Dated: September 4, 1990.

Valdas V. Adamkus,

Regional Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.770 is amended by adding new paragraph (c)(80) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(80) On October 15, 1987, the State submitted 325 IAC 8–2–13, Wood Furniture and Cabinet Coating, as a portion of its 1982 ozone plan, which gives provisions and requirements for controlling volatile organic compound (VOC) emissions from sources located in Clark, Floyd, Lake and Porter Counties. On November 16, 1988, the State submitted this rule recodified as 326 IAC 8–2–12, Wood Furniture and Cabinet Coating.

(i) Incorporation by reference.

(A) Title 326 Air Pollution Control Board, Indiana Administrative Code (IAC) 8–2–1, Applicability of rule; and 326 IAC 8–2–12, Wood furniture and cabinet coating, as published in the April 1, 1988, "Indiana Register" (IR), at 11 IR 2536 and corrected on March 1, 1989, at 12 IR 1394. Filed with the Secretary of State on March 10, 1988.

* * * * *

[FR Doc. 90–22676 Filed 9–24–90; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4700

[AA-250-90-4370-02; Circular No. 2629]

RIN 1004-AB63

Protection, Management, and Control of Wild Free-Roaming Horses and Burros; Private Maintenance; Supporting Information and Certification for Private Maintenance of More Than 4 Wild Horses or Burros

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rulemaking prohibits the use of power of attorney to adopt wild horses or burros when the adoption would result in the maintenance in one location of more than 4 wild horses or burros whose titles have not been conveyed by the United States. Public Law 92–195, as amended, commonly referred to as the Wild Free-Roaming Horse and Burro Act, limits the number of animals that may be adopted by any individual to not more that 4 per year unless "the Secretary determines in writing that such individual is capable of humanely caring for more than four animals * * *". Section 4750.3–3 of title 43 of the Code of Federal Regulations regulates approval of adoption applications where the applicant requests to adopt more than 4 animals per year or where more than 4 adopted wild horses or burros, title to which remains in the United States, are to be maintained in one location. The purpose of the rulemaking is to prohibit an individual from gaining control of more than 4 wild horses or burros by using one or more powers of attorney. The rule allows the use of power of attorney for transporting wild horses or burros on behalf of an adopter.

EFFECTIVE DATE: October 25, 1990.

ADDRESSES: Inquiries or suggestions should be sent to: Director (250), Bureau of Land Management, Premier Building, Room 901, U.S. Department of the Interior, 18th and C Streets NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: John S. Boyles, Chief, Division of Wild Horses and Burros, at the address given above; telephone (202) 653–9215.

SUPPLEMENTARY INFORMATION: A proposed rulemaking to amend the existing regulation on "Supporting information and certification for private maintenance of more than 4 wild horses or burros" was published in the Federal Register on February 6, 1990 (55 FR 3989). Comments were invited for a period of 30 days ending March 8, 1990, during which period two comments were received, one from a private individual, and one on behalf of two humane organizations.

Both comments supported the intent of the proposed rulemaking. One comment expressed general support for the proposed rule. The other comment raised additional issues. That comment expressed concern that the proposed rulemaking did not address the matter of enforcement. Enforcement is not addressed in the proposed rulemaking because the rule merely states a limitation on the circumstances under which the BLM will approve adoptions where four or more animals will be maintained in one location or where four or more animals will be transported by an individual on behalf of an adopter. If an individual circumvents or attempts to circumvent this provision, the Bureau of Land Management will apply the enforcement provisions found in Subpart 4760—Compliance, and Subpart 4770—Prohibited Acts, Administrative Remedies, and Penalties.

The comment urged that BLM further define its enforcement strategy. Such a definition is not appropriately placed in the regulations, but rather is properly addressed in policy statements and program guidance.

The comment also noted that the proposed rulemaking does not define the term "commercial use." The proposed rule makes no reference to commercial use, and therefore a definition would be unnecessary and beyond the scope of the rule.

The proposed rule is adopted without change.

The principal author of this final rule is John S. Boyles, Chief, Division of Wild Horses and Burros, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It has been determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined under Executive Order 12291 that this document is not a major rule, and under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that it will not have a significant economic impact on a substantial number of small entities. Additionally, as required by Executive Order 12630, the Department has determined that the rule would not cause a taking of private property.

The information collection requirements contained in § 4750.3–3 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1004–0042.

List of Subjects in 43 CFR Part 4700

Advisory committees, Aircraft, Intergovernmental relations, Penalties, Public lands, Range management, Wild horses and burros, Wildlife.

Under the authority of the Act of September 8, 1959 (18 U.S.C. 47), the Act of December 15, 1971, as amended (16 U.S.C. 1331–1340), the Act of October 21, 1976 (43 U.S.C. 1701 *et seq.*), and the Act of June 28, 1934, as amended (43 U.S.C. 315), part 4700, subchapter D, chapter II, title 43 of the Code of Federal Regulations is amended as set forth below.

PART 4700—[AMENDED]

1. The authority citation for part 4700 continues to read as follows:

Authority: Act of Dec. 15, 1971, as amended (16 U.S.C. 1331–1340), Act of Oct. 21, 1976 (43 U.S.C. 1701 *et seq.*), Act of Sept. 8, 1959 (18 U.S.C. 47), Act of June 28, 1934 (43 U.S.C. 315)

2. Section 4750.3–3 is amended by removing the word "for" the first time it appears in the introductory text of paragraph (a) and replacing it with the words "to adopt", removing paragraph (b)(7), redesignating paragraph (b) as paragraph (c), by adding a new paragraph (b) and revising newly designated paragraphs (c) introductory text, (c)(3), (c)(5), and (c)(6) to read as follows:

§ 4750.3–3 [Amended]

* * * * *

(b) The Authorized Officer will not approve an adoption in which the Private Maintenance and Care Agreement will be signed by an individual holding the power of attorney of the adopter where the adopted animals will be maintained in groups of more than 4 untitled wild horses or burros in one location.

(c) Any individual holding one or more powers of attorney to sign the Private Maintenance and Care Agreement(s) and who will transport more than 4 wild horses or burros on behalf of adoption applicants shall provide the following:

* * * * *

(3) Names, addresses, and telephone numbers of all applicants represented by a power of attorney submitted with the request.

* * * * *

(5) A distribution plan for delivering the animals to their assigned adopters; and

(6) Names, addresses, and a concise summary of the experience of the individuals who will handle the adopted animals during transportation and distribution.

James M. Hughes,

Deputy Assistant Secretary of the Interior.

[FR Doc. 90–22667 Filed 9–24–90; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6802

[NV-930-00-4214-10; N-50250)

Withdrawal of Public Land To Maintain the Physical Integrity of the Subsurface Environment, Yucca Mountain Project; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws approximately 4,255.50 acres of public land from the mining and mineral leasing laws for a period of 12 years in order to maintain the physical integrity of the subsurface environment to ensure that scientific studies for site characterization by the Department of Energy at Yucca Mountain are not invalidated or otherwise adversely impacted.

EFFECTIVE DATE: September 25, 1990.

FOR FURTHER INFORMATION CONTACT: Mary Clark, BLM, Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 702–785–6530.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from location under the United States mining laws (30 U.S.C. ch. 2), and from leasing under the mineral leasing laws, in order to maintain the physical integrity of the subsurface environment to ensure that scientific studies for site characterization by the Department of Energy at Yucca Mountain are not invalidated or otherwise adversely impacted:

Mount Diablo Meridian

T. 13 S., R. 49 E. (Pro. Dia. No. 44),
Secs. 7, 8 and 9;
Secs. 10 and 15, except those lands withdrawn by PLO 2568;
Secs. 16 and 17;
Sec. 20, NE¼;
Sec. 21, N½, N½S½;
Sec. 22, N½, N½S½, except those lands withdrawn by PLO 2568.

The area described contains approximately 4,255.50 acres in Nye County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining and mineral leasing laws. BLM will obtain written concurrence from the Department of Energy prior to issuing any use authorizations on the withdrawn lands.

3. The withdrawal will expire 12 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: September 17, 1990.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 90–22615 Filed 9–24–90; 8:45 am]

BILLING CODE 4310–HC–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 88-2 Phase I; DA 90-1201]

Miscellaneous Rules Relating to Communications Common Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule; petitions for reconsideration.

SUMMARY: On August 6, 1990, five Bell Operating Companies (BOCs) filed petitions seeking partial reconsideration and/or clarification of the Commission's *BOC ONA Amendment Order*, Memorandum Opinion and Order, Filing and Review of Open Network Architecture Plans, CC Docket No. 88–2, Phase I, published July 3, 1990 (55 FR 27468). The BOCs that filed petitions are BellSouth, NYNEX, Pacific Bell, Southwestern Bell, and US West.

DATES: (Oppositions to these petitions must be filed on or before October 25, 1990. Replies to an opposition must be filed within 15 days after the time for filing oppositions has expired).

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Peggy Reitzel, Policy and Program Planning Division, Common Carrier Bureau, (202) 632–4047.

SUPPLEMENTARY INFORMATION:

Pleading Cycle Established for Oppositions and Replies to Petitions for Partial Reconsideration and/or Clarification of BOC ONA Amendment Order

[CC Docket No. 88–2, Phase I]

Released: September 17, 1990.

On August 6, 1990, five Bell Operating Companies (BOCs) filed petitions seeking partial reconsideration and/or clarification of the Commission's *BOC ONA Amendment Order*, Memorandum Opinion and Order, Filing and Review of Open Network Architecture Plans, CC Docket No. 88-2, Phase I, 5 FCC Rcd 3103 (1990). The BOCs that filed petitions are BellSouth, NYNEX, Pacific Bell, Southwestern Bell, and US West.

Pacific and Southwestern seek reconsideration of the Commission's decisions concerning access to Operation Support Systems (OSS) and in the alternative request clarification of these requirements. Bell South, NYNEX, and US West also seek clarification of the Commission's decision regarding OSS access.

In the *BOC ONA Amendment Order*, the Commission required that the BOCs' enhanced service operations take the same access to OSS ONA services that the BOC provides independent enhanced service providers (ESPs) once the structural separation requirements are lifted. In their amended ONA plans, the BOCs proposed to offer ESPs indirect access to OSS through gateways. The Commission, however, determined that the current record did not provide enough information to allow the FCC to conclude that the indirect gateway access proposed by the BOCs is comparably efficient to direct access.

In its petition, BellSouth also seeks reconsideration of the geographic deployment projection requirement established in the *BOC ONA Amendment Order* so that it may provide end-of-the-year projections instead of mid-year projections.

The full text of these petitions is available for review and copying in Room 239, 1919 M Street, NW., Washington, DC, and copies may be purchased from the Commission's contractor for public service records duplication: International Transcription Services, Inc. (ITS), 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800. Oppositions to these petitions must be filed within 30 days of the date of public notice of the petitions in the **Federal Register**. Replies to an opposition must be filed within 15 days after the time for filing oppositions has expired. *See* § 1.4(b)(1) of the Commission's Rules, 47 CFR 1.4(b)(1). For purposes of this proceeding, the filing deadlines established in § 1.429 of the Commission's Rules, 47 CFR 1.429, are waived.

For further information contact Peggy Reitzel, Policy and Program Planning Division, Common Carrier Bureau at (202) 632-4047.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-22577 Filed 9-24-90; 8:45 am]

BILLING CODE 6712-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

48 CFR Parts 705, 706, 719, 726, and 752

[AIDAR Notice 90-2 (Final)]

Disadvantaged Enterprises

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The AID Acquisition Regulation (AIDAR) is being amended to adopt as final and make amendments to an interim rule that implemented the provisions of section 579 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, (Pub. L. 101-167), concerning requirements for contracting and subcontracting with disadvantaged enterprises.

EFFECTIVE DATE: September 25, 1990.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen O'Hara, MS/PPE, telephone (703) 875-1534.

SUPPLEMENTARY INFORMATION: The Agency is implementing the provisions in section 579 of Public Law 101-167 covering contracts with small disadvantaged business concerns (SDBs) using other than full and open competition, notification of AID's Office of Small and Disadvantaged Business Utilization, and a requirement for subcontracting with disadvantaged enterprises.

An interim final rule was issued February 20, 1990 and published in the **Federal Register** on March 8, 1990 (55 FR 8469) with a 30-day comment period. A summary of the comments received and their disposition follows.

Congressman William H. Gray III indicated that the Director of AID's Office of Small and Disadvantaged Business Utilization (OSDBU) should be involved with the contracting officer to determine when to set aside procurements for Small Disadvantaged Businesses under other than full and open competition and when there are no realistic opportunities for U.S. subcontracts. Both suggestions have been implemented by requiring the contracting officer to consult with the Director of OSDBU. In the event of disagreement between the two, the head of the contracting activity will make the final determination.

As a result of Congressman Gray's concerns, the provision for using other than full and open competition makes it clear that an award under the Small Business Administration 8(a) program must be considered first and that the set aside procedure in AIDAR 706.302-71 is competitive.

Congressman Gray also suggested that the definition of economically disadvantaged individuals should reference Section 8(d) of the Small Business Act, rather than 8(a). In reviewing the definition, however, it was determined that section 579 requires that the determination of economic disadvantage shall include consideration of assets and net worth of socially disadvantaged individuals. The new definition states that a person will not be considered economically disadvantaged if his or her personal net worth exceeds $750,000, excluding the equity in his or her primary personal residence and his or her ownership interest in the disadvantaged enterprise in question. Because of the definition change, the FAR certifications for small disadvantaged businesses and women-owned businesses are not appropriate; therefore, 752.226-1 contains a new certification on status as a small disadvantaged business.

Other changes result from comments and questions raised within the Agency. The definitions of ownership and control by socially and economically disadvantaged individuals are separated since, in the case of private voluntary organizations, control alone is relevant.

The subcontracting requirement is clarified to show that the requirement applies to new contracts and modifications outside the scope of an existing contract that constitute new procurement when, and only when, more than $500,000 of covered funds are involved.

The changes being made by this Notice are not considered significant rules under FAR section 1.301 and subpart 1.5. This notice will not have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act. It is not considered a major rule under Executive Order 12291, and has been submitted to OMB for review. This notice does not establish any information collection as contemplated by the Paperwork Reduction Act.