial harm if managed improperly. This change in language is not intended to and will not affect existing Agency listing practices based upon the Agency's consistent interpretation of the 1980 regulatory language. Thus, EPA has and will continue to provide more or less detailed consideration of the factors, as well as to consider factors jointly, as appropriate.

Because this action is a technical clarification of an existing rule, EPA believes that notice and comment requirements do not apply to and are unnecessary for today's action. Any regulatory action was achieved by the 1980 rule and by the numerous listings providing EPA's interpretation of the rule. In any event, EPA believes that good cause exists for today's changes under section 553(b)(3)(B) of the Administrative Procedures Act because this is a technical clarification (or at most an interpretive rule).

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

Dated: April 26, 1990.

Henry L. Longest II,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6922.

2. In § 261.11, paragraph (a)(3) introductory text is revised to read as follows:

§ 261.11 Criteria for listing hazardous waste.

(a) * * *

(3) It contains any of the toxic constituents listed in Appendix VIII and, after considering the following factors, the Administrator concludes that the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed:

[FR Doc. 90-10326 Filed 5-3-90; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Family Support Administration

45 CFR Part 235

RIN 0970-AA56

Pre-Eligibility Fraud Detection Measures; State Agency Requirements

AGENCY: Family Support Administration (FSA), HHS.

ACTION: Final rule.

SUMMARY: This final rule implements section 605 of the Family Support Act of 1988, Public Law 100-485, which requires State agencies to establish pre-eligibility fraud detection measures.

EFFECTIVE DATE: October 1, 1989.

FOR FURTHER INFORMATION CONTACT: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Fifth Floor, 370 L'Enfant Promenade SW., Washington, DC 20447, telephone (202) 225-5116.

SUPPLEMENTARY INFORMATION: The Family Support Administration (FSA) published an interim final rule on April 20, 1989 (54 FR 15944-15945) to implement the newly added statutory provisions at section 402(a)(45) of the Social Security Act (the Act) which require State agencies to institute pre-eligibility fraud detection measures. This amendment to the Act was made by section 605 of the Family Support Act of 1988.

Federal policy has long recognized that the initial eligibility determination process requires State agency staff to thoroughly question and verify an applicant's statements concerning the family's eligibility for AFDC and the amount of payment (see 38 FR 22007, dated August 15, 1973). An integral facet of this process is the utilization of "verification measures" where the worker confirms the applicant's statements by examining documents in his or her possession or by obtaining information from appropriate third-party sources. We believe that Congress recognized the importance of these verification measures and intended State agencies to take a critical look at current measures and enhance their effectiveness in detecting fraudulent applications as appropriate. Examples of such enhanced verification measures include automated data matches other than those utilized in the Income Eligibility Verification System (IEVS), error prone profiles, mandatory home visits, collateral contacts, and credit bureau inquiries.

In order to implement this statutory provision, we are requiring that the State plan be amended to contain a description of the various verification measures used to detect fraudulent applications for AFDC prior to the establishment of eligibility for such aid. This description should include long-established measures routinely performed by workers, periodic support activities such as training on investigative interviewing techniques, and any newly established initiatives designed to be performed by or in support of staff responsible for pre-eligibility fraud detection.

Furthermore, we believe that to ensure the effectiveness of the pre-eligibility verification process, State agencies must routinely monitor, evaluate, and refine their verification measures as appropriate. We are therefore requiring that States perform an annual evaluation of their verification measures and submit needed changes as amendments to their State plans. Additionally, we are requiring that an annual report of the evaluation be submitted to the FSA Regional Office on February 15 and is to cover the preceding Federal fiscal year.

The rule requires that costs attributed to such verification measures will qualify for Federal matching as administrative costs at the 50 percent Federal matching rate.

Discussion of Comments

A 60-day comment period was provided in the April 20, 1989, interim final rule. A total of 15 comments were received from 10 State agencies, one county agency, two State investigative organizations, two investigative associations, and one from a Congressman who enclosed a duplicate comment already received from one of the investigative associations. These comments are discussed below:

Comment: Three State agencies, two State investigative organizations, and two investigative associations commented that activities associated with pre-eligibility fraud detection should be Federally matched at the enhanced rate of 75 percent.

Response: Section 605 of the Family Support Act of 1988, Public Law 100-485, amended section 402 of the Social Security Act by adding subsection (a)(45) to require pre-eligibility fraud detection measures; however, section 403 of the Social Security Act, which contains the matching provisions governing the AFDC program, was not amended to provide enhanced Federal matching for section 605 activities. Consequently, Federal matching is available at the 50 percent matching rate

set forth in section 403(a)(3)(D) of the Act.

It should be noted that enhanced funding at the 75 percent rate is available for costs directly attributable to fraud investigations, prosecutions, collections, and administrative hearings to operate an AFDC Optional Fraud Control Program pursuant to section 416 of the Act. A complete discussion of Federal funding related to the Optional Fraud Control Program will be contained in a forthcoming Notice of Proposed Rulemaking.

Comment: Seven State agencies and one county agency expressed opposition to the requirements for an annual evaluation of the effectiveness of pre-eligibility verification measures. The evaluation was viewed either as a duplication of corrective action activities currently being performed as part of the quality control system or simply burdensome.

Response: In view of the fact that a number of States include a discussion of pre-eligibility verification measures in their corrective action plans for quality control purposes, we have modified the annual report requirement to minimize the reporting burden and eliminate unnecessary duplication. Specifically, the reporting period and submittal date have been revised to be consistent with the corrective action plan requirements at 45 CFR 205.40. In addition, the due date for the annual pre-eligibility report will be February 15 and is to cover the preceding Federal fiscal year.

These changes will allow States to utilize relevant information and data gathered during their corrective action efforts, to aid in the preparation of the pre-eligibility report. The aforementioned revision will lessen the reporting burden for those States that currently evaluate their pre-eligibility verification measures during the corrective action process. Furthermore, we believe that the value of these reports—i.e., providing us with significant information on fraud detection initiatives that can be shared with other States and interested parties—justifies any residual burden.

Comment: Two State agencies indicated that pre-eligibility fraud detection measures should not be included in a State plan nor should changes in such measures necessitate amending a State plan.

Response: Section 402(a) of the Social Security Act sets forth various AFDC State plan requirements. The Family Support Act of 1988 amended this section by mandating that the State plan provide for "appropriate measures to detect fraudulent applications for aid to

families with dependent children prior to the establishment of eligibility for such aid." Because the statute mandates pre-eligibility fraud detection as a State plan requirement, the measures to be utilized by a State are to be included in its State plan.

Comment: Three State agencies expressed concern because the interim final rule does not differentiate between the normal eligibility determination process and the pre-eligibility fraud detection program. This failure to differentiate between "eligibility verification" and "fraud detection" was viewed as minimizing the important role performed by fraud investigators in identifying intentional program violations during the initial application process.

Response: The term "verification measures" as contained in the interim rule was broadly defined so as to allow a range of fraud detection activities that could be tailored to the needs and circumstances of each State. Moreover, because similar verification measures are often performed by both intake eligibility workers and fraud investigators, we believe that it would be impractical to differentiate between actions that must be employed during the initial eligibility determination and pre-eligibility fraud detection processes. Our intention was to establish a basic definition of "verification measures" that would be applicable to both intake eligibility workers and fraud investigators and thereby allow States the latitude to integrate the expertise of such staff when formulating their fraud detection programs. However, in consideration of these comments, we have clarified the regulation to specifically provide that "verification measures" can also be performed by fraud personnel assigned to the initial application unit to investigate applicants suspected of committing fraud.

Comment: One State agency asked if the 45-day standard of promptness could be waived for applications subject to pre-eligibility fraud detection procedures.

Response: There is nothing in section 605 or its legislative history that suggests that Congress intended to change the current 45 day standard of promptness for AFDC applications. Moreover, we are unaware of any data that indicates that such a change is necessary based on operational experience. Accordingly, we have not made any change in the standard of promptness.

Comment: One State agency believed that these rules should have been modeled on the Orange County Early Welfare Fraud Detection/Prevention

Program. By not doing so, the State agency felt that our rules failed to implement the intent of the statute.

Response: The Orange County Early Welfare Fraud Detection/Prevention Program involves the referral of initial application cases to a fraud investigative unit based on the eligibility worker's suspicion that an applicant may have committed fraud. The assigned fraud investigator typically investigates the suspicious application within 48 hours and subsequently forwards the results to the eligibility worker. This investigative process is performed within the 45 day standard of promptness for AFDC applications.

Neither the Family Support Act of 1988 nor its legislative history mentions or otherwise requires the national implementation of the Orange County Early Welfare Fraud Detection/Prevention Program. On the other hand, there is nothing which precludes States from incorporating appropriate features of the Orange County initiative into their own pre-eligibility fraud detection programs. For example, the assignment of fraud personnel to investigate and verify statements made by applicants suspected of committing fraud is an appropriate and effective pre-eligibility fraud detection practice which States may wish to implement. We would be willing to consider other aspects of the Orange County initiative that States submit as part of any proposed plan amendments.

Regulatory Procedures

Executive Order 12291

This final rule has been reviewed under Executive Order 12291 and does not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required because this regulation will not: (1) Have an annual effect on the economy of \$100 million or more; (2) impose a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) result in significant adverse effects on competition, employment, investment, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

Section 235.111(c) of this final rule contains information collection requirements which are subject to review by the Office of Management and Budget (OMB) under section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). OMB has reviewed and

approved these information collection requirements (OMB approval number 0970-0093).

Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96-354) requires the Federal Government to anticipate and reduce the impact of rules and paperwork requirements on small business. The primary impact of this final rule is on State governments and individuals. Therefore, we certify that this rule will not have a significant economic impact on a substantial number of small entities because it affects benefits to individuals and payments to States. Thus, a regulatory flexibility analysis is not required.

(Catalog of Federal Domestic Assistance Programs 13.780, Assistance Payments-Maintenance Assistance)

List of Subjects in 45 CFR Part 235

Aid to families with dependent children, Fraud, Grant programs—social programs, Public assistance programs.

Dated: October 26, 1989.

Eunice S. Thomas,
Acting Assistant Secretary for Family Support.

Approved: January 2, 1990.

Louis W. Sullivan,
Secretary of Health and Human Services.

Editorial Note: This document was received by the Office of the Federal Register on April 30, 1990.

Part 235 of chapter II, title 45 of the Code of Federal Regulations, is amended as set forth below:

PART 235—[AMENDED]

1. The authority citation for part 235 is revised to read as follows:

Authority: Sections 2, 3, 402, 403, 1002, 1003, 1402, 1403, 1602, and 1603 of the Social Security Act (42 U.S.C. 302, 303, 602, 603, 1202, 1203, 1302, 1352, 1353, 1382 (Note), 1383 (Note)), and Part XXIII of Pub. L. 97-35, 45 Stat. 843.

2. New §235.111 is added to read as follows:

§235.111 Pre-eligibility fraud detection measures.

(a) State plan requirement. A State plan under title IV, part A of the Social Security Act must contain a description of the verification measures to detect fraudulent applications for AFDC prior to the establishment of eligibility for such aid.

(b) *Definition.* For purposes of this section, "verification measures" are actions taken by a State agency (including actions taken by fraud personnel assigned to the initial

application unit to investigate applicants suspected of committing fraud):

(1) To confirm information provided by an applicant to support his or her eligibility for AFDC; and

(2) To confirm information provided by an applicant that is relevant in determining the amount of the assistance payment.

Such actions involve the examination of supporting documentation in the applicant's possession and obtaining additional information, when necessary, from appropriate third party sources; also included are any periodic support activities taken by the State agency to enhance these actions. Examples of such measures include but are not limited to: Automated data matches to establish the accuracy of statements on the application; use of error prone profiles; home visits or collateral contacts; credit bureau inquiries; training on investigative interviewing techniques.

(c) *Annual evaluation.* A State agency shall make a written evaluation for each Federal fiscal year of the effectiveness of its verification measures, submit a copy of the evaluation to the FSA Regional Office by February 15 of the following Federal fiscal year, and submit any appropriate amendments to its title IV-A State plan. The evaluation must include an assessment of verification measures such as home visits, credit bureau inquiries, data matches with entitlement programs, in addition to those included in the State's Income and Eligibility Verification System (IEVS), or other similar measures implemented by States. Information and data gathered in connection with a corrective action plan prepared pursuant to 45 CFR 205.40 may be utilized in preparing this evaluation.

(d) *Federal financial participation.* Verification measures to detect fraudulent applications will be matched as administrative costs at a 50 percent rate.

[FR Doc. 90-10352 Filed 5-3-90; 8:45 am]

BILLING CODE 4150-04-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1056

[Ex Parte No. MC-19 (Sub-No. 41)]

Practices of Motor Common Carriers of Household Goods (Limitations of Liability)

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: After review of the comments of the parties to this proceeding, we adopt, with certain modifications, the revision of our rule at 49 CFR part 1056 proposed in our Notice of Proposed Rulemaking published November 6, 1989, 54 FR 46635. The revised rule permits household goods carriers, subject to the jurisdiction of the Commission, to limit their liability for items of extraordinary value (defined as articles with a value that exceeds \$100.00 per pound, per article) unless the shipper identifies such articles in writing to the carrier as items that will be included in the shipment. We believe that the rule change, as modified, will assist consumers in recovering for loss of or damage to their articles having extraordinary value. Further, household goods carriers will be able to identify such articles and take steps to better protect them against loss or damage and thereby avoid costly disputes and litigation to the benefit of themselves and their customers.

EFFECTIVE DATE: The revised rule is effective June 3, 1990.

FOR FURTHER INFORMATION CONTACT:

Heber P. Hardy, (202) 275-7148

or

John W. Fristoe, (202) 275-7844 [TDD for hearing impaired (202) 275-1721].

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call or pickup in person from Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275-1721].

Energy and Environmental Considerations

This action does not affect significantly either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

We certify that the adoption of this final rule will not have a significant impact on a substantial number of small entities. The adopted rule is permissive and if used by household goods carriers will help them identify articles of extraordinary value and take steps to better protect them against loss or damage and thereby avoid costly disputes and litigation to the benefit of themselves and their customers.

List of Subjects in 49 CFR Part 1056

Consumer protection, Moving of household goods.

Decided: April 26, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Lamboley, and Emmett.

Noreta R. McGee,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1056 of the Code of Federal Regulations is amended as follows:

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

1. The authority citation for part 1056 continues to read as follows:

Authority: 49 U.S.C. 10321, 11109, 11110 and 5 U.S.C. 553.

§ 1056.12 [Amended]

2. Section 1056.12 is amended in paragraph (b) introductory text, by substituting the word "instances" for the word "instance" in the last line of the introductory text and by adding a new paragraph (b)(2) to read as follows:

§ 1056.12 Liability of carriers.

* * *

(b) * * *

(2) When a shipment is released to a value greater than sixty (60) cents per pound, per article, liability for loss or damage may be limited to \$100 per pound, per article (based upon the actual article weight), for any article included in the shipment that exceeds \$100 per pound, per article, in value, unless the shipper specifically identifies in writing to the carrier that the article will be included in the shipment.

* * *

[FR Doc. 90-10400 Filed 5-3-90; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 628

[Docket No. 900110-0077]

RIN 0648-AC51

Atlantic Bluefish Fishery

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

ACTION: Final rule.

SUMMARY: NOAA issues this final rule to implement conservation and management measures as prescribed in the Fishery Management Plan for the Bluefish Fishery (FMP). This rule establishes: (1) Permits for the sale of