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WASHINGTON, DC

WHEN: January 26, at 9:00 a.m.
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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 681]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 681 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period December 30, 1988, through January 5, 1989. Such action is needed to balance the supply of fresh navel oranges with the demand for such oranges during the period specified due to the marketing situation confronting the orange industry.

DATES: Regulation 681 (§ 907.981) is effective for the period December 30, 1988, through January 5, 1989.

FOR FURTHER INFORMATION CONTACT: Jacquelyn R. Schlatter, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2528–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5120.

SUPPLEMENTARY INFORMATION:

This final rule is issued under Marketing Order 907 [7 CFR Part 907], as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 125 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order, and approximately 4,065 producers in California and Arizona. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.2] as those having annual gross revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

This action is consistent with the marketing policy for 1988–89 adopted by the Navel Orange Administrative Committee (Committee). The Committee met publicly on December 28, 1988, in Visalia, California, to consider the current and prospective conditions of supply and demand and recommended, by a ten to one vote, a quantity of navel oranges deemed advisable to be handled during the specified week. The Committee reports that demand for 113's has improved.

Based on consideration of supply and market conditions, and the evaluation of alternatives to the implementation of prorate regulations, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. To effectuate the declared purposes of the Act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

Arizona, California, Marketing agreements and orders, Navel, Oranges.

For the reasons set forth in the preamble, 7 CFR Part 907 is amended as follows:

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. The authority citation for 7 CFR Part 907 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 907.980 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 907.981 Navel Orange Regulation 681.

The quantity of navel oranges grown in California and Arizona which may be handled during the period December 30, 1988, through January 5, 1989, are established as follows:

(a) District 1: 1,066,000 cartons;

(b) District 2: 117,000 cartons;

(c) District 3: 65,000 cartons;

(d) District 4: 52,000 cartons.

Dated: December 29, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88–30256 Filed 12–29–88; 3:14 pm]

BILLING CODE 3410–02–M

7 CFR Part 910

[Lemon Regulation 646]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulations 646 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 303,539 cartons during the period January 1 through January 7, 1989. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 646 (§ 910.946) is effective for the period January 1 through January 7, 1989.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entity orientation and compatibility.

There are approximately 85 handlers of lemons grown in California and Arizona subject to regulation under the lemon marketing order and approximately 2500 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.2] as those having annual gross revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona lemons may be classified as small entities.

This regulation is issued under Marketing Order No. 910, as amended [7 CFR Part 910] regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601–674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee (Committee) and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1988–89. The Committee met publicly on December 28, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of lemons deemed available to be handled during the specified week. The Committee reports that demand for lemons is good.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 910.946 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 910.946 Lemon Regulation 646.

The quantity of lemons grown in California and Arizona which may be handled during the period January 1, 1989, through January 7, 1989, is established at 303,539 cartons.

Dated: December 29, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88–30257 Filed 12–29–88; 3:14 pm]

BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Part 1980

Drought and Disaster Guaranteed Loan Program

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule.

SUMMARY: The Farmers Home Administration (FmHA) is amending its regulations to provide procedures for guaranteeing loans to rural businesses impacted by drought, hail, excessive moisture, or related conditions in 1988. This action is needed to implement section 331 of the Disaster Assistance Act of 1988. The intended effect of this action is to provide loan guarantees to businesses in rural areas which suffered losses or distress as a result of drought, hail, excessive moisture, or related conditions in 1988.

DATES: *Effective Date:* January 3, 1989. Written comments must be received on or before March 6, 1989.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives and Forms Management Branch, Farmers Home Administration, USDA, Room 6348, South Agriculture Building, Washington, DC 20250. All written comments will be available for public inspection during regular working hours at the above address. The collection of information requirements contained in this rule have been approved by OMB under section 3504(h) of the Paperwork Reduction Act of 1980. Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Farmers Home Administration, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Lawrence Bowles, Loan Specialist, Business and Industry Division, Farmers Home Administration, USDA, Washington, DC 20250, Telephone (202) 475–3811.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291 and has been determined to be non-major. This action will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR Part 1940 Subpart G, "Environmental Program." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not required.

Intergovernmental Review

This program is listed in the Catalog of Federal Domestic Assistance under number 10.422, and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (7 CFR Part 3105, Subpart V; 48 FR 29112, June 24, 1983; 49 FR 2267, May 31, 1984; 50 FR 14088, April 10, 1985).

Discussion of Interim Rule

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption of 5 U.S.C. 553 with respect to such rules. However, FmHA is making this action effective immediately upon publication in the **Federal Register** without securing prior public comment. The purpose of this rule is to provide assistance to businesses which have been distressed by natural disasters that have occurred in 1988.

Especially as a result of drought across most of the country, an emergency situation exists. This interim rule is a response to an existing situation and, while this Department is reluctant to short circuit prior public comment, it is certain that failure to implement a mandated program at once will result in significant economic harm to the public.

FmHA believes it is essential that this assistance be made available as soon as possible before it is too late for the businesses to recover. The typical drought-impacted business in rural communities was, going in to the 1988 season, only beginning to recover from the serious agricultural and other physical and economic problems of the preceding decade. Forbearing creditors, aware that any business depends on its customers' economic health, can forbear just so long. Rural businesses and their creditors must plan for the immediate economic future. Without immediate implementation of programs of financial assistance, there is no reason to assume the creditors of rural businesses devastated by the blow to the agricultural and other rural business sectors will—or can—continue to forbear.

The Disaster Assistance Act of 1988, moreover, states "(1) the disasterous drought of 1988 is adversely affecting a large number of States, with serious economic consequences for family farmers; (2) the harm caused by the drought is not limited to farmers, but extends to each rural community whose economic viability is being devastated; (3) rural businesses and financial institutions are already experiencing the negative effects of decreased sales, and they anticipate severe problems over the next year, due to crop failures and the unavailability of credit * * *."

Likewise, the Joint Explanatory Statement of the Conference Committee in reporting HR–5015 (now Pub. L. 100–387) is emphatic in treating programs under the Act as emergency matters, and states "the conferees expect the Secretary of Agriculture to carry out the provisions of this bill in as efficient and straightforward manner as possible. Paperwork should be simplified and procedures to receive assistance should be expedited." The Department is now finalizing regulations streamlining the B&I program and this rule further eases requirements applicable to disaster assistance loan guarantees to be processed under the B&I program. The Secretary means to get this assistance in place now to minimize the human and financial tragedy that is the aftermath of the drought and other natural disasters of 1988.

The Department is well aware that an emergency exists because of the natural disasters of 1988. Rapid delivery of economic assistance is essential. A major study by the Chamber of Commerce of the United States in 1985 is helpful in assessing the impact of rural industrial jobs. That study dealt with job creation within a community and concluded that 100 new industrial jobs support 351 people and increase personal incomes by $1,030,000. An added 97 households depend on those 100 jobs, as do $600,000 in retail sales. Those sales would support one additional retailer and 68 retail jobs. Making credit available promptly for drought-impacted rural businesses and industries is, therefore, of importance.

Public comments will be accepted for 60 days and later revisions will be made to this interim rule if justified on the basis of comments received. This procedure will make assistance available now. The usual course of a proposed rule, comment period, comment analysis, and a final rule incorporating changes would inevitably mean a 60 to 90 day delay in getting assistance where it is most needed. Those seeking to comment and make suggestions for improvement should be advised that final action will occur as promptly as possible after the 60 day comment period.

Discussion of the Rule

FmHA is implementing section 331 of the Disaster Assistance Act of 1988 by adding an appendix for this new program at the end of its Business and Industry loan program. The loan guarantees authorized and implemented by this action will be called Drought and Disaster Guaranteed Loans. These loans will be available to generally the same type of entities as Business and Industry loans for generally the same type of loan purposes as Business and Industry loans, through generally the same type of lenders. The major differences between Drought and Disaster loans and Business and Industry loans are as follows:

(1) Drought and Disaster loans must assist in alleviating financial distress caused to rural business entities by drought, hail, excessive moisture, or related conditions in 1988 or assist such entities which refinance or restructure debt as the result of losses incurred because of such natural disasters.

(2) Drought and Disaster loans for refinancing may allow an existing lender to bring that part of its existing unguaranteed debt that has been adversely affected by a disaster under the new guarantee. In no case will the guarantee exceed 90 percent of loan principal.

(3) The maximum amount of Drought and Disaster loans to any one borrower is $500,000.

(4) The requirement for borrower's equity contribution to the business may be somewhat smaller for a Drought and

Disaster guaranteed loan than for a Business and Industry loan, although that equity must be positive and must be such that when considered with other credit factors, repayment of the loan and continued success of the business operation are reasonably assured.

(5) The guarantee on a Drought and Disaster loan will cover principal only and will not cover interest or protective advances.

Generally, except where the Disaster Assistance Act mandates otherwise, FmHA has sought to minimize differences between these loans and Business and Industry loans so that field staff, lenders, and others already familiar with B&I guaranteed loans will be able to handle these loans without any significant training or research. This will expedite the provision of needed assistance.

List of Subjects in 7 CFR Part 1980

Loan Programs—Business and industry—Rural development assistance, Rural areas.

Accordingly, Title 7, Chapter XVIII, of the Code of Federal Regulations is amended as follows:

PART 1980—GENERAL

1. The authority citation for Part 1980 is revised to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70; Pub. L. 100–387.

Subpart A—General

2. Section 1980.6(a) is amended by removing all second level paragraph designations and arranging the definitions in alphabetical order, by adding "or 1980–68" after "449–35," "or 1980–69" after "449–34", and "or 1980–70" after "449–36" wherever those form numbers appear, and by adding the following new definition after the paragraph that begins with the words "Contract of Guarantee," to read as follows:

§ 1980.6 Definitions and abbreviations.

(a) * * *

Drought and Disaster Guaranteed loans. Guaranteed loans authorized by § 331 of the Disaster Assistance Act of 1988 (Pub. L. 100–387), providing for the guarantee of loans to assist in alleviating distress caused to rural business entities, directly or indirectly, by drought, hail, excessive moisture, or related conditions occurring in 1988, and providing for the guarantee of loans to such rural business entities that refinance or restructure debt as a result of losses incurred, directly or indirectly, because of such natural disasters. See Subpart E of this part and its appendices, especially Appendix I, containing additional instructions for these loans.

* * * * *

3. Section 1980.6(b) is amended by removing all second level paragraph designations and arranging the abbreviations in alphabetical order, and by adding after the paragraph that begins with the abbreviation, "B&I," the following new definition to read as follows:

§ 1980.6 Definitions and abbreviations.

* * * * *

(b) * * *

D&D—Drought and Disaster guaranteed loans.

* * * * *

§ 1980.20 [Amended]

4. Section 1980.20 is amended in the introductory text by adding at the beginning thereof the phrase "Except as regards D&D loans (see Subpart E of this part)," and by replacing the following word "The" with the word "the".

5. Section 1980.83(b) is amended by adding to the end of the list of forms the following to read as follows:

§ 1980.83 FmHA Forms.

* * * * *

(b) * * *

FmHA Form No.	Title of form	Purpose and code [1]
*	* *	* *
1980–68	Lender's Agreement—Drought and Disaster Guaranteed Loans.	Used to establish contract between FmHA and lender on a D&D guaranteed loan. (2)
1980–69	Loan Note Guarantee—Drought and Disaster Guaranteed Loans.	Used to express terms of the guarantee of a D&D guaranteed loan. (1)
1980–70	Assignment Guarantee Agreement—Drought and Disaster Guaranteed Loan.	Used to express terms of the guarantee and the nature and limits of contractual arrangements when a holder buys a guaranteed loan. (1)

[1] Code: (1) FmHA use only, (2) FmHA and lender use, (3) Lender use only.

Subpart E—Business and Industrial Loan Program

6. Section 1980.401 is amended by redesignating paragraphs (c) and (d) as (d) and (e) and by adding a new paragraph (c) to read as follows:

§ 1980.401 Introduction.

* * * * *

(c) This subpart and its appendices (especially Appendix I) also contain instructions for Drought and Disaster (D&D) guaranteed loans authorized by section 331 of the Disaster Assistance Act of 1988 (Pub. L. 100–387). These loans must be to alleviate distress caused to rural business entities, directly or indirectly, by drought, hail, excessive moisture, or related conditions occurring in 1988, or to provide for the guarantee of loans to such rural business entities that refinance or restructure debt as a result of losses incurred, directly or indirectly, because of such natural disasters.

* * * * *

7. Section 1980.402 is amended by adding the following new definition after the paragraph beginning with the words "Development cost."

§ 1980.402 Definitions.

Drought and Disaster guaranteed loans. Guaranteed loans authorized by section 331 of the Disaster Assistance Act of 1988 (Pub. L. 100–387), providing for the guarantee of loans to assist in alleviating distress caused to rural business entities, directly or indirectly, by drought, hail, excessive moisture, or related conditions occurring in 1988, or providing for the guarantee of loans to such rural business entities that refinance or restructure debt as a result of losses incurred, directly or indirectly, because of such natural disasters.

* * * * *

§ 1980.495 [Amended]

8. The introductory text of § 1980.495 is amended by adding the phrase "B&I and D&D" between the words "processing" and "loan."

9. Section 1980.495 is amended by adding a new paragraph (i) to read as follows:

§ 1980.495 FmHA forms and guides.

* * * * *

(i) "Instructions for Loan Guarantees for Drought and Disaster Relief" and Forms FmHA 1980–68, "Lender's Agreement—Drought and Disaster Guaranteed Loans," 1980–69, "Loan Note Guarantee—Drought and Disaster Guaranteed Loans," and 1980–70, "Assignment Guarantee Agreement—

Drought and Disaster Guaranteed Loans," are referred to as "Appendix I."

10. Appendix C is amended by adding a new paragraph (14) to read as follows:

Appendix C—Guidelines for Loan Guarantees for Alcohol Fuel Production Facilities

* * * * *

(14) Alcohol Fuel Production Facilities are eligible for assistance under the Drought and Disaster (D&D) Guaranteed Loan program described in this subpart, and especially in Appendix I. Any such loan must meet the requirements for D&D loans.

11. Appendix I of Subpart E of Part 1980 is added to read as follows:

Appendix I—Instructions for Loan Guarantees for Drought and Disaster Relief

A. *In general.* Drought and Disaster (D&D) guaranteed loans are authorized by section 331 ("Disaster Assistance for Rural Business Enterprises") of the Disaster Assistance Act of 1988, which provides for guarantees of up to 90 percent of the unpaid principal amount of qualifying loans. Interest and protective advances are not covered by the guarantee. Drought and Disaster Guaranteed Loans may be either to assist in alleviating financial distress caused to rural business entities, directly or indirectly, by drought, hail, excessive moisture, or related conditions occurring in 1988, or to assist such entities that refinance or restructure debt as a result of losses incurred, directly or indirectly, because of such natural disasters. Where used in this appendix, the term "natural disaster(s)" refers only to drought, hail, excessive moisture, and related conditions occurring in 1988. All provisions of Subparts A and E of Part 1980 of this chapter apply to D&D loans, except as provided in this appendix. All forms used in connection with a D&D loan will be those used in connection with a B&I guaranteed loan, except for the following three forms that are incorporated in this Appendix I of this Subpart E, made a part hereof, and appear in the **Federal Register** following the body of this appendix as Exhibits A, B, and C in the following order:

(1) Form FmHA 1980–68, "Lender's Agreement—Drought and Disaster Guaranteed Loans," will be used instead of Form FmHA 449–35, "Lender's Agreement."

(2) Form FmHA 1980–69, "Loan Note Guarantee—Drought and Disaster Guaranteed Loans," will be used instead of Form FmHA 449–34, "Loan Note Guarantee."

(3) Form FmHA 1980–70, "Assignment Guarantee Agreement—Drought and Disaster Guaranteed Loans," will be used instead of Form FmHA 449–36, "Assignment Guarantee Agreement."

B. *Loan purpose.* Except for §§ 1980.411(a)(12), 1980.412, and section C., below, loan procees may be used for purposes described in §1980.411(a) if such use of loan proceeds will assist in alleviating financial distress caused, directly or indirectly, by drought, hail, excessive moisture, or related conditions which occurred in 1988. In lieu of the debt refinancing requirements in § 1980.411(a)(12), the following refinancing requirements apply to D&D loans. Loan proceeds to be used for refinancing must be used solely for refinancing or restructuring of debts as a result of losses incurred, directly or indirectly, as a result of drought, hail, excessive moisture, or related condition occurring in 1988, and such refinancing or restructuring of debt(s) must be essential for the borrower to meet its financial obligations in a timely fashion.

C. *Ineligible loan purposes.* See § 1980.412. In addition to those ineligible loan purposes listed in § 1980.412, D&D guaranteed loans may not be used for:

(1) Business expansion, acquisition of real estate, machinery, equipment, inventory, other goods or services, or for any other purpose unless related directly to the financial distress or loss that is the basis for the D&D guaranteed loan.

(2) Any eligible agricultural production purpose if annual tillage of the soil is involved.

(3) Refinancing or restructuring debt(s) which are or were in payment default more than 60 consecutive days during the 12 months preceding the date of the adverse financial effect of the natural disaster of 1988 upon the borrower.

D. *Transactions which will not be guaranteed.* In addition to transactions listed in § 1980.413, FmHA will not guarantee:

(1) D&D guaranteed loan(s) to any borrower if the total cumulative principal amount of D&D guaranteed loan(s) to that borrower would exceed $500,000, or

(2) Any D&D guaranteed loan if the completed application is not received by FmHA on or before September 30, 1991.

E. *Borrower equity requirements.* See § 1980.441. In lieu of the borrower equity requirements in § 1980.441, paragraphs (a) and (b), the following applies to D&D loans. Tangibles balance sheet equity must be positive when the Loan Note Guarantee is issued. Equity must be such that, when considered with other credit factors, repayment of the loan and the continued success of the business operation are reasonably assured. Requirements of § 1980.441(c) apply to D&D guaranteed loans.

F. *Filing and processing preapplications and applications.* See § 1980.451. All requirements of § 1980.451 remain in effect. But, in addition to the information required as part of a preapplication under § 1980.451(f), and unless previously submitted, as a part of an application under § 1980.451(i) evidence is required which demonstrates:

(1) The causal relationship between a 1988 natural disaster and the financial distress or loss upon which the preapplication or application is based; and,

(2) That the amount of the loan requested is not greater than the amount necessary for curing the problems caused by the natural disaster. Financial distress or loss shall be determined on the basis of a comparison of financial data for comparable periods of time and need not necessarily be based on data at the year's end. Evidence submitted may include, but is not limited to, the following:

(a) Evidence of financial loss or distress (including loss or distress caused by business interruption) resulting from physical damage caused by natural disaster, or

(b) Evidence that the financial loss and/or distress of the business is the direct or indirect result of loss of sales, business interruption, loss of markets, shortage of raw materials, or decline in patronage or customers caused by a natural disaster. It must be shown that business operations were damaged as a result of such natural disaster.

G. *Loan guarantee limit.* See § 1980.20 of Subpart A. The maximum loss covered by the Loan Note Guarantee, Form FmHA 1980–69, can never exceed the percentage of guarantee multiplied by the unpaid principal amount of the loan as evidenced by the note(s) or by assumption agreement(s). Interest, capitalized interest, and protective advances are not covered by the guarantee of a D&D loan.

H. *Percentage of guarantee.* See § 1980.420. The maximum percentage of guarantee on a D&D loan is 90 percent of the unpaid principal.

I. *Lender's existing unguaranteed exposure.* The provisions of §1980.452 Administrative C. 1(d) do not apply.

J. *No direct or "insured" loans.* Sections 1980.423(b), 1980.488(b), 1980.481, 1980.411(b), and other provisions of this subpart dealing with "insured" or direct loans do not apply to D&D loans. All D&D loans are FmHA guaranteed loans. FmHA has no authority to make D&D loans directly to borrowers.

Exhibit A to Appendix I—Lender's Agreement; Drought and Disaster Guaranteed Loans (Interest not Guaranteed)[1]

Form FmHA 1980–68 (11–88)

FmHA Loan Ident. No. _____

(Lender) of

has made a loan(s) to

(Borrower)

in the principal amount of $ _____ as evidenced by ——— note(s) (include Bond as appropriate) described as follows:

The United States of America, acting through Farmers Home Administration (FmHA) has entered into a Loan Note Guarantee—Drought and Disaster Guaranteed Loans (Loan Note Guarantee)" (Form FmHA 1980–69) or has issued a "Conditional Commitment for Guarantee" (Form FmHA 449–14) to enter into a Loan Note Guarantee with the Lender applicable to such loan to participate in a

[1] Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to, Department of Agriculture, Clearance Officer, OIRM, Room 404–W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0575–0029), Washington, DC 20503.

percentage of any loss on the loan not to exceed ———% of the amount of the principal advance and any interest (including any loan subsidy) thereon. The terms of the Loan Note Guarantee are controlling. In order to facilitate the marketability of the guaranteed portion of the loan and as a condition for obtaining a guarantee of the loan(s), the Lender enters into this agreement. The maximum loss guaranteed is governed by 7 CFR Part 1980 Subpart E Appendix I and the Loan Note Guarantee (Drought and Disaster Guaranteed Loans)

The Parties Agree:

I. The maximum loss covered under the Loan Note Guarantee will not exceed ——— percent of the principal (Maximum $———).

II. Full Faith and Credit. The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which the Lender has actual knowledge at the time it became such Lender or which Lender participates in or condones. Any note which provides for the payment of interest on interest shall not be guaranteed. Any Loan Note Guarantee or Assignment Guarantee Agreement Drought and Disaster Guaranteed Loan (Assignment Guarantee Agreement) attached to or relating to a note which provides for payment of interest on interest is void.

The Loan Note Guarantee will be unenforceable by the Lender to the extent any loss is occasioned by violation of usury laws, negligent servicing, or failure to obtain the required security regardless of the time at which FmHA acquires knowledge of the foregoing. Any losses will be unenforceable by the Lender to the extent that loan funds are used for purposes other than those specifically approved by FmHA in its Conditional Commitment for Guarantee. Negligent servicing is defined as the failure to perform those services which a reasonably prudent Lender would perform in servicing its own portfolio of loans that are not guaranteed. The term includes not only the concept of failure to act but also not acting in a timely manner or acting in a manner contrary to the manner in which a reasonably prudent lender would act up to the time of loan maturity or until a final loss is paid.

III. Lender's Sale or Assignment of Guaranteed Loan. A. The Lender may retain all of the guaranteed loan. The Lender is not permitted to sell or participate any amount of the guaranteed or unguaranteed portion(s) of the loan(s) to the applicant or Borrower or members of their immediate families, their officers, directors, stockholders, other owners, or any parent, subsidiary or affiliate. If the Lender desires to market all or part of the guaranteed portion of the loan at or subsequent to loan closing, such loan must not be in default as set forth in the terms of the notes. The Lender may proceed under the following options:

1. *Assignment.* Assign all or part of the guaranteed portion of the loan to one or more Holders by using Form FmHA 1980–70, "Assignment Guarantee Agreement—Drought and Disaster Guaranteed Loan." Holder(s), upon written notice to Lender and FmHA, may reassign the unpaid guaranteed portion of the loan sold thereunder. Upon such notification the assignee shall succeed to all rights and obligations of the Holder(s) therunder. If this portion is selected, the Lender may not at a later date cause to be issued any additional notes.

2. *Multi-Note System.* When this option is selected by the Lender, upon disposition the Holder will receive one of the Borrower's executed notes and Form FmHA 1980–69, "Loan Note Guarantee—Drought and Disaster Guaranteed Loan" attached to the Borrower's note. However, all rights under the security instruments (including personal and/or corporate guarantees) will remain with the Lender and in all cases inure to its and the Government's benefit notwithstanding any contrary provisions of state law.

a. *At Loan Closing:* Provide for no more than 10 notes, unless the Borrower and FmHA agree otherwise, for the guaranteed portion and one note for the unguaranteed portion. When this option is selected, FmHA will provide the Lender with a Form FmHA 1980–69, for each of the notes.

b. *After Loan Closing:* (1) Upon written approval by FmHA, the Lender may cause to be issued a series of new notes, not to exceed the total provided in 2.a. above, as replacement for previously issued guaranteed note(s) provided:

(a) The Borrower agrees and executes the new notes.

(b) The interest rate does not exceed the interest rate in effect when the loan was closed.

(c) The maturity of the loan is not changed.

(d) FmHA will not bear any expenses that may be incurred in reference to such reissue of notes.

(e) There is adequate collateral securing the note(s).

(f) No intervening liens have arisen or have been perfected and the secured lien priority remains the same.

(2) FmHA will issue the appropriate Loan Note Guarantees—Drought and Disaster Guaranteed Loan to be attached to each of the notes then extant in exchange for the original Loan Note Guarantee—Drought and Disaster Guaranteed Loan which will be cancelled by FmHA.

3. *Participations.* a. The Lender may obtain participation in its loan under its normal operating procedures. Participation means a sale of an interest in the loan wherein the Lender retains the note, collateral securing the note, and all responsibility for loan servicing and liquidation.

b. The Lender is required to hold in its portfolio or retain a minimum of 5 percent of the total guaranteed loan(s) amount. The amount required to be retained must be of the unguaranteed portion of the loan and cannot be participated to another. The Lender may sell the remaining amount of the unguaranteed portion of the loan only through participation. However, the Lender will always retain the responsibility for loan servicing and liquidation.

B. When a guaranteed portion of a loan is sold by the Lender to a Holder(s), the Holder(s) shall thereupon succeed to all rights of Lender under the Loan Note Guarantee—Drought and Disaster Guaranteed Loan to the extent of the portion of loan purchased. Lender will remain bound to all the obligations under the Loan Note Guarantee—Drought and Disaster Guaranteed Loan, and this agreement, and the FmHA program regulations found in the applicable Subpart of Title 7 CFR Part 1980, and to future FmHA program regulations not inconsistent with the express provisions hereof.

C. The Holder(s) upon written notice to the Lender may resell the unpaid guaranteed portion of the loan sold under provision III A.

IV. The Lender agrees loan funds will be used for the purposes authorized in the applicable Subpart of Title 7 CFR Part 1980 and in accordance with the terms of Form FmHA 449–14.

V. The Lender certifies that none of its officers or directors, stockholders or other owners has a substantial financial interest in the borrower. The Lender certifies that neither the Borrower nor its officers or directors, stockholders, or other owners has a substantial financial interest in the Lender.

VI. The Lender certifies that it has no knowledge of any material adverse change, financial or otherwise, in the Borrower. Borrower's business, or any parent, subsidiaries, or affiliates since it requested a Loan Note Guarantee.

VII. Lender certifies that a loan agreement and/or loan instruments concurred in by FmHA has been or will be signed with the Borrower.

VIII. Lender certifies it has paid the required guarantee fee.

IX. Servicing. A. The Lender will service the entire loan and will remain mortgagee and/or secured party of record, not withstanding the fact that another may hold a portion of the loan. The entire loan will be secured by the same security with equal lien priority for the guaranteed and unguaranteed portions of the loan. Lender may charge Holder a servicing fee. The unguaranteed portion of a loan will not be paid first nor given any preference or priority over the guaranteed portion of the loan.

B. Disposition of the guaranteed portion of a loan may be made prior to full disbursement, completion of construction and acquisitions only with the prior written approval of FmHA. Subsequent to full disbursement completion of construction, and acquisition, the guaranteed portion of the loan may be disposed of as provided herein.

It is the Lender's responsibility to see that all construction is properly planned before any work proceeds; that any required permits, licenses or authorizations are obtained from the appropriate regulatory agencies; that the Borrower has obtained contracts through acceptable procurement procedures; that periodic inspections during construction are made and that FmHA's concurrence on the overall development schedule is obtained.

C. Lender's servicing responsibilities include, but are not limited to:

1. Obtaining compliance with the covenants and provisions in the note, loan agreement, security instruments, and any supplemental agreements and notifying in writing FmHA and the Borrower of any

violations. None of the aforesaid instruments will be altered without FmHA's prior written concurrence. The Lender must service the loan in a reasonable and prudent manner.

2. Receiving all payments on principal and interest (including any loan subsidy) on the loan as they fall due and promptly remitting and accounting to any Holder(s) of their pro rata share thereof determined according to their respective interests in the loan, less only Lender's servicing fee. The loan may be reamortized or renewed only with agreement of the Lender and Holder(s) of the guaranteed portion of the loan and only with FmHA's written concurrence. It is the Lender's responsibility to maximize the collection of interest due on the loan. The Holder(s) remain entitled to all interest due up to the point of repurchase by the Lender or purchase from the Holder(s) by FmHA if such interest can be collected. If FmHA has repurchased, FmHA is equally so entitled.

3. Inspecting the collateral as often as necessary to properly service the loan.

4. Assuring that adequate insurance is maintained. This includes hazard insurance obtained and maintained with a loss payable clause in favor of the Lender as the mortgagee or secured party.

5. Assuring that: taxes, assessment or ground rents against or affecting collateral are paid; the loan and collateral are protected in foreclosure, bankruptcy, receivership, insolvency, condemnation, or other litigation, insurance loss payments, condemnation awards, or similar proceeds are applied on debts in accordance with lien priorities on which the guarantee was based, or to rebuilding or otherwise acquiring needed replacement collateral with the written approval of FmHA; proceeds from the sale or other disposition of collateral are applied in accordance with the lien priorities on which the guarantee is based, except that proceeds from the disposition of collateral, such as machinery, equipment, furniture or fixtures, may be used to acquire property of similar nature in value up to $——— without written concurrence of FmHA; the Borrower complies with all laws and ordinances applicable to the loan, the collateral and or operating of the farm, business or industry.

6. Assuring that if personal or corporate guarantees are part of the collateral, current financial statements from such loan guarantors will be obtained and copies provided to FmHA at such time and frequency as required by the loan agreement or Conditional Commitment for Guarantee. In the case of guarantees secured by collateral, assuring the security is properly maintained.

7. Obtaining the lien coverage and lien priorities specified by the Lender and agreed to by FmHA, properly recording or filing lien or notice instruments to obtain or maintain such lien priorities during the existence of the guarantee by FmHA.

8. Assuring that the Borrower obtains marketable title to the collateral.

9. Assuring that the Borrower (any party liable) is not released from liability for all or any part of the loan, except in accordance with FmHA regulations.

10. Providing FmHA Finance Office with loan status reports semiannually as of June 30 and December 31 on Form FmHA 1980–41, "Guaranteed Loan Status Report."

11. Obtaining from the Borrower periodic financial statements under the following schedule:

Lender is responsible for analyzing the financial statements, taking any servicing actions and providing copies of statements and record of actions to the FmHA office immediately responsible for the loan.

12. Monitoring the use of loan funds to assure they will not be used for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in 7 CFR Part 1940, Subpart G, Exhibit M.

X. Default. A. The Lender will notify FmHA when a Borrower is thirty (30) days past due on a payment or if the Borrower has not met its responsibilities of providing the required financial statements to the Lender or is otherwise in default. The Lender will notify FmHA of the status of a Borrower's default on Form FmHA 1980–44, "Guaranteed Loan Borrower Default Status." A meeting will be arranged by the Lender with the Borrower and FmHA to resolve the problem. Actions taken by the Lender with written concurrence of FmHA will include but are not limited to the following or any combination thereof:

1. Deferment of principal payments (subject to rights of any Holder(s)).

2. An additional temporary loan by the Lender to bring the account current.

3. Reamortization of or rescheduling the payments on the loan (subject to rights of any Holder(s)).

4. Transfer and assumption of the loan in accordance with the applicable Subpart of Title 7 CFR Part 1980.

5. Reorganization.

6. Liquidation.

7. Subsequent loan guarantees.

8. Changes in interest rates with FmHA's, Lender's, and the Holders(s) approval; provided, such interest rate is adjusted proportionally between the guaranteed and unguaranteed portion of the loan and the type of rate remains the same.

B. The Lender will negotiate in good faith in an attempt to resolve any problem to permit the Borrower to cure a default, where reasonable.

C. The Lender has the option to repurchase the unpaid guaranteed portion of the loan from the Holder(s) within 30 days of written demand by the Holder(s) when: (a) the Borrower is in default not less than 60 days in payment of principal or interest due on the loan or (b) the Lender has failed to remit to the Holder(s) its pro rata share of any payment made by the Borrower or any loan subsidy within 30 days of its receipt thereof. The repurchase by the Lender will be for an amount equal to the unpaid guaranteed portion of the principal and accrued interest less the Lender's servicing fee. The loan note guarantee will not cover the note interest to the Holder on the guaranteed loan(s). Holder(s) will concurrently send a copy of demand to FmHA. The lender will accept an assignment without recourse from the Holder(s) upon repurchase. The Lender is encouraged to repurchase the loan to facilitate the accounting for funds, resolve the problem, and to permit the borrower to cure the default, where reasonable. The Lender will notify the Holder(s) and FmHA of its decision.

D. If Lender does not repurchase as provided by paragraph C, FmHA will purchase from Holder(s) the unpaid principal balance of the guaranteed portion within 30 days after written demand to FmHA from the Holder(s). The loan note guarantee will not cover the note interest to the Holder on the guaranteed loan(s). Such demand will include a copy of the written demand made upon the Lender.

The Holder(s) or its duly authorized agent will also include evidence of its right to require payment from FmHA. Such evidence will consist of either the originals of the Loan Note Guarantee and note properly endorsed to FmHA or the original of the Assignment Guarantee Agreement properly assigned to FmHA without recourse including all rights, title, and interest in the loan. FmHA will be subrogated to all rights of Holder(s). The Holder(s) will include in its demand the amount of unpaid principal, due (no capitalized interest).

The Holder will also inform FmHA of the amount of past interest and capitalized interest it is owed. Such interest is not guaranteed. The Holder(s) remain entitled to all interest due up to the point of repurchase by the Lender or purchase by FmHA from the Holder(s) if such interest is or can be collected. If FmHA has purchased, FmHA is equally entitled.

The FmHA office serving the Borrower will promptly notify the Lender of the Holder(s) demand for payment. The Lender will promptly provide the FmHA office servicing the Borrower with the information necessary for FmHA's determination of the appropriate amount due the Holder(s). Any discrepancy between the amount claimed by the Holder(s) and the information submitted by the Lender must be resolved before payment will be approved. FmHA will notify both parties who must resolve the conflict before payment by FmHA will be approved. Such a conflict will suspend the running of the 30 day payment requirement. Upon receipt of the appropriate information, the FmHA office servicing the Borrower will review the demand and submit it to the State Director for verification. After reviewing the demand, the State Director will transmit the request to the FmHA Finance Office for issuance of the appropriate check. Upon issuance, the Finance Office will notify the office serving the Borrower and State Director and remit the check(s) to the Holder(s).

E. Lender consents to the purchase by FmHA and agrees to furnish on request by FmHA a current statement certified by an appropriate authorized officer of the Lender of the unpaid principal and interest then owed by the Borrower on the loan and the amount due to the Holder(s). Lender agrees that any purchase by FmHA does not change, alter or modify any of the Lender's obligations to FmHA arising from said loan or guarantee, nor does such purchase waive any of FmHA's rights against Lender, and FmHA will have the right to set-off against Lender all rights inuring to FmHA from the Holder against FmHA's obligation to Lender

under the Loan Note Guarantee. To the extent FmHA holds a portion of a loan, loan subsidy will not be paid the Lender.

F. Servicing fees assessed by the Lender to a Holder are collectible only from payment installments received by the Lender from the Borrower. When FmHA repurchases from a Holder, FmHA will pay the Holder only the amounts due the Holder. FmHA will not reimburse the Lender for servicing fees assessed to a Holder and not collected from payments received from the Borrower. No servicing fee shall be charged FmHA and no such fee is collectible from FmHA.

G. Lender may also repurchase the guaranteed portion of the loan consistent with paragraph 10 of the Loan Note Guarantee.

XI. Liquidation. If the Lender concludes that liquidation of a guaranteed loan account is necessary because of one or more defaults or third party actions that the Borrower cannot or will not cure or eliminate within a reasonable period of time, a meeting will be arranged by the Lender with FmHA. When FmHA concurs with the Lender's conclusion or at any time concludes independently that liquidation is necessary, it will notify the Lender and the matter will be handled as follows:

The Lender will liquidate the loan unless FmHA, at its option, decides to carry out liquidation.

When the decision to liquidate is made, the Lender may proceed to purchase from Holder(s) the guaranteed portion of the loan. The Holder(s) will be paid according to the provision in the Loan Note Guarantee or the Assignment Guarantee Agreement.

If the Lender does not purchase the guaranteed portion of the loan, FmHA will be notified immediately in writing. FmHA will then purchase the guaranteed portion of the loan from the Holder(s). If FmHA holds any of the guaranteed portion, FmHA will be paid first its pro rata share of the proceeds from liquidation of the collateral.

A. *Lender's proposed method of liquidation.* Within 30 days after the decision to liquidate, the Lender will advise FmHA in writing of its proposed detailed method of liquidation called a liquidation plan and will provide FmHA with:

1. Such proof as FmHA requires to establish the Lender's ownership of the guaranteed loan promissory note(s) and related security instruments.

2. Information lists concerning the Borrower's assets including real and personal property, fixtures, claims, contracts, inventory (including perishables), accounts receivable, personal and corporate guarantees, and other existing and contingent assets, advice as to whether or not each item is serving as collateral for the guaranteed loan.

3. A proposed method of making the maximum collection possible on the indebtedness.

4. If the outstanding loan balance including accrued interest is less than $200,000, the Lender will obtain an estimate of the market and potential liquidated value of the collateral. On loan balances in excess of $200,000, the Lender will obtain an independent appraisal report on all collateral securing the loan, which will reflect the current market value and potential liquidation value. The appraisal report is for the purpose of permitting the Lender and FmHA to determine the appropriate liquidation actions. Any independent appraiser's fee will be shared equally by FmHA and the Lender.

B. *FmHA's response to Lender's liquidation plan.* FmHA will inform the Lender in writing whether it concurs in the Lender's liquidation plan within 30 days after receipt of such notification from the Lender. If FmHA needs additional time to respond to the liquidation plan, it will advise the Lender of a definite time for such response. Should FmHA and the Lender not agree on the Lender's liquidation plan, negotiations will take place between FmHA and the Lender to resolve the disagreement. The Lender will ordinarily conduct the liquidation; however, should FmHA opt to conduct the liquidation, FmHA will proceed as follows:

1. The Lender will transfer to FmHA all rights and interests necessary to allow FmHA to liquidate the loan. In this event, the Lender will not be paid for any loss until after the collateral is liquidated and the final loss is determined by FmHA.

2. FmHA will attempt to obtain the maximum amount of proceeds from liquidation.

3. Options available to FmHA include any one or combination of the usual commercial methods of liquidation.

C. *Acceleration.* The Lender or FmHA, if it liquidates, will proceed as expeditiously as possible when acceleration of the indebtedness is necessary including giving any notices and taking any other legal actions required by the security instruments. A copy of the acceleration notice or other acceleration document will be sent to FmHA or the Lender, as the case may be.

D. *Liquidation:* Accounting and Reports. When the Lender conducts the liquidation, it will account for funds during the period of liquidation and will provide FmHA with periodic reports on the progress of liquidation, disposition of collateral, resulting costs and additional procedures necessary for successful completion of liquidation. The Lender will transmit to FmHA any payments received from the Borrower and/or pro rata share of liquidation or other proceeds, etc. when FmHA is the holder of a portion of the guaranteed loan using Form FmHA 1980–43, "Lender's Guaranteed Loan Payment to FmHA." When FmHA liquidates, the Lender will be provided with similar reports on request.

E. *Determination of Loss and Payment.* In all liquidation cases, final settlement will be made with the Lender after the collateral is liquidated. FmHA will have the right to recover losses paid under the guarantee from any party liable.

1. Form FmHA 449–30, "Loan Note Guarantee Report of Loss," will be used for calculations of all estimated and final loss determinations. Estimated loss payments may be approved by FmHA after the Lender has submitted a liquidation plan approved by FmHA. Payment will be made in accordance with applicable FmHA regulations.

2. When the Lender is conducting the liquidation, and owns any of the guaranteed portion of the loan, it may request a tentative loss estimate by submitting to FmHA an estimate of the loss that will occur in connection with liquidation of the loan. FmHA will agree to pay an estimated loss settlement to the Lender provided the Lender applies such amount due to the outstanding principal balance owed on the guaranteed debt. Such estimate will be prepared and submitted by the Lender on Form FmHA 449–30, using the basic formula as provided on the report except that the appraisal value will be used in lieu of the amount received from the sale of collateral.

After the Report of Loss estimate has been approved by FmHA, and within 30 days thereafter, FmHA will send the original Report of Loss estimate to FmHA Finance Office for issuance of a Treasury check in payment of the estimated amount due the Lender.

After liquidation has been completed, a final loss report will be submitted on Form FmHA 449–30 by the Lender to FmHA.

3. After the Lender has completed liquidation, FmHA upon receipt of the final accounting and report of loss, may audit and will determine the actual loss. If FmHA has any questions regarding the amounts set forth in the final Report of Loss, it will investigate the matter. The Lender will make its records available to and otherwise assist FmHA in making the investigation. If FmHA finds any discrepancies, it will contact the Lender and arrange for the necessary corrections to be made as soon as possible. When FmHA finds the final Report of Loss to be proper in all respects, it will be tentatively approved in the space provided on the form for that purpose.

4. When the Lender has conducted liquidation and after the final Report of Loss has been tentatively approved:

a. If the loss is greater than the estimated loss payment, FmHA will send the original of the final Report of Loss to the Finance Office for issuance of a Treasury check in payment of the additional amount owed by FmHA to the Lender.

b. If the loss is less than the estimated loss, the Lender will reimburse FmHA for the overpayment plus interest at the note rate from date of payment.

5. If FmHA has conducted liquidation, it will provide an accounting and Report of Loss to the Lender and will pay the Lender in accordance with the Loan Note Guarantee.

F. *Maximum amount of interest loss payment.* Interest is not covered by the guarantee.

G. *Application of FmHA loss payment.* The estimated loss payment shall be applied as of the date of such payment. The total amount of the loss payment remitted by FmHA will be applied by the Lender on the guaranteed portion of the loan debt. However, such application does not release the Borrower from liability. At time of final loss settlement the Lender will notify the Borrower that the loss payment has been so applied. In all cases a final Form FmHA 449–30 prepared and submitted by the Lender must be processed by FmHA in order to close out the files at the FmHA Finance Office.

H. *Income from collateral.* Any net rental or other income that has been received by the

Lender from the collateral will be applied on the guaranteed loan debt.

I. *Liquidation costs.* Certain reasonable liquidation costs will be allowed during the liquidation process. These liquidation costs will be submitted as a part of the liquidation plan. Such costs will be deducted from gross proceeds from the disposition of collateral unless the costs have been previously determined by the Lender (with FmHA written concurrence) to be protective advances. If changed circumstances after submission of the liquidation plan require a revision of liquidation costs, the Lender will procure FmHA's written concurrence prior to proceeding with the proposed changes. No in-house expenses of the Lender will be allowed. In-house expenses include, but are not limited to, employees' salaries, staff lawyers, travel and overhead.

J. *Foreclosure.* The parties owning the guaranteed portion and unguaranteed portions of the loan will join to institute foreclosure action or, in lieu of foreclosure, to take a deed of conveyance to such parties. When the conveyance is received and liquidated, net proceeds will be applied to the guaranteed loan debt.

K. *Payment.* Such loss will be paid by FmHA within 60 days after the review of the accounting of the collateral.

XII. Protective Advances. Protective advances will not be covered by the guarantee.

XIII. Additional Loans or Advances. The Lender will not make additional expenditures or new loans without first obtaining the written approval of FmHA even though such expenditures or loans will not be guaranteed.

XIV. Future Recovery. After a loan has been liquidated and a final loss has been paid by FmHA, any future funds which may be recovered by the Lender, will be pro-rated between FmHA and the Lender. FmHA will be paid such amount recovered in proportion to the percentage it guaranteed for the loan and the Lender will retain such amounts in proportion to the percentage of the unguaranteed portion of the loan.

XV. Transfer and Assumption Cases. Refer to the applicable Subpart of Title 7 of CFR Part 1980.

If a loss should occur upon consummation of a complete transfer and assumption for less than the full amount of the debt and the transferor-debtor (including personal guarantees) is released from personal liability, the Lender, if it holds the guarantee portion, may file an estimated Report of Loss on Form FmHA 449–30, "Loan Note Guarantee Report of Loss," to recover its pro rata share of the actual loss at that time. In completing Form FmHA 449–30, the amount of the debt assumed will be entered on line 24 as Net Collateral (Recovery).

XVI. Other Requirements. This agreement is subject to all the requirements of the applicable Subpart of Title 7 CFR Part 1980, and any future amendments of these regulations not inconsistent with this agreement. Interested parties may agree to abide by future FmHA regulations not inconsistent with this agreement.

XVII. Execution of Agreements. If this agreement is executed prior to the execution of the Loan Note Guarantee, this agreement does not impose any obligation upon FmHA with respect to execution of such contract. FmHA in no way warrants that such a contract has been or will be executed.

XVIII. Notices. All notices and actions will be initiated through FmHA for—————

_____

(State) with mailing address at the date of this instrument ————————

_____

Dated this ——— day of ———, 19—.

Lender:

By ————————————

Title ————————————

United States of America
Farmers Home Administration

By ————————————

Title ————————————

Attest: ——— (SEAL)

Exhibit B to Appendix I—Loan Note Guarantee; Drought and Disaster Guaranteed Loans (Interest not Guaranteed)

Form FmHA 1980–69 (11–88)

Borrower ————————————
Lender ————————————
Lender's Address————————————
State ————————————
County ————————————
Date of Note————————————
FmHA Loan Identification Number————————
Lender's IRS ID Tax Number ————————
Principal Amount of Loan $ ————————

The guaranteed portion of the loan is $——— which is ——— (——— %) percent of loan principal. The principal amount of loan is evidenced by ——— note(s) (includes bonds as appropriate) described below. The guaranteed portion of each note is indicated below. This instrument is attached to note ——— in the face amount of $ ——— and is number ——— of ———.

Lender's Identifying Number ————————
Face Amount ————————
Percent of Total Face Amount ————————
Amount Guaranteed ————————

Maximum Loss Guaranteed Governed by 7 CFR Part 1980, Subpart E, Appendix I

Total $——— 100% $———

In consideration of the making of the subject loan by the above named Lender, the United States of America, acting through the Farmers Home Administration of the United States Department of Agriculture (herein called "FmHA"), pursuant to the Disaster Assistance Act (P.L. 100–387, 7 USC) does hereby agree that in accordance with and subject to the conditions and requirements herein, it will pay to:

The Lender the lesser of 1. or 2. below:

1. Any loss sustained by such Lender on the guaranteed portion including principal indebtedness as evidenced by said note(s) or by assumption agreement(s), or

2. The guaranteed principal advanced to or assumed by the Borrower under said note(s) or assumption agreement(s) (Maximum $). No capitalized interest is guaranteed.

Definition of Holder. The Holder is the person or organization other than the Lender who holds all or part of the guaranteed portion of the loan with no servicing responsibilities. Holders are prohibited from obtaining any part(s) of the guaranteed portion of the loan with proceeds from any obligation, the interest on which is excludable from income, under Section 103 of the Internal Revenue Code of 1954, as amended (IRC). When the Lender assigns a part(s) of the guaranteed loan to an assignee, the assignee becomes a Holder only when Form FmHA 1980–70, "Assignment Guarantee Agreement—Drought and Disaster Guaranteed Loans," is used.

Definition of Lender. The Lender is the person or organization making and servicing the loan which is guaranteed under the provisions of the applicable subpart of 7 CFR Part 1980. The Lender is also the party requesting a loan guarantee.

Conditions of Guarantee

1. Loan Servicing. Lender will be responsible for servicing the entire loan, and Lender will remain mortgagee and/or secured party of record not withstanding the fact that another party may hold a portion of the loan. When multiple notes are used to evidence a loan, Lender will structure repayments as provided in the loan agreement.

2. Priorities. The entire loan will be secured by the same security with equal lien priority for the guaranteed and unguaranteed portions of the loan. The unguaranteed portion of the loan will not be paid first nor given any preference or priority over the guaranteed portion.

3. Full Faith and Credit. The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which Lender or any Holder has actual knowledge at the time it became such Lender or Holder or which Lender or any Holder participates in or condones. If the note to which this is attached or relates provides for payment of interest on interest, then this Loan Note Guarantee is void. In addition, the Loan Note Guarantee will be unenforceable by Lender to the extent any loss is occasioned by the violation of usury laws, negligent servicing, or failure to obtain the required security regardless of the time at which FmHA acquires knowledge of the foregoing. Any losses occasioned will be unenforceable to the extent that loan funds are used for purposes other than those specifically approved by FmHA in its Conditional Commitment for Guarantee. Negligent servicing is defined as the failure to perform those services which a reasonably prudent lender would perform in servicing its own portfolio of loans that are not guaranteed. The term includes not only the concept of a failure to act but also not acting in a timely manner or acting in a manner contrary to the manner in which a reasonably prudent lender would act up to the time of loan maturity or until a final loss is paid.

4. Rights and Liabilities. The guarantee and right to require purchase will be directly enforceable by Holder notwithstanding any fraud or misrepresentation by Lender or any unenforceability of this Loan Note Guarantee by Lender. Nothing contained herein will constitute any waiver by FmHA of any rights it possesses aganinst the Lender. Lender will be liable for and will promptly pay to FmHA any payment made by FmHA to Holder which if such Lender had held the guaranteed

portion of the loan, FmHA would not be required to make.

5. Payments. Lender will receive all payments of principal, or interest, on account of the entire loan and will promptly remit to Holder(s) its pro rata share thereof determined according to its respective interest in the loan, less only Lender's servicing fee.

6. Protective Advances. Protective advances made by Lender will not be guaranteed.

7. Repurchase by Lender. The Lender has the option to repurchase the unpaid guaranteed portion of the loan from the Holder(s) within 30 days of written demand by the Holder(s) when: (a) the borrower is in default not less than 60 days on principal or interest due on the loan or (b) the Lender has failed to remit to the Holder(s) its pro rata share of any payment made by the borrower or any loan subsidy within 30 days of its receipt thereof. The repurchase by the Lender will be for an amount equal to the unpaid guaranteed portion of principal and accrued interest less the Lender's servicing fee. The Loan Note Guarantee will not cover the note interest on the guaranteed loan(s). Holder(s) will concurrently send a copy of demand to FmHA. The Lender is encouraged to repurchase the loan to facilitate the accounting for funds, resolve the problem, and to permit the borrower to cure the default, where reasonable. The Lender will notify the Holder(s) and FmHA of its decision.

8. FmHA Purchase. If Lender does not repurchase as provided by paragraph 7 hereof, FmHA will purchase from Holder the unpaid principal balance of the guaranteed portion less Lender's servicing fee, within thirty (30) days after written demand to FmHA from Holder. The Loan Note Guarantee will not cover the note interest to the Holder on the guaranteed loan(s). Such demand will include a copy of the written demand made upon the Lender. The Holder(s) or its duly authorized agent will also include evidence of its right to require payment from FmHA. Such evidence will consist of either the original of the Loan Note Guarantee properly endorsed to FmHA or the original of the Assignment Guarantee Agreement properly assigned to FmHA without recourse including all rights, title, and interest in the loan. FmHA will be subrogated to all rights of Holder(s). The Holder(s) will include in its demand the amount of unpaid principal due (no capitalized interest).

The Holder will also inform FmHA of the amount of past interest and capitalized interest it is owed. Such interest is not guaranteed. The Holder(s) remain entitled to all interest due to the point of repurchase by the Lender or purchase by FmHA from the Holder(s) if such interest is or can be collected. If FmHA has purchased, FmHA is equally entitled.

The FmHA will promptly notify the Lender of its receipt of the Holder(s)'s demand for payment. The Lender will promptly provide the FmHA with the information necessary for FmHA determination of the appropriate amount due the Holder(s). Any discrepancy between the amount claimed by the Holder(s) and the information submitted by the Lender must be resolved before payment will be approved. FmHA will notify both parties who must resolve the conflict before payment of FmHA will be approved. Such conflict will suspend the running of the 30 day payment requirement. Upon receipt of the appropriate information, FmHA will review the demand and submit it to the State Director for verification. After reviewing the demand the State Director will transmit the request to the FmHA Finance Office for issuance of the appropriate check. Upon issuance, the Finance Office will notify the office servicing the borrower and State Director and remit the check(s) to the Holder(s).

9. *Lender's Obligations.* Lender consents to the purchase by FmHA and agrees to furnish on request by FmHA a current statement certified by an appropriate authorized officer of the Lender of the unpaid principal and interest then owed by Borrowers on the loan and the amount including any loan subsidy then owed by any Holder(s). Lender agrees that any purchase by FmHA does not change, alter or modify any of the Lender's obligations to FmHA arising from said loan or guarantee nor does it waive any of FmHA's rights against Lender, and that FmHA will have the right to set-off against Lender all rights inuring to FmHA as the Holder of this instrument against FmHA's obligation to Lender under the Loan Note Guarantee.

10. *Repurchase by Lender for Servicing.* If, in the opinion of the Lender, repurchase of the guaranteed portion of the loan is necessary to adequately service the loan, the Holder will sell the portion of the loan to the Lender for an amount equal to the unpaid principal and interest (including any loan subsidy) on such portion less Lender's servicing fee. The Loan Note Guarantee will not cover the note interest to the Holder on the guaranteed loans.

a. The lender will not repurchase from the Holder(s) for arbitrage purposes or other purposes to further its own financial gain.

b. Any repurchase will only be made after the Lender obtains FmHA written approval.

c. If the Lender does not repurchase the portion from the Holder(s), FmHA at its option may purchase such guaranteed portions for servicing purposes.

11. *Custody of Unguaranteed Portion.* The Lender may retain, or sell the unguaranteed portion of the loan only through participation. Participation, as used in this instrument, means the sale of an interest in the loan wherein the Lender retains the note, collateral securing the note, and all responsibility for loan servicing and liquidation.

12. *When Guarantee Terminates.* This Loan Note Guarantee will terminate automatically (a) upon full payment of the guaranteed loan; or (b) upon full payment of any loss obligation hereunder; or (c) upon written notice from the Lender to FmHA that the guarantee will terminate 30 days after the date of notice, provided the Lender holds all of the guaranteed portion and the Loan Note Guarantee(s) are returned to be cancelled by FmHA.

13. *Settlement.* The amount due under this instrument will be determined and paid as provided in the applicable Subpart of Part 1980 of Title 7 CFR in effect on the date of this instrument.

14. *Notices.* All notices and actions will be initiated through the FmHA ——— for ——— (State) with mailing address at the date of this instrument:

_____

United States of America
Farmers Home Administration
By: _____
Title: _____
(Date) _____
Assumption Agreement by _____
dated ———, 19—
Assumption Agreement by _____
dated ———, 19—

Exhibit C to Appendix I—Assignment Guarantee Agreement—Drought and Disaster Guaranteed Loans (Interest Not Guaranteed) [1]

FmHA Loan Ident. No. _____

Form FmHA 1980–70 (11–88)

_____

of _____
(Lender) has made a loan to _____
in the principal amount of $ _____
as evidenced by a note(s) dated _____
The United States of America, acting through Farmers Home Administration (FmHA) entered into a Loan Note Guarantee—Drought and Disaster Guaranteed Loans (Loan Note Guarantee) (Form FmHA 1980–69) with the Lender applicable to such loan to guarantee the loan not to exceed ——— % of the amount of the principal advanced.

_____

of _____

(Holder) desires to purchase from Lender ——— % of the guaranteed portion of such loan. Copies of Borrower's note(s) and the Loan Note Guarantee are attached hereto as a part hereof. _____

Now, Therefore, the Parties Agree:

1. The principal amount of the loan now outstanding is $ ——— . Lender hereby assigns to Holder ——— % of the guaranteed portion of the loan representing $ ——— of such loan now outstainding in accordance with all of the terms and conditions hereinafter set forth. The Lender and FmHA certify to the Holder that the Lender has paid and FmHA has received the Guarantee Fee in exchange for the issuance of the Loan Note Guarantee.

2. *Loan Servicing.* The Lender will be responsible for servicing the entire loan and will remain mortgagee and/or secured party

[1] Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to, Department of Agriculture, Clearance Officer, OIRM, Room 404–W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0575–0029), Washington, DC 20503.

of record. The entire loan will be secured by the same security with equal lien priority for the guaranteed and unguaranteed portions of the loan.

The Lender will receive all payments on account of principal of, or interest (including any loan subsidy) on, the entire loan and shall promptly remit to the Holder its pro rata share thereof determined according to their respective interests in the loan, less only Lender's servicing fee.

3. *Servicing Fee.* Holder agrees that Lender will retain a servicing fee of ——— percent per annum of the unpaid balance of the guaranteed portion of the loan assigned hereunder.

4. *Purchase by Holder.* The guaranteed protion purchased by the Holder will always be a portion of the loan which is guaranteed. The Holder will hereby succeed to all rights of the Lender under the Loan Note Guarantee to the extent of the assigned portion of the loan. The Lender, however, will remain bound by all the obligations under the Loan Note Guarantee and the program regulations found in the applicable Subpart of 7 CFR Part 1980 now in effect and future FmHA program regulations not inconsistent with the provisions hereof.

5. *Full Faith and Credit.* The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is inconstestable except for fraud or misrepresentation of which the Holder has actual knowledge at the time of this assignment, or which it participates in or condones. A note which provides for the payment of interest on interest shall not be guaranteed. Any Assignment Guarantee Agreement—Drought and Disaster Guaranteed Loan attached to or relating to a note which provides for payment of interest on interest is void.

6. *Rights and Liabilities.* The guarantee and right to require purchase will be directly enforceable by Holder notwithstanding any fraud or misrepresentations by Lender or any unenforceability of the Loan Note Guarantee by Lender. Nothing contained herein shall constitute any waiver by FmHA of any rights it possesses against the Lender, and the Lender agrees that Lender will be liable and will promptly reimburse FmHA for any payment made by FmHA to Holder which, if such Lender had held the guaranteed portion of the loan, FmHA would not be required to make. The Holder(s) upon written notice to the Lender may resell the unpaid balance of the guaranteed portion of the loan assigned hereunder. An endorsement may be added to the Form FmHA 1980–70 to effectuate the transfer.

Lender:
Address:
By ———
Title ———
Attest: ———
(SEAL)
Holder:
Address:
By ———
Title ———
Attest: ———
(SEAL)

United States of America
Farmers Home Administration
Address: ———
By ———
Title ———

Dated: October 21, 1988.

Roland R. Vautour,

Under Secretary, Small Community and Rural Development.

[FR Doc. 88–30178 Filed 12–30–88; 8:45 am]

BILLING CODE 3410–07–M

7 CFR Part 2003

Authority to Administer Drought and Disaster Guaranteed Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations to designate the Assistant Administrator—Community and Business Programs as the official within the organization of Farmers Home Administration responsible for administration of Drought and Disaster (D&D) Guaranteed Loans made available in section 331 of the Disaster Assistance Act of 1988 (Pub. L. 100–387) and to further designate the Business and Industry Division as the division responsible for overseeing the making and servicing of D&D guaranteed loans. Authority to administer these loan guarantees has been delegated by the Secretary of Agriculture to the Under Secretary for Small Community and Rural Development and redelegated to the Administrator of Farmers Home Administration. FmHA also corrects an error in the description of the functions of the Community Facilities Division.

EFFECTIVE DATE: January 3, 1989.

FOR FURTHER INFORMATION CONTACT: Lawrence Bowles, Loan Specialist, Farmers Home Administration, USDA, Room 6337–S, 14th and Independence Ave., SW., Washington, DC 20250, telephone (202) 475–3811.

SUPPLEMENTARY INFORMATION: Farmers Home Administration responsibility for administration of guarantees of loans to rural business entities to further rural development and to save and create jobs in rural areas has been located in the Assistant Administrator—Community and Business Programs. The Administrator, FmHA, having been delegated responsibility for the guarantee of loans to rural business entities for disaster relief (Drought and Disaster Guaranteed Loans), locates that authority in the Assistant Administrator—Community and Business Programs—and, within his functional area, in the Business and Industry Division. FmHA also corrects an error in the description of functions of the Community Facilities Division, deleting an inference that that division has responsibility for water-related facilities.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rule making and opportunity for comments is not required, and this rule may be made effective less than 30 days after publication in the **Federal Register.** Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by the Regulatory Flexibility Act and thus is exempt from the provisions of that Act.

Environmental Impact Statement

This document has been reviewed according to 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Intergovernmental Review

The Business and Industry program/activity is listed in the Catalog of Federal Domestic Assistance under number 10.422 and the Community Facilities program/activity is listed therein under number 10.423. They are subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, 48 FR 29112, June 24, 1983).

List of Subjects in 7 CFR Part 2003

Organization and functions (government agencies).

Accordingly, Part 2003, Title 7, Code of Federal Regulations, is amended as follows:

PART 2003—ORGANIZATION

1. The authority citation for Part 2003 is amended to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

Subpart A—Functional Organization of the Farmers Home Administration

2. Exhibit A to Subpart A of Part 2003 is amended by revising paragraph 2 under item "07 02 03 Assistant Administrator—Community and Business Programs" to read as follows:

Exhibit A—U.S. Department of Agriculture, Farmers Home Administration

* * * * *

07 02 03 Assistant Administrator—Community and Business Programs

* * * * *

2. Oversees administration and management of a broad and complex range of Community and Business and Industry type programs, including water and waste disposal loans and grants, technical assistance and training grants, community facility loans, industrial development grants, watershed and flood prevention loans, resource conservation and development loans, recreation loan servicing, energy impact assistance grants, nonprofit National Corporation loans and grants, irrigation and drainage loans, Grazing Association loans, Indian tribal acquisition loans, unincorporated EO cooperative loans, shift in land use loans, Timber Development Organization loans, area development assistance planning grants, rural development loan funds, incorporated EO cooperative loans, drought and disaster guaranteed loans, and business and industrial loans.

* * * * *

3. Exhibit A to Subpart A of Part 2003 is amended by revising paragraph 6 under item "07 02 03 0002 Community Facilities Division" to read as follows:

Exhibit A—Department of Agriculture, Farmers Home Administration

* * * * *

07 02 03 0002 Community Facilities Division

* * * * *

6. As a representative of the Administrator, meets with Members of Congress, high level officials of other Federal and State agencies, special interest groups and the general public, to discuss community facilities requirements in general or to explain or defend the agency position taken on loans and grants or anticipated policy changes, and to assist with development of interagency agreements.

* * * * *

4. Exhibit A to Subpart A of Part 2003 is amended by revising paragraph 1 under item "07 02 03 0003 Business and Industry Division" to read as follows:

Exhibit A—Department of Agriculture, Farmers Home Administration

* * * * *

07 02 03 0003 Business and Industry Division

* * * * *

1. Implements current and long range plans, policies and procedures necessary for the efficient and orderly management of a nationwide program of business and industry loans and grants, including a program of guaranteed loans to assist rural business entities adversely impacted by certain natural disasters occurring in 1988.

* * * * *

Dated: November 28, 1988.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 88-30179 Filed 12-30-88; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103, 212, 214, and 274a

[INS No. 1138-88]

Nonimmigrant Classes Pursuant to United States-Canada Free-Trade Agreement

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This rule implements provisions of the United States-Canada Free-Trade Agreement (FTA) by establishing procedures for temporary entry of Canadian citizen business persons into the United States. This rule will facilitate temporary entry on a reciprocal basis between the United States and Canada, while recognizing the continued need to ensure border security, and to protect indigenous labor and permanent employment in both countries.

DATES: Effective on the date the United States-Canada Free-Trade Agreement enters into force. The Immigration and Naturalization Service will publish a document in the **Federal Register** announcing the effective date. Written comments must be received on or before February 2, 1989.

ADDRESS: Please submit written comments, in triplicate, to the Director, Office of Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Room 2011, Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT: Edward H. Skerrett, Senior Immigration Examiner, U.S. Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: On January 2, 1988, the President of the United States and the Prime Minister of Canada entered into the FTA. Implementation of this agreement has been provided for by the United States-Canada Free-Trade Agreement Implementation Act of 1988, Pub. L. 100-449 (FTA Implementation Act). The FTA was passed by the United States House of Representatives on August 9, 1988, and by the United States Senate on September 19, 1988. It was signed by the President on September 28, 1988. It is anticipated that the FTA will enter into force on January 1, 1989.

This rule pertains to Canadian citizen temporary visitors for business seeking classification under section 101(a)(15)(B) of the Immigration and Nationality Act (Act), to Canadian citizen treaty traders and investors seeking classification under section 101(a)(15)(E) of the Act, to Canadian citizen temporary workers seeking classification under section 101(a)(15)(L) of the Act, and to Canadian citizens seeking classification for engagement in activities at a professional level under section 214(e) of the Act, as added by section 307 of the FTA Implementation Act.

This rule establishes procedures for the temporary entry of Canadian citizen business persons as provided in Chapter Fifteen of the FTA and section 307 of the FTA Implementation Act. Chapter Fifteen, section 307, and this rule reflect the special trading relationship between the United States and Canada, the desirability of facilitating temporary entry on a reciprocal basis, and the desirability of establishing transparent criteria and procedures for temporary entry, while recognizing the continued need to ensure border security and protect indigenous labor and permanent employment in both countries.

Section 103.7(b) is amended to add a fee for classification of a citizen of Canada to be engaged in business activities at a professional level pursuant to section 214(e) of the Act, as added by section 307 of the FTA Implementation Act. Form I-94 (Arrival/Departure Record) and a receipt (Form G-211, Form G-711, or Form I-797) will be given to each citizen of Canada classified under section 214(e) of the Act. Although a petition is not required for this classification, the level of documentation presented to the immigration officer will be on a par with that required for nonimmigrant classifications for which petitions are required. This factor coupled with the reciprocal aspects of the FTA require that a fee be charged. The government of Canada intends to charge an employment authorization fee for citizens of the United States entering Canada under the FTA to engage in business activities at professional level.

Section 212.1(1) sets forth the requirement that a Canadian citizen seeking admission as a treaty trader or investor under the provisions of Chapter 15 of the FTA and pursuant to section 101(a)(15)(E) of the Act shall be in

possession of a nonimmigrant visa. Regulations pertaining to the issuance of such visas will be provided by the United States Department of State.

Section 214.2(b)(4) states that various types of Canadian citizen business personnel would be classifiable as visitors for business under section 101(a)(15)(B) of the Act, provided that they are to receive no salary or other remuneration from a United States source other than incidental expenses. This listing has been compiled from the Immigration and Naturalization Service's Operations Instructions, the Department of State's Foreign Affairs Manual, and various policy statements which have been issued by the Service over the years and which pertain specifically to Canadian citizens. This is not an exhaustive list and does not preclude the admission under section 101(a)(15)(B) of the Act of a Canadian citizen business person engaged in an occupation or profession not on the list.

Of special significance is § 214.2(b)(4)(i)(F), pertaining to after-sales service. This paragraph extends the performance of after-sales service and training to the life of the warranty or service agreement and adds computer software to commercial or industrial equipment or machinery. This provision of the FTA and this regulation are not in conflict with the reasoning of *Bricklayers and Allied Craftsmen* v. *Meese*, 616 F. Supp. 1387 (N.D. Cal. 1985).

Section 214.2(l)(17) provides for the adjudication of individual petitions for classification of Canadian citizens under section 101(a)(15)(L) of the Act at certain United States ports of entry and pre-flight inspection stations. This paragraph also provides for determination of eligibility of Canadian citizens seeking L classification under pre-approved blanket petitions at these same locations. Blanket petitions must still be filed in advance at the appropriate Regional Service Centers.

A spouse or minor child holding Canadian citizenship or of a common nationality with Canadians will not be required to obtain a nonimmigrant visa to accompany or follow to join a Canadian citizen principal who is classified as an L-1; however, a non-Canadian citizen spouse or minor child will be required to obtain a nonimmigrant visa and, therefore, will only be able to follow to join.

Section 214.6 sets forth procedures relating to Canadian citizens coming to the United States to engage in activities at a professional level. Admission under this provision of the FTA does not imply that the Canadian citizen would otherwise qualify as a professional under sections 101(a)(15)(H)(i) or 203(a)(3) of the Act.

No prior petition, labor certification, or prior approval shall be required; however, Canadian citizens seeking classification under this provision must pesent documentation sufficient to satisfy the inspecting officer that they are seeking entry to engage in activities at a professional level and that they are so qualified.

This paragraph sets in regulation Schedule 2 to Annex 1502.1 of the FTA which is a listing of occupations agreed upon by both countries. A baccalaureate is the minimum requirement for these professions, unless otherwise specified. In the case of a Canadian citizen whose occupation does not appear on the list or who does not meet the transparent criteria, nothing precludes the filing of a petition for classification under another existing nonimmigrant classification.

As with the spouse and minor child of L-1 Canadian citizens, a nonimmigrant visa shall not be required of a spouse or minor child who possesses Canadian citizenship or is of a common nationality with Canadians. Visas will be required of all others.

Section 274a.12(b)(16) adds Canadian citizens engaged in business activities at a professional level pursuant to Chapter Fifteen of the FTA to the classes of aliens authorized employment with a specific employer(s) incident to status.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant adverse economic impact on a substantial number of small entities. This is not a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612.

The information collection requirements contained in this document have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act and are cited under 8 CFR 299.5.

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Fees, Reporting and recordkeeping requirements.

8 CFR Part 212

Administrative practice and procedures, Aliens.

8 CFR Part 214

Administrative practice and procedures, Aliens, Employment, Reporting and recordkeeping requirements.

8 CFR Part 274a

Administrative practice and procedures, Aliens.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for Part 103 continues to read as follows:

Authority: 5 U.S.C. 522(a); 8 U.S.C. 1101, 1103, 1201, 1301–1305, 1351, 1443, 1454, 1455; 28 U.S.C. 1746; 7 U.S.C. 2243; 31 U.S.C. 9701; E.O. 12356, 3 CFR 1982 Comp., p. 166.

2. Section 103.7(b)(1) is amended by adding a request paragraph as the last entry of this section, to read as follows:

§ 103.7 Fees.

* * * * *

(b) * * *

(1) * * *

Request. For classification of a citizen of Canada to be engaged in business activities at professional level pursuant to section 214(e) of the Act (Chapter 15 of the United States-Canada Free-Trade Agreement)—$50.00.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

3. The authority citation for Part 212 continues to read as follows:

Authority: 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1187, 1225, 1226, 1228, 1252, 8 CFR Part 2.

(4) In § 212.1, a new paragraph (l) is added to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(l) *Treaty traders and investors.* Notwithstanding any of the provisions of this part, an alien seeking admission as a treaty trader or investor under the provisions of Chapter 15 of the United States-Canada Free-Trade Agreement (FTA) pursuant to section 101(a)(15)(E) of the Act, shall be in possession of a nonimmigrant visa issued by an American consular officer classifying the alien under that section.

PART 214—NONIMMIGRANT CLASSES

5. The authority citation for Part 214 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1184, 1186a.

6. In § 214.2, paragraph (b)(1) is revised to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(b) *Visitors*—(1) *General.* Any B–1 visitor for business or B–2 visitor for pleasure may be admitted for not more than one year and may be granted an extension of a temporary stay in increments of not more than six months each, except that alien members of a religious denomination coming temporarily and solely to do missionary work in behalf of that demonination may be granted an extension of not more than one each year, provided that such work does not involve the selling of articles or the solicitation or acceptance of donations. The B–2 spouse or child of a Canadian citizen admitted under section 214(e) of the Act in accordance with the United States-Canada Free-Trade Agreement may be admitted for a period not to exceed one year and may be granted an extension of temporary stay in increments of not more than one year, providing the principal alien is maintaining status. Those B–1 and B–2 visitors admitted pursuant to the waiver provided at § 212.1(e) of this chapter may be admitted to and stay on Guam for a period not to exceed fifteen days and are not eligible for extension of stay.

* * * * *

7. In § 214.2, paragraph (b)(4) is redesignated as paragraph (b)(5) and a new paragraph (b)(4) is added to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(b) * * *

(4) *Admission of aliens pursuant to the United States-Canada Free-Trade Agreement (FTA).* A citizen of Canada seeking temporary entry for purposes set forth in paragraph (b)(4)(i) of this section, who otherwise meets existing requirements under section 101(a)(15)(B) of the Act, including but not limited to requirements regarding the source of remuneration, shall be admitted upon presentation of proof of Canadian citizenship, a description of the purpose of entry, and evidence demonstrating that he or she is engaged in one of the occupations or professions set forth in paragraph (b)(4)(i) of this section, or meets the requirements of paragraph (b)(4)(ii) of this section.

(i) Occupations and professions set forth in Schedule 1 to Annex 1502.1 of the FTA.

(A) *Research and design.* Technical, scientific, and statistical researchers conducting independent research for an enterprise located in Canada.

(B) *Growth, manufacture and production.* (*1*) Harvester owner supervising a harvesting crew admitted under applicable law.

(*2*) Purchasing and production management personnel conducting commercial transactions for an enterprise located in Canada.

(C) *Marketing.* (*1*) Market researchers and analysts conducting independent research or analysis, or research or analysis for an enterprise located in Canada.

(*2*) Trade fair and promotional personnel attending a trade convention.

(D) *Sales.* (*1*) Sales representatives and agents taking orders or negotiating contracts for goods or services but not delivering goods or providing services.

(*2*) Buyers purchasing for an enterprise located in Canada.

(E) *Distribution.* (*1*) Transportation operators delivering to the United States or loading and transporting back to Canada, with no intermediate loading or delivery within the United States. (This restriction applies only to merchandise or passengers loaded in the United States and delivered in the United States.)

(*2*) Customs brokers performing brokerage duties associated with the export of goods from the United States to or through Canada.

(F) *After-sales service.* Installers, repair and maintenance personnel, and supervisors, possessing specialized knowledge essential to the seller's contractual obligation, performing services or training workers to perform such services, pursuant to a warranty or other service contract incidental to the sale of commercial or industrial equipment or machinery, including computer software, purchased from an enterprise located outside the United States, during the life of the warranty or service agreement.

(G) *General service.* (*1*) Professionals who are otherwise classifiable under section 101(a)(15)(H)(i) of the Immigration and Nationality Act, but receiving no salary or other remuneration from a United States source.

(*2*) Management and supervisory personnel engaging in commercial transactions for an enterprise located in Canada.

(*3*) Computer specialists who are otherwise classifiable under section 101(a)(15)(H)(i) of the Immigration and Nationality Act, but receiving no salary or remuneration from a United States source.

(*4*) Financial services personnel (insurers, bankers or investment brokers) engaging in commercial transactions for an enterprise located in Canada.

(*5*) Public relations and advertising personnel consulting with business associates, or attending or participating in conventions.

(*6*) Tourism personnel (tour and travel agents, tour guides or tour operators) attending or participating in conventions or conducting a tour that has begun in Canada. (In certain circumstances the tour may begin in the United States.)

(*7*) Translators or interpreters performing services as employees of an enterprise located in Canada.

(ii) *Occupations and professions not listed in Schedule 1 to Annex 1502.1 of the FTA.* Nothing in this paragraph shall preclude a business person engaged in an occupation or profession other than those listed in Schedule 1 to Annex 1502.1 of the FTA from temporary entry under section 101(a)(15)(B) of the Act, if such person otherwise meets the existing requirements for admission as prescribed by the Attorney General.

* * * * *

8. In § 214.2, a new paragraph (l)(17) is added to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

(l) * * *

(17) *Filing of individual petitions and certifications under blanket petitions for citizens of Canada under the United States-Canada Free-Trade Agreement (FTA)*—(i) *Individual Petitions.* Except as provided in paragraph (l)(2)(ii) of this section (filing of blanket petitions), a United States or foreign employer seeking to classify a citizen of Canada as an intracompany transferee may file an individual petition in duplicate on Form I–129L in conjunction with the application for admission of the citizen of Canada. Such filing must be made with an immigration officer at a Class A port of entry, a United States airport handling international traffic, or at a United States pre-clearance/pre-flight station. The petitioning employer need not appear, but Form I–129L must bear the authorized signature of the petitioner.

(ii) *Certification of eligibility for intracompany transferee under the blanket petition.* An immigration officer at a location identified in paragraph (l)(17)(i) of this section may determine eligibility of individual citizens of Canada seeking L classification under approved blanket petitions. At these locations, such citizens of Canada shall

present the original and two copies of Form I–129S, Intracompany Transferee Certificate of Eligibility, prepared by the approved organization, as well as three copies of Form I–171C, Notice of Approval of Nonimmigrant Visa Petition.

(iii) Nothing in this section shall preclude the advance filing of petitions and certificates in accordance with paragraph (l)(2) of this section.

(iv) *Spouse and dependent minor children accompanying or following to join.* (A) The Canadian citizen spouse and unmarried minor children of a Canadian citizen admitted under this paragraph shall be entitled to the same nonimmigrant classification and same length of stay as the principal alien. The Canadian citizen spouse and children shall be admitted without the requirement of a visa and shall be admitted under the classification symbol L–2.

(B) A non-Canadian citizen spouse or unmarried minor child shall be entitled to the same nonimmigrant classification and the same length of stay as the principal, but shall be required a visa upon application for admission as L–2 unless otherwise exempt under § 212.1 of this chapter.

(C) The Canadian citizen/non-Canadian citizen spouse and dependent minor children shall not accept employment in the United States unless otherwise authorized under the Act.

* * * * *

9. Section 214.6 is added to read as follows:

§ 214.6 Canadian citizen seeking temporary entry to engage in activities at a professional level.

(a) *General.* Under section 214(e) of the Act, a citizen of Canada who seeks temporary entry as a business person to engage in activities at a professional level may be admitted to the United States in accordance with the provisions set forth in paragraphs (c) and (e) of this section, and in the United States-Canada Free-Trade Agreement (FTA).

(b) *Definitions.* (1) The term "Business person" as defined in the FTA, means a citizen of Canada who is engaged in the trade of goods or services or in investment activities.

(2) The term "Activities at a professional level" means those undertakings which require that, for successful completion, the individual has at least a baccalaureate degree or appropriate credentials demonstrating status as a professional.

(3) The term "Temporary entry" as used in the FTA, means entry without the intent to establish permanent residence.

(c) *Application for admission.* A citizen of Canada seeking admission under this section shall make application for admission with an immigration officer at a United States Class A port of entry, at a United States airport handling international traffic, or at a United States pre-clearance/pre-flight station. No prior petition, labor certification, or prior approval shall be required.

(d) *Evidence.* A visa shall not be required of a Canadian citizen seeking admission as a nonimmigrant under section 214(e) of the Act. Upon application for admission at a United States port of entry, an applicant under this section shall present the following:

(1) *Proof of Canadian citizenship.* Unless traveling from outside the Western Hemisphere, no passport shall be required; however, an applicant for admission must establish Canadian citizenship.

(2) *Documentation demonstrating engagement in business activities at a professional level and demonstrating professional qualities*—(i) *General.* The applicant must present documentation sufficient to satisfy the immigration officer at the time of application for admission, that the applicant is seeking entry to the United States to engage in a profession or an occupation at a professional level, and that the applicant meets the criteria to perform at such professional level. This documentation may be in the form of a letter from the prospective employer(s) in the United States or from the Canadian employer and may be required to be supported by licenses, diplomas, degrees, certificates, or membership in professional organizations. The documentation shall fully affirm:

(A) The professional activity to be engaged in;

(B) The purpose of entry;

(C) The anticipated length of stay;

(D) The educational qualifications or appropriate credentials which demonstrate that the Canadian citizen has professional level status;

(E) That the Canadian citizen complies with all applicable state laws and/or licensing requirements for the occupation to be engaged in; and

(F) The arrangements for remuneration for services to be rendered.

(ii) *Schedule 2 to Annex 1502.1 of the FTA.* Pursuant to the FTA, an applicant seeking admission under this section shall demonstrate business activity at a professional level in one of the professions or occupations set forth in Schedule 2 to Annex 1502. Unless otherwise specified below, a baccalaureate degree is the minimum requirement for the following professions as listed in Schedule 2:

Schedule 2 (Annotated)

—Accountant
—Engineer
—Scientist
- Biologist
- Biochemist
- Physicist
- Geneticist
- Zoologist
- Entomologist
- Geophysicist
- Epidemiologist
- Pharmacologist
- Animal scientist
- Agriculturist (agronomist)
- Dairy scientist
- Poultry scientist
- Soil scientist

—Research assistant (working in a post-secondary educational institution)
—Medical/allied professional
- Physician (teaching and/or research only)—M.D., provincial license, or state license
- Dentist—D.D.S., provincial license, or state license
- Registered nurse—provincial license or state license
- Veterinarian—D.V.M., provincial license, or state license
- Medical technologist
- Clinical lab technologist

—Architect
—Lawyer—member of bar in province or state, L.L.B., or J.D.
—Teacher
- College
- University
- Seminary

—Economist
—Social worker
—Vocational counselor
—Mathematician
—Hotel manager—baccalaureate degree and three years experience in hotel management
—Librarian—Master's degree in Library Science
—Animal breeder
—Plant breeder
—Horticulturist
—Sylviculturist (forestry specialist)
—Range manager (range conservationist)
—Forester
—Journalist—baccalaureate degree and three years' experience in journalism
—Nutritionist
—Dietician
—Technical publications writer
—Computer systems analyst
—Psychologist
—Scientific technician/technologist
- Must work in direct support of professionals in the following disciplines: chemistry, geology, geophysics, meteorology, physics, astronomy, agricultural sciences, biology, or forestry
- Must possess theoretical knowledge of the discipline
- Must solve practical problems in the discipline

• Must apply principles of the discipline to basic or applied research
—Disaster relief insurance claims adjuster—baccalaureate degree or three years experience in the field of claims adjustment.
—Management consultant—baccalaureate degree or five years' experience in consulting or related field.

(e) *Procedures for admission.* A Canadian citizen who qualifies for admission under this section shall be provided confirming documentation (Service Form I–94), and shall be admitted under the classification symbol TC for a period not to exceed one year. Form I–94 shall bear the legend "multiple entry." The fee prescribed under § 103.7 of this chapter shall be remitted upon admission to the United States pursuant to the terms and conditions of the FTA. Upon remittance of the prescribed fee, the Canadian citizen applicant shall be provided a Service receipt (Form G–211, Form G–711, or form I–797).

(f) *Readmission.* A Canadian citizen in this classification may be readmitted to the United States for the remainder of the period authorized on Form I–94, without presentation of the letter or supporting documentation described in paragraph (d)(2) of this section, and without remittance of the prescribed fee, providing the original intended business activities and employer(s) have not changed. An alien who seeks readmission to the United States under this section to continue in business activities at a professional level who is no longer in possession of a valid, unexpired Form I–94 and whose period of initial admission has not lapsed, shall present alternate evidence entitling the alien to readmission as TC. This alternate evidence may be in the form of a Service fee receipt for admission as TC or a previously issued admission stamp as TC in a passport, and a confirming letter from the United States employer(s).

(g) *Extension of stay.* A Canadian citizen admitted under this section may apply for an extension of stay, as provided in § 214.1(c) of this chapter. Extensions of stay may be granted in increments of one year. The application shall be accompanied by a letter(s) from the United States employer(s) confirming the continued need for the Canadian citizen's services and stating the length of additional time needed.

(h) *A request for change or addition of United States employer(s).* A Canadian citizen admitted under this paragraph who seeks to change or add a United States employer during the period of admission shall file an application for an extension of stay. The application shall be accompanied by a letter from the new employer describing the services to be performed, the time needed to render such services, and the remuneration for services. Employment with a different or with an additional employer is not authorized prior to Service approval of the request for extension of stay.

(i) *Spouse and unmarried minor children accompanying or following to join.* (1) The terms and conditions set forth under § 214.2(b)(1) of this chapter shall apply to the admission and the extension of temporary stay of the spouse or unmarried minor child of a Canadian citizen admitted under this section.

(2) The spouse or unmarried minor child shall be required to present a valid, unexpired nonimmigrant visa or a valid, unexpired Canadian border crossing identification card unless otherwise exempt under § 212.1 of this chapter.

(3) The spouse and dependent minor children shall be issued confirming documentation (Form I–94). Form I–94 shall bear the legend "multiple entry." There shall be no fee required for admission of the spouse and dependent minor children.

(4) The Canadian citizen/non-Canadian citizen spouse and dependent minor children shall not accept employment in the United States unless otherwise authorized under the Act.

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

10. The authority citation for Part 274a continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1324; 8 CFR Part 2.

11. In § 274a.12, a new paragraph (b)(16) is added to read as follows:

§ 274a.12 Classes of aliens authorized to accept employment.

* * * * *

(b) * * *

(16) A nonimmigrant pursuant to section 214(e) of the Act. An alien in this status must be engaged in business activities at a professional level in accordance with the provisions of Chapter 15 of the United States-Canada Free-Trade Agreement (FTA).

* * * * *

Date: December 20, 1988.

Alan C. Nelson,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 88–30255 Filed 12–30–88; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8236]

Allocation and Apportionment of Deduction for State Income Taxes

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to temporary regulations.

SUMMARY: This document contains corrections to the **Federal Register** publication on Monday, December 12, 1988, beginning at 53 FR 49873 of the temporary regulations (T.D. 8236). The temporary regulations relate to the allocation and apportionment of deductions for state income taxes in computing taxable income from sources inside and outside the United States.

FOR FURTHER INFORMATION CONTACT: David F. Chan of the Office of Associate Chief Counsel (International), (202) 634–5404 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On December 12, 1988, temporary regulations relating to the allocation and apportionment of deductions for state income taxes in computing taxable income from sources inside and outside the United States were published in the **Federal Register** (53 FR 49873). The text of the temporary regulations served as the text of the proposed regulations cross-referenced in the Notice of Proposed Rulemaking in the Proposed Rules section of the same issue of the **Federal Register.**

Need for Correction

As published, the temporary rules contain typographical errors and omissions which may prove to be misleading and are in need of correction.

Correction of Publication

Accordingly, the publication of the temporary rules (T.D. 8236), which was the subject of FR Doc. 88–28460 (53 FR 49873), is corrected as follows:

1. In the preamble, under the heading "DISCUSSION", in subheading "Section 1.861–8", on page 49873, column 2, line 2, the language "reserving paragraph (e)(b) of § 1.861–8," should read "reserving paragraph (e) of § 1.861–8,".

2. In the preamble, under the subheading "Section 1.861–8T(e)(6)", on page 49873, column 2, line 9, the language "imposed. Paragraph (e)(6)(ii)

clarifies" should read "imposed. Paragraph (e)(6)(i) also clarifies".

3. In the preamble, under the same subheading, page and column, line 13, the language "an income tax. This paragraph also cites" should read "an income tax. Paragraph (e)(6)(ii) also cites".

4. In the preamble, under the same subheading and page, column 3, line 9, the language "taxable years, and that the regulations" should read "taxable years beginning after December 31, 1976, and that the regulations".

5. In the preamble, under the subheading "Section 1.861–8T(g)", on page 49873, column 3, second paragraph under that subheading, line 1, the language "Paragraph (g) § 1.861–8T(g) then" should read "Paragraph (g) § 1.861–8T then".

§ 1.861–8T [Corrected]

6. On page 49875, column 1, in § 1.861–8T(e)(6)(iii), lines 2 and 3, which read "§ 1.861(e)(6)(i) are effective for all taxable years. The rules of § 1.861–" should read "§ 1.861–8T(e)(6)(i) are effective for taxable years beginning after December 31, 1976. The rules of § 1.861–".

7. On page 49875, column 1, the next printed line immediately following the conclusion of § 1.861–8T(e)(6)(iii) should read "* * * *".

8. On page 49876, column 2, in § 1.861–8T(g), Example (28)(i)(B), line 4, which reads "X having a total of $1,000,000 of" should read "X having a total of $1,100,000 of".

9. On page 49877, column 1, in § 1.861–8T(g), Example (28)(iii), last line in the table, which reads "tas deduction . . . 64,000" should read "tax deduction . . . . 64,000".

10. On page 49877, column 2, in § 1.861–8T(g), Example (29)(i) line 5, which reads "H. P also has a branch on country Y which" should read "H. P also has a branch in country Y which" and, line 10, which reads "corporation ("CFC") ad defined in section 957" should read "corporation ("CFC") as defined in section 957".

Dale D. Goode,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 88–30212 Filed 12–30–88; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 5

Fee Adjustments for Testing, Evaluation and Approval of Mining Products

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of fee adjustments.

SUMMARY: This notice revises the Mine Safety and Health Administration's (MSHA) user fees for testing, evaluation and approval of certain products manufactured for use in underground mines. These fees are based on Fiscal Year 1988 data and reflect changes in approval processing operations as well as costs incurred to process approval actions.

DATES: These fee schedules are effective from January 1, 1989 through December 31, 1989. Approval applications postmarked before January 1, 1989 will be chargeable under the fee schedules as published on May 8, 1987.

FOR FURTHER INFORMATION CONTACT: Robert W. Dalzell, Chief, Approval and Certification Center, R.R. 1, Box 251, Industrial Park Road; Triadelphia, West Virginia 26059.

SUPPLEMENTARY INFORMATION: In general, MSHA has computed the revised fees based on the cost to the government to provide testing, evaluation, and approval of products manufactured for use in underground mines. On May 8, 1987 (52 FR 17506), MSHA published a final rule, 30 CFR Part 5—Fees for Testing, Evaluation, and Approval of Mining Products, which established the specific procedures for fee calculation, administration, and revisions. This revised fee schedule is established in accordance with the procedures of that rule.

The fee schedules include updated fees resulting from the publication of two final rules: Part 7—Product Testing by Applicant or Third Party (53 FR 23486), and Part 15—Approval of Explosives and Sheathed Explosive Units (53 FR 46748). Under the provisions of Part 5, four approval areas have been converted from hourly rates to flat rates: Field Approval, Mine-Wide Monitoring System (MWMS) Evaluation, MWMS Barrier Classification, and MWMS Sensor Classification. All flat rate approvals require payment at the time of application submittal.

Date: December 27, 1988.

Roy L. Bernard,

Acting Deputy Assistant Secretary for Mine Safety and Health.

FEE SCHEDULE EFFECTIVE JANUARY 1, 1989

30 CFR part and agency tracking code	Hourly rate	Flat rate	Application fee
Part 7—Product Testing by Third Party			
12 Approval evaluation—Battery assemblies	$29		$100
12 Approval evaluation—Brattice and ventilation tubing	33		100
14 Approval extension—Battery assemblies	29		100
14 Approval extension—Brattice and ventilation tubing	32		100
40 Stamped Notification Acceptance Program (SNAP)		$134	
Part 15—Explosives			
The following Part 15 fee charges are applicable to applications postmarked on or after January 17, 1989 (the effective date of revised Part 15):			
12 Approval evaluation: *	33		100
Permissibility tests for explosives:			
Weigh-in		420	
Physical exam: First size		295	
Chemical analysis		1,797	
Air gap—Minimum product firing temperature		418	
Air gap—Room temperature		320	
Pendulum friction test		148	
Detonation rate		320	
Gallery test 7		4,917	
Gallery test 8		3,537	
Toxic gases (large chamber)		732	
Permissibility tests for sheathed explosives:			
Physical examination		128	

FEE SCHEDULE EFFECTIVE JANUARY 1, 1989—Continued

30 CFR part and agency tracking code	Hourly rate	Flat rate	Application fee
Chemical analysis		1,044	
Gallery test 9		1,944	
Gallery test 10		1,944	
Gallery test 11		1,944	
Gallery test 12		1,944	
Drop test		648	
Temperature effects detonation		672	
Toxic gases		580	
14 Approval extension	33		100
The following fee charges are applicable to those applications postmarked prior to November 20, 1989 (one year after the published date of the revised Part 15).			
On or after November 20, 1989, all requests for approval or extension of approval of explosives or sheathed explosive units must be submitted in accordance with Subpart A and applicable subpart of 30 CFR Part 15:			
12 Approval evaluation: [a]	33		100
Permissibility tests:			
Physical exam:			
First size		92	
Each additional size		41	
Six sizes/complete		295	
Chemical analysis		1,797	
Pendulum friction test		148	
Air gap		320	
Ballistic mortar test		246	
Detonation rate: Each size		160	
Gallery Test 4:			
First shot		299	
Each additional shot		244	
Ten-shot test		2,497	
Gallery test 7		4,917	
Bichel gage: Each shot		231	
Crawshaw-Jones test: Each shot		399	
Toxic fumes analysis		1,141	
Weigh-in and handling:			
First size		92	
Each additional size		41	
14 Approval extension	33		100
43 Fume analysis evaluation: [a]	33		100
Tests related to permissibility:			
Impact test		136	
Electrostatic spark test		108	
Thermal sensitivity test		130	
Suspension test:			
Gas only; per shot		86	
Gas and dust; per shot		117	
Gaseous products—Oxides of nitrogen analysis		678	
Gaseous products—Complete analysis		1,141	
Weigh-in and handling:			
First size		92	
Each additional size		41	
Part 18—Electric Motor Driven Equipment and Accessories			
12 Approval—Machine evaluation [a]	35		100
Approval—Machine testing:			
Explosion test	27		
Surface/temperature test	28		
Impact test	26		
Thermal shock test	27		
Product flame test	34		
12 Approval—Instruments (testing included)	31		100
14 Approval extension—Machine evaluation [a]	31		100
Approval extension—Machine testing:			
Explosion test	27		
Surface/temperature test	28		
Impact test	26		
Thermal shock test	27		
Product flame test	34		
14 Approval extension—Instruments (testing included)	30		100
15 Acceptance evaluation [a]	31		100
Acceptance testing:			
Explosion test	27		
Surface/temperature test	28		
Impact test	26		
Thermal shock test	27		
Product flame test	34		
Cable/splice test	34		
Cable flame test	33		
Compressibility test (asbestos substitutes)	35		
16 Certification evaluation [a] [d]	28		100

FEE SCHEDULE EFFECTIVE JANUARY 1, 1989—Continued

	30 CFR part and agency tracking code	Hourly rate	Flat rate	Application fee
	Certification testing:			
	Explosion test	27		
	Surface/temperature test	28		
	Impact test	26		
	Thermal shock test	27		
	Product flame test	34		
	Product flame test	34		
17	Acceptance extension	32		100
18	Certification extension *	29		100
	Certification extension testing:			
	Explosion test	27		
	Surface/temperature test	28		
	Impact test	26		
	Thermal shock test	27		
	Product flame test	34		
21	Field modification	34		100
23	Field approval		77	
26	Permit—Machines *	33		100
	Permit testing:			
	Explosion test	27		
	Surface/temperature test	28		
	Impact test	26		
	Thermal shock test	27		
	Product flame test	34		
26	Permit—Instruments (testing included)	31		100
30	Intrinsic safety determination (testing included)	34		100
31	Intrinsic safety determination extension (testing included)	34		100
32	Simplified certification *	29		100
	Simplified certification testing:			
	Explosion test	27		
	Surface/temperature test	28		
	Impact test	26		
	Thermal shock test	27		
	Product flame test	34		
34	Simplified certification extension *	29		100
	Simplified certification extension testing:			
	Explosion test	27		
	Surface/temperature test	28		
	Impact test	26		
	Thermal shock test	27		
	Product flame test	34		
40	Stamped Notification Acceptance Program (SNAP)		134	
41	Longwall approval	33		100
42	Longwall approval extension	33		100
	Part 19—Electric Cap Lamps			
12	Approval (testing included)	32		100
14	Approval extension (testing included)	31		100
40	Stamped Notification Acceptance Program (SNAP)		134	
	Part 20—Electric Mine Lamps			
12	Approval (testing included)	32		100
14	Approval extension (testing included)	31		100
40	Stamped Notification Acceptance Program (SNAP)		134	
	Part 21—Flame Safety Lamps			
12	Approval (testing included)	31		100
14	Approval extension (testing included)	31		100
40	Stamped Notification Acceptance Program (SNAP)		134	
	Part 22—Portable Methane Detectors			
12	Approval (testing included)	31		100
14	Approval extension (testing included)	31		100
40	Stamped Notification Acceptance Program (SNAP)		134	
	Part 23—Telephones and Signaling Devices			
12	Approval (testing included)	36		100
14	Approval extension (testing included)	32		100
40	Stamped Notification Acceptance Program (SNAP)		134	
	Part 24—Single-Shot Blasting Units			
12	Approval (testing included)	35		100
14	Approval extension (testing included)	35		100
40	Stamped Notification Acceptance Program (SNAP)		134	
	Part 25—Multiple-Shot Blasting Units			
12	Approval (testing included)	35		100
14	Approval extension (testing included)	35		100
40	Stamped Notification Acceptance Program (SNAP)		134	
	Part 26—Lighting Equipment for Illumination			
12	Approval (testing included)	35		100
14	Approval extension (testing included)	35		100
40	Stamped Notification Acceptance Program (SNAP)		134	
	Part 27—Methane Monitoring Systems			
16	Certification (testing included)	35		100

FEE SCHEDULE EFFECTIVE JANUARY 1, 1989—Continued

30 CFR part and agency tracking code	Hourly rate	Flat rate	Application fee
18 Certification extension (testing included)	31		100
40 Stamped Notification Acceptance Program (SNAP)		134	
Part 28—D.C. Current Fuses			
12 Approval (testing included)	36		100
14 Approval extension (testing included)	36		100
40 Stamped Notification Acceptance Program (SNAP)		134	
Part 29—Portable Dust Analyzers and Methane Monitors			
12 Approval (testing included)	31		100
14 Approval extension (testing included)	32		100
40 Stamped Notification Acceptance Program (SNAP)		134	
Part 31—Diesel Mine Locomotives			
12 Approval	33		100
14 Approval extension	33		100
Part 32—Mobile Diesel-Powered Equipment for Noncoal Mines			
12 Approval	33		100
14 Approval extension	33		100
16 Certification evaluation [a]	34		100
Certification testing:			
Emissions test	35		
Pre/post test preparation	34		
18 Certification extension evaluation [a]	34		100
Certification extension testing:			
Emissions test	35		
Pre/post test preparation	34		
Part 33—Dust Collectors			
12 Approval evaluation without certification of performance [2]	37		100
Approval testing: Dust collector test	40		
14 Approval extension evaluation [a]	37		100
Approval extension testing: Dust collector test	40		
16 Certification evaluation [a]	36		
Certification extension testing: Dust collector test	40		
18 Certification extensions [a]	37		100
Certification extension testing: Dust collector test	40		
21 Field modification	37		100
29 Dust collector approval with certification of performance	36		100
Part 35—Fire-Resistant Hydraulic Fluids			
12 Approval (testing included) [a]	31		100
14 Approval extension (testing included) [a]	31		100
Part 36—Mobile Diesel-Powered Equipment			
12 Approval	35		100
14 Approval extension	34		100
16 Certification—Engine evaluation [a]	34		100
Certification—Engine testing:			
Emissions test	34		
Explosion test	34		
Surface temperature/safety controls test	34		
Pre/post test preparation	34		
18 Certification extension—Engine evaluation [a]	34		100
Certification extension—Engine testing:			
Emissions test	34		
Explosion test	34		
Surface temperature/safety controls test	34		
Pre/post test preparation	34		
21 Field modification	34		100
27 Certification—Diesel components evaluation [a]	34		100
Certification—Diesel components testing:			
Emissions test	34		
Explosion test	34		
Water consumption/cooling efficiency test	35		
Surface temperature/safety controls test	34		
Pre/post test preparation	34		
28 Certification extension—Diesel components evaluation [a]	34		100
Certification extension—Diesel components testing:			
Emissions test	34		
Explosion test	34		
Water consumption/cooling efficiency test	35		
Surface temperature/safety controls test	34		
Pre/post test preparation	34		
40 Stamped Notification Acceptance Program (SNAP)		134	
Part 74—Coal Mine Dust Personal Sampler Units			
12 Approval	32		100
Other A&CC Services			
15 Acceptance—Overcurrent relays (testing included)	32		100
15 Acceptance—Brattice cloth and ventilation tubing [a] [d]	33		100
Acceptance testing (brattice cloth and ventilation tubing): Product flame test	35		
15 Statement of test and evaluation (ST&E)		33	
15 Acceptance—Ground check monitor/ground wire devices (testing included)	34		100
17 Acceptance extension—Overcurrent relays	32		100
17 Acceptance extension—Brattice cloth, ventilation tubing, and interim criteria [b]	32		100

FEE SCHEDULE EFFECTIVE JANUARY 1, 1989—Continued

30 CFR part and agency tracking code	Hourly rate	Flat rate	Application fee
17 Statement of test and evaluation (ST&E) extension		30	
17 Acceptance extension—Ground check monitor/ground wire device	34		100
20 Stamped Revision Acceptance (SRA) [b]		100	
24 Acceptance—Panic Bar	34		100
33 Generic statement of test and evaluation (ST&E)	32		100
37 Acceptance—Interim criteria [a]	32		100
Interim criteria testing: Product flame test	35		
40 Stamped Notification Acceptance Program (SNAP)/Ground check monitor and ground wire device		134	
41 Approval—Longwall area lighting	31		100
50 Mine Wide Monitoring System (MWMS) evaluation		267	
54 Mine Wide Monitoring System (MWMS) barrier classification		116	
52 Mine Wide Monitoring System (MWMS) sensor classification		154	
00 Retesting for approval as a result of post-approval product audit [c]			

Notes:
[a] Full approval fee consists of evaluation cost plus applicable test costs.
[b] Fee covers SRA application accompanied by up to 5 documents.
[c] Fee based upon the approval schedule in effect at the time of retest.
[d] Applications for battery, brattice cloth and ventilation tubing approvals postmarked after August 22, 1989, must be submitted under 30 CFR Part 7—Third Party Testing. Applicable fees are listed under 30 CFR Part 7 fees schedule.

[FR Doc. 88-30188 Filed 12-30-88; 8:45 am]
BILLING CODE 4510-43-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 500

Foreign Assets Control Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final Rule.

SUMMARY: This rule reflects a change in U.S. policy to facilitate private citizen travel to the Democratic People's Republic of Korea ("North Korea"). Despite the existing restrictions on providing travel services in conjunction with travel to North Korea contained in the Foreign Assets Control Regulations, 31 CFR Part 500 (the "Regulations"), travel service providers may seek specific licenses for the provision of services in connection with certain types of group and individual travel to North Korea.

EFFECTIVE DATE: January 3, 1989.

FOR FURTHER INFORMATION CONTACT: William B. Hoffman, Chief Counsel (tel.: 202/376-0408), or Steven I. Pinter, Chief of Licensing (tel.: 202/376-0392), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Consistent with the current foreign policy of the United States to facilitate unofficial, nongovernmental exchanges with North Korea, the Office of Foreign Assets Control ("FAC") is reviewing the Regulations with regard to the provision of travel services in connection with travel to, from, and within North Korea, particularly for U.S. individuals or groups involved in academic, sports, cultural, and certain other areas. Travel service providers may apply for specific licenses authorizing them to engage in transactions necessary to arrange or facilitate such exchanges and other noncommercial travel beyond the scope of transactions now authorized in § 500.563(d)(1) of the regulations (53 FR 7354, March 6, 1988). The amendment provides that license applications will be reviewed on a case-by-case basis. Licensing procedures are set forth in § 500.801 of the regulations.

A specific license granted under this rule authorizes certain transactions otherwise prohibited under §§ 500.201 and 500.563(d) of the regulations. Those provisions limit the services that travel service providers may offer to persons subject to U.S. jurisdiction to the booking of pasage for transportation to and from North Korea aboard third-country carriers. In the absence of a specific license under this rule, such services may only be provided with respect to unsolicited inquiries from prospective travelers.

Because the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply. Because the Regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations.

List of Subjects in 31 CFR Part 500

North Korea, Travel restrictions.

For the reasons set out in the preamble, 31 CFR Part 500 is amended as set forth below:

PART 500—[AMENDED]

1. The "Authority" citation for Part 500 continues to read as follows:

Authority: 50 U.S.C. App. 5, as amended; E.O. 9193, 7 FR 5205, 3 CFR 1938-1943 Cum. Supp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943-1948 Comp., p. 748.

2. The following section is added to the regulations as § 500.568:

§ 500.568 Transactions with respect to group travel to North Korea.

Notwithstanding the provisions of § 500.563(d)(2), specific licenses may be issued on a case-by-case basis for the provision of services by travel service providers in connection with group and individual travel to North Korea for noncommercial tours and private exchange programs in academic, sports, cultural, and certain other areas.

Dated: December 8, 1988.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: December 20, 1988.

Salvatore R. Martoche,

Assistant Secretary (Enforcement).

[FR Doc. 88-30259 Filed 12-29-88; 4:03 pm]
BILLING CODE 4810-25-M

31 CFR Part 565

Panamanian Transactions Regulations

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule.

SUMMARY: On April 8, 1988, the President issued Executive Order No.

12635, declaring a national emergency with respect to Panama, invoking the authority, inter alia, of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), ordering specified measures against the Noriega/Solis regime in Panama. In implementation of that Order, the Treasury Department issued the Panamanian Transactions Regulations, 53 FR 20566 (June 3, 1988), as amended at 53 FR 23620 (June 23, 1988); 53 FR 32221 (August 24, 1988); and 53 FR 37556 (September 27, 1988) (the "Regulations"). The Regulations prohibit, inter alia, transfers and payments to the Noriega/Solis regime from the United States, or by U.S. persons and U.S.-controlled Panamanian entities located in Panama, with certain exceptions, and require that amounts owed to the Government of Panama be paid into an account of the Government of Panama maintained at the Federal Reserve Bank of New York (the "FRBNY"). This rule amends the Regulations to authorize a substitute procedure for payment to the FRBNY. Persons owing amounts to the Government of Panama may apply for a specific license authorizing the blocking of the amounts owed, plus applicable interest, in a reserve account on their books. Any person who has already made payments to the FRBNY and who wishes to transfer the funds to a blocked reserve account, may apply to the Office of Foreign Assets Control for a license authorizing such a transfer.

EFFECTIVE DATE: January 3, 1989.

FOR FURTHER INFORMATION: Contact William B. Hoffman, Chief Counsel, Tel.: (202) 376-0412, or Steven I. Pinter, Chief of Licensing, Tel.: (202) 376-0236, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION: Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., does not apply. Because the Regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations.

The collections of information in this regulation are in § 565.509 of Title 31 of the Code of Federal Regulations. The information required under this section is necessary in order for the Office of Foreign Assets Control to evaluate the merits of a license application seeking to establish a reserve account containing funds owed the Government of Panama by U.S. persons, in lieu of transferring those funds into an account at the Federal Reserve Bank of New York as provided in §§ 565.202 and 565.203, and to monitor compliance with the requirements of this part. The likely respondents are individuals and businesses.

The estimated total annual reporting burden is 1000 hours. The estimated average annual burden hours per respondent is five hours. The estimated number of respondents is 200. Comments concerning the collection of information and the accuracy of this burden estimate, and suggestions for reducing this burden should be directed to the Office of Information and Regulatory Affairs, Attention: Desk Officer for the Office of Foreign Assets Control, U.S. Department of the Treasury, Office of Management and Budget, Washington, DC 20503, with copies of the Office of Information Resources Management, Department of the Treasury, 15th & Pennsylvania Avenue, NW., Washington, DC 20220.

List of Subjects in 31 CFR Part 565

Panama, Blocking of assets, Transfers of assets, Penalties, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 31 CFR Part 565 is amended as follows:

PART 565—PANAMANIAN TRANSACTIONS REGULATIONS

1. The authority citation for Part 565 continues to read as follows:

Authority: 50 U.S.C. 1701 et seq.; E.O. 12635, 53 FR 12134 (April 12, 1988).

2. Section 565.509 is added to read as follows:

§ 565.509 Reserve accounts.

(a) United States persons and U.S.-controlled Panamanian entities who are required under §§ 565.202 and 565.203 to make payments and transfers of certain funds owed to the Government of Panama into Government of Panama Account No. 2 at the Federal Reserve Bank of New York, may elect instead to apply for a specific license authorizing them to establish a substitute blocked reserve account on their books in the name of the Panamanian governmental entity to whom the amount is owed. Specific licenses may be issued to permit payment into such reserve accounts of amounts due and owing the Government of Panama, which amounts shall include the principal amount of funds due, plus interest thereon, determined pursuant to paragraph (b) of this section, accrued from the later of April 8, 1988, or the date the payment obligation to the Government of Panama first arose, to the date of payment into the reserve account. In the case of funds already credited to Government of Panama Account No. 2, specific licenses may be issued authorizing transfer of such funds (including accrued interest) to such reserve accounts. Such licenses are revocable, and are conditioned upon continued compliance with the requirements of this part. Upon revocation of a license or at the direction of the Director of the Office of Foreign Assets Control, funds held in such reserve accounts must be paid into Government of Panama Account No. 2.

(b) Funds credited to reserve accounts pursuant to this section shall bear interest at a rate not less than the weekly average effective Federal Funds rate, as published by the Federal Reserve Board, applicable to each week of the period in which credit balances are maintained pursuant to this section.

(c) If necessary to assure the availability of funds blocked in reserve accounts pursuant to this section, the Director of the Office of Foreign Assets Control may at any time require the payment of such blocked funds into Government of Panama Account No. 2 at the Federal Reserve Bank of New York, as provided in § 565.404, or the supplying of any form of security deemed necessary.

(d) A person receiving a specific license under paragraph (a) of this section shall certify to the Office of Foreign Assets Control within fifteen business days after receipt of that license that it has established the reserve account on its books as provided in that paragraph. Unless otherwise provided, a person licensed to establish such a reserve account shall file monthly reports with the Office of Foreign Assets Control setting forth all credits to the reserve account, and interest payable in accordance with paragraph (b) of this section on the reserve account, together with the nature of the debt, and the name of the Panamanian governmental entity to which it is owed. The report shall also contain a certification from an authorized official of the entity affirming that the entity submitting the report is in compliance with all other requirements of this part.

Dated: December 23, 1988.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: December 23, 1988.

Gerald L. Hilsher,

Acting Assistant Secretary (Enforcement).

[FR Doc. 88-30261 Filed 12-29-88; 4:50 pm]

BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-88-78]

Special Local Regulations for the New Year's Eve Celebration, Elizabeth River, Norfolk/Portsmouth, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of Implementation of special local regulations.

SUMMARY: This notice implements 33 CFR 100.501 for the New Year's Eve Celebration. The event will be held on the Elizabeth River, adjacent to "Waterside", between the Norfolk and Portsmouth downtown areas. The celebration will consist of a fireworks display launched from the Mast Area of Town Point Park, Waterside, Norfolk, Virginia from Midnight, December 31, 1988 to 12:30 a.m., January 1, 1989. The special local regulations in 33 CFR 100.501 are needed to control vessel traffic within the immediate vicinity of the event due to the confined nature of the waterway and the expected congestion at the time of the event. The regulations restrict general navigation in the area for the safety of life and property on the navigable waters during the event.

EFFECTIVE DATES: The regulations in 33 CFR 100.501 are effective from 11:30 p.m., December 31, 1988 to 1:00 a.m., January 1, 1989. In case of inclement weather causing the event to be postponed, the regulations in 33 CFR 100.501 are effective from 6:30 p.m. to 7:30 p.m., January 1, 1989.

FOR FURTHER INFORMATION CONTACT: B. J. Stephenson, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, (804) 398-6204.

SUPPLEMENTARY INFORMATION:

Drafting Information: The drafters of this notice are Billy J. Stephenson, project officer, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and Lieutenant Commander Robin K. Kutz, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulations: The regulations in 33 CFR 100.501 govern the operation of the marine events held on the Elizabeth River in the vicinity of "Waterside", downtown Norfolk, Virginia. The implementation of 33 CFR 100.501 also implements regulations in 33 CFR 110.72aa. The regulations in 33 CFR 110.72aa establish the spectator anchorages in 33 CFR 100.501 as special anchorage areas under Inland Navigation Rule 30, 33 U.S.C. 2030(g). These regulations are implemented by publication of this notice in the **Federal Register** and a notice in the Local Notice to Mariners. Norfolk Festevents Ltd. submitted an application that was received by the Commander, Coast Guard Group, Hampton Roads, on December 5, 1988 to hold a fireworks display on December 31, 1988 in the "Waterside" area of the Elizabeth River between downtown Norfolk and Portsmouth, Virginia. The fireworks will be launched from the Mass Area of Town Point Park. Spectator vessels are expected to be in the spectator anchorage areas during the fireworks display.

Since the waterway will not be closed for extended periods, commercial traffic should not be severely disrupted.

The regulations in 33 CFR 100.501 are hereby implemented.

Date: December 21, 1988.

A. D. Breed,

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

[FR Doc. 88-30157 Filed 12-30-88; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD 05-88-79]

Special Local Regulations for the United States Coast Guard Auxiliary Fiftieth Anniversary Celebration, Elizabeth River, Norfolk, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of 33 CFR 100.501.

SUMMARY: This notice implements 33 CFR 100.501 for the United States Coast Guard Auxiliary Fiftieth Anniversary Celebration. These special local regulations are needed to control vessel traffic within the immediate vicinity of "Waterside", between downtown Norfolk and Portsmouth, Virginia, due to the confined nature of the waterway and the expected vessel congestion during the celebration. The effect will be to restrict general navigation in the regulated area for the safety of participants and spectators.

EFFECTIVE DATES: The regulations in 33 CFR 100.501 are effective from 10:30 a.m. to 3:30 p.m., June 23, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Billy J. Stephenson, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204.

SUPPLEMENTARY INFORMATION:

Drafting Information: The drafters of this notice are Mr. Billy J. Stephenson, Project officer, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and Lieutenant Commander Robin K. Kutz, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulations: The regulations in 33 CFR 100.501 govern the operation of marine events held on the Elizabeth River in the vicinity of "Waterside", downtown Norfolk, Virginia. The implementation of 33 CFR 100.501, also implements regulations in 33 CFR 110.72aa and 117.1007. The regulations in 33 CFR 110.72aa establish the spectator anchorages in 33 CFR 100.501 as special anchorage areas under Inland Navigation Rule 30, 33 U.S.C. 2030(g). The regulations in 33 CFR 117.1007 close the draw of the Berkley Bridge to vessels during and within one hour of the effective period under 33 CFR 100.501. These regulations are implemented by publication of this implementing notice in the Federal Register and a notice in the Local Notice to Mariners.

The Coast Guard Auxiliary, Fifth District Southern Region, the sponsor of the event, has submitted an application to hold the United States Coast Guard Auxiliary Fiftieth Anniversary Celebration on June 23, 1989 in the area covered by 33 CFR 100.501. The celebration will consist of a Coast Guard Auxiliary aircraft flyover, a parade made up of Coast Guard and Coast Guard Auxiliary vessels, a Coast Guard helicopter, and Coast Guard buoy tender demonstration.

Since this event is the type of event contemplated by these regulations and the safety of the participants and spectators viewing the event would be enhanced by the implementation of 33 CFR 100.501, those regulations are hereby implemented.

Commercial vessels will be permitted to transit the regulated area between events, so commercial traffic should not be severely disrupted at any given time.

Dated: December 19, 1988.

A.D. Breed,

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

[FR Doc. 88-30156 Filed 12-30-88; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD5-87-051]

Drawbridge Operation Regulations; Ship Channel, Great Egg Harbor Bay, Somers Point-Ocean City, NJ

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the New Jersey Department of Transportation, the Coast Guard is amending the regulations governing the Route 52 drawbridge over Ship Channel, Great Egg Harbor Bay, at mile 0.5, between Somers Point and Ocean City, New Jersey, by limiting the number of openings for recreational vessels to the hour and half hour during daylight hours on weekends and Federal holidays during the summer. This amendment is being made to accommodate periods of increased peak marine and vehicular traffic and to synchronize openings with the Route 52 (Ninth Street) drawbridge over Beach Thorofare to minimize vehicular congestion. This action should accommodate the needs of vehicular traffic, while providing for the reasonable needs of navigation. This rule also makes provisions for opening the bridge on less than 24 hours advance notice between 11 p.m. and 7 a.m. for any public vessel of the United States, state and local vessel used for public safety, vessel in distress, or vessel with another vessel in tow. This action is necessary to handle emergency situations.

EFFECTIVE DATE: These regulations become effective on February 2, 1989.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Chief, Bridge Branch, First Coast Guard District, (212) 668-7170.

SUPPLEMENTARY INFORMATION: On July 7, 1987, the Coast Guard published a notice of proposed rulemaking concerning this amendment in the **Federal Register** (52 FR 25392). The Commander, Fifth Coast Guard District, also published the proposal as Public Notice number 5-641, dated July 10, 1987. In each notice, interested persons were given until September 30, 1987 to submit comments.

Drafting Information

The drafters of these regulations are Waverly W. Gregory, Jr., project manager, First Coast Guard District Bridge Branch, and CAPT Robert J. Reining, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Final Rule and Comments

This amendment is being made in an effort to relieve vehicular traffic from 10 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays between Memorial Day and Labor Day. Vehicular traffic is at its peak during this period. Synchronizing openings of this bridge with the Route 52 drawbridge across Beach Thorofare will help minimize repeat delays to vehicular traffic and improve traffic flow. A temporary rule was published in the **Federal Register** on July 7, 1987 (52 FR 25372) to evaluate the proposed rule for a 60-day period. That temporary rule was in effect from July 2 through August 30, 1987. It limited bridge openings to the hour and half hour for recreational and commercial vessels. A total of 313 bridge openings occurred in July, and 457 openings occurred in August 1987. Of the 313 July openings, 76 occurred between 10 a.m. and 8 p.m., on Saturdays, Sundays, and the 4th of July (24% of the total openings for the month). In August, 101 of the 457 total openings occurred during the same periods (22% of the total openings for the month).

During July 1987, 36 of the 313 openings involved solely commercial vessels (12% of the total openings for the month), with 5 of the 36 occurring between the hours of 10 a.m. and 8 p.m. on Saturdays and Sundays and the 4th of July. Likewise, 51 of the 457 openings during August 1987 involved solely commercial vessels (11% of the total openings for the month). Ten of these openings occurred during the limited opening periods on weekends. Traffic observations by the City of Somers Point Police Department during the trial period showed that vehicular traffic flow improved on Saturdays and Sundays during the limited opening periods. Random observations made of vehicular traffic at bridge openings during the period noted that all traffic cleared within five minutes. Prior to the restriction on openings, traffic took seven to eight minutes to clear. It should be noted that due to environmental problems with the waters in the area, traffic and tourism was down significantly in August 1987.

One comment from a charter boat owner was received in response to the public notice on the proposed change. He stated that his operation would be adversely affected because the opening restrictions would delay his fishing and dinner cruise patrons by thirty minutes if his vessel missed a scheduled opening. Because his business consists of half-day fishing trips and chartered dinner cruises, either his patrons or his business would have to suffer.

As a result of this comment the final rule requires the bridge to open on signal during the limited opening periods for commercial vessels. Because of the limited number of openings that result from the passage of commercial vessels, this change should not have a significant adverse impact on weekend traffic between the hours of 10 a.m. and 8 p.m. The final rule also differs from the proposed rule, which would have required the bridge to open on signal between the hours of 11 p.m. and 7 a.m. for public vessels of the United States, vessels in distress, and vessels with another vessel in tow. The current regulations only require the bridge to open between those hours if 24 hours advance notice is given. The final rule has been modified to give the bridge owner and operator up to 30 minutes to open the bridge for these vessels during the 24 hour advance notice period. Since the bridge is not manned between 11 p.m. and 7 a.m., imposing a requirement for the bridge to open on signal would have imposed an unnecessary financial hardship on the operator, since there is generally insufficient traffic to justify opening the bridge during those hours. However, the operator is willing to make arrangements for expeditious openings of the bridge in emergency situations.

Federalism Implication Assessment

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

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The change in regulations will permit a more orderly flow of both vehicular and recreational marine traffic and permit each mode of traffic to schedule its transits of the bridge to minimize delay. The final rule also eliminates any new

hardships to the limited commercial traffic that might have resulted from adoption of the proposed rule. The final rule preserves the current right to have the bridge open on signal between 7 a.m. and 11 p.m. outside the restricted periods on weekends and Federal holidays during the summer. Since the impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 is revised to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.753 is revised to read as follows:

§ 117.753 Ship Channel, Great Egg Harbor Bay.

The draw of the S52 (Ship Channel) bridge, mile 0.5 between Somers Point and Ocean City shall open:

(a) From 11 p.m. to 7 a.m.:

(1) As soon as possible, but no longer than 30 minutes after a request for an opening, for any public vessel of the United States, state and local vessel used for public safety, vessel with another vessel in tow, or vessel in distress.

(2) On signal, if at least 24 hours advance notice is given for any other vessel.

(b) From Memorial Day through Labor Day, from 10 a.m. to 8 p.m., on Saturdays, Sundays, and Federal holidays:

(1) On signal for any public vessel of the United States, state and local vessel used for public safety, vessel with another vessel in tow, vessel in distress, or commercial vessel.

(2) Only on the hour and half-hour, for any recreational vessel.

(c) At all other times, on signal for any vessel.

Dated: November 22, 1988.

A. D. Breed,

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

[FR Doc. 88–30154 Filed 12–30–88; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 440

[FRL–3501–7]

Ore Mining and Dressing Point Source Category; Gold Placer Mine Subcategory; Availability of Information, Comments and Responses, and Decision to Not Modify Final Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of information and response to comments, and decision to not modify final regulation.

SUMMARY: On May 24, 1988, EPA published a final rule promulgating effluent limitations guidelines and new source performance standards limiting effluent discharges to waters of the United States from facilities engaged in gold placer mining operations (53 FR 18764). In the preamble to the final regulation, the Agency requested comment concerning the economic impacts imposed on small placer mines (mines processing between 1,500 and 35,000 cubic yards of ore per year) by this regulation and stated that should significant additional data be presented to the Agency on small placer mines demonstrating that different effluent limitations guidelines and standards are warranted on a national basis, the Agency would modify the rule.

The Agency received 61 submissions containing approximately 163 individual comments on the issue on which EPA requested comment. Copies of these submissions, a summary of the comments with responses by the Agency, copies of other correspondence related to the impacts on small mines of the final rule, and copies of data and information used by the Agency in responding to comments are being made available in the post-promulgation record of the gold placer mine subcategory regulation.

Based on its review of these materials, the Agency has decided not to modify the final rule promulgated May 24, 1988.

DATE: The post-promulgation record will be available for public review not later than February 2, 1989.

ADDRESSES: Address questions on this notice to: Mr. Baldwin M. Jarrett, Industrial Technology Division (WH–552), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Attention: Gold Placer Mine Rules. The post-promulgation record will be available for inspection and copying at the following locations: EPA Public Information Reference Unit, Room 2904 (Rear), 4th and M Streets SW., Washington, DC 20460; EPA Library, 1200 Sixth Avenue, Seattle, WA 98101; EPA Alaska Field Office, Federal Building, Room E–551, 701 C Street, Anchorage, Alaska 99513; EPA Alaska Field Office, 3200 Hospital Drive, Suite 101, Juneau, Alaska 99801; and Alaska Department of Environmental Conservation Field Office, 1001 Noble Street, Fairbanks, Alaska 99701. The EPA Information Regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Ernst P. Hall, (202) 382–7126.

SUPPLEMENTARY INFORMATION: On May 24, 1988, EPA published a final rule promulgating effluent limitations guidelines and new source performance standards limiting effluent discharges to waters of the United States from facilities engaged in gold placer mining operations (53 FR 18764). In the preamble to this final regulation the Agency provided an opportunity for the public to submit significant additional data demonstrating that different limitations were warranted for small gold placer mines (those processing between 1,500 and 35,000 cu yd of ore per year). The Agency provided for a 60-day period, but did not specify the beginning or end of this period. A notice clarifying the period of time during which the Agency would receive comments was published July 1, 1988 (53 FR 24939). The Agency made the administrative record for this rulemaking available to the public on June 17, 1988. In order to provide adequate time for the public to acquaint itself with the administrative record and submit new data and comment, the Agency set the 60-day period to start June 17, 1988 and close on August 16, 1988.

The 61 comments received by EPA were from industry groups, government agencies and individual citizens. Most of the commenters contended that BAT limitations and NSPS based upon recirculation of process wastewater were not economically achievable for small gold placer mines. However, very few commenters provided any additional data as requested by EPA in the preamble to the final rule. Data were provided by the Department of the Interior (DOI). The Agency has carefully reviewed all of the information provided by commenters and determined that the data do not justify a change with respect to the economic methodology used by EPA to project the economic impacts of

the final regulation. The Agency continues to believe that the effluent limitations guidelines and new source performance standards imposed by the rule are economically achievable for all gold placer mine size categories. Therefore, the Agency is not modifying the rule promulgated on May 24, 1988.

Commenters on the final rule contended that EPA had understated several mining and compliance cost parameters, such as reclamation, maintenance, piping and pond construction costs, and that EPA had inappropriately excluded certain costs, such as mine patenting, from its analysis. The DOI also criticized the Agency's database and assumptions regarding the ore grades (i.e., the amount of gold recovered per cubic yard of ore processed by a mine) that are being mined in Alaska, and submitted additinal data to EPA. EPA has fully evaluated these contentions and the data that were submitted by commenters, and concluded that the Agency adequately considered operating and compliance costs when it promulgated the final rule, and that the Agency's ore grade database and assumptions were valid and appropriate for estimating placer mine revenues in its economic impact analysis. Below is a summary of the Agency's evaluation and conclusions regarding the major issues raised by commenters. EPA's complete analysis and discussion of these issues and all other public comments are contained in two support documents that will be included in the record for this decision: "Response to Comments on the Final Rule for the Gold Placer Mining Subcategory" ("Comment-Response Document"), and "Summary Report on Comments and Analysis of Data Submitted after Promulgation of the Gold Placer Mine Effluent Limitations Guidelines and Standards" ("Summary Report").

EPA's conclusion as to the achievability of the regulation is reaffirmed by information collected during site visits conducted by Agency staff during the 1988 mining season. Of the 85 active Alaskan mines that were visited by EPA, approximately half (including mines of all sizes) had already instituted recirculation of process water. This information supports EPA's conclusions that recirculation technology is in widespread use in the gold placer mining industry, and that requiring all mines to meet limitations based on this practice will not cause the significant economic dislocation projected by the industry or the Department of the Interior. In addition, EPA notes that monitoring data submitted by Alaskan miners to EPA from the 1988 mining season also indicate that the limitation of 0.2 ml/1 for settleable solids imposed by the regulation (and which is currently contained in permits issued by EPA) is being achieved by approximately 95% of gold placer mines.

1. Reclamation Costs

With regard to costs of reclamation, EPA's cost estimates at promulgation were based upon information supplied by the Bureau of Land Management and a published report on mining practices and costs. On the basis of the average per acre reclamation cost derived from these sources, EPA estimated that very small and small mines incurred reclamation costs of $2,543 and $2,918. In its comments, the DOI contended that EPA failed to take into account the cost of reclaiming settling ponds, and recommended that EPA assume all very small and small mines incur reclamation costs of $2,000 per site and $1,270 per acre of settling pond to be reclaimed. The DOI also contended that very small and small mines would have to reclaim two acres and four acres of ponds, respectively.

Contrary to DOI's assertion, EPA did consider the costs of reclaiming settling ponds in its analysis. The Agency's reclamation cost estimates were based upon the cost to reclaim the entire mining area, including the area for settling ponds which EPA field observations indicate are generally constructed in mine tailings. The total reclamation costs allocated by EPA in its analysis therefore included the costs of reclaiming the land on which settling ponds are located.

In addition, the Department did not provide data to support its assertion that very small and small mines would have to build and reclaim two and four acres of settling ponds per year. These assumptions result in a significant overestimate of total reclamation costs. EPA has determined, based upon data collected from operating placer mines and other sources, that very small and small mines will be able to treat wastewater for an entire season with ponds that are approximately one-half and one acre, in size, respectively. Indeed, when the DOI's suggested reclamation costs are applied based upon correct pond size dimensions, the resulting total reclamation costs are comparable to those assigned by EPA in its analysis. EPA therefore concludes that much of the information submitted by the DOI supports, rather than calls into question, the reclamation costs assigned by EPA in its analysis.

2. Maintenance Costs

EPA also disagrees with the DOI's contention that EPA should have allocated higher maintenance costs in its analysis. No actual data were provided by the Department in support of its suggested maintenance factors. The maintenance factors used by EPA were based, in large part, upon quotations from equipment suppliers documented in the public record. In addition, the Department apparently misconstrued the factors actually applied by EPA, which varied according to the particular piece of equipment in question. In some cases the factors used by EPA were comparable to those suggested by the DOI. The Comment-Response and Summary Report documents contained in the public record clarify the specific maintenance factors used by EPA in its analysis. Finally, through the application of variance cost factors described in the preamble to the final rule, EPA's analysis took into account the higher operating costs (including costs for maintenance) that would be encountered by mines operating under harsh conditions. EPA therefore concludes that it adequately took into account maintenance costs in its economic impact analysis.

3. Costs of Piping

The Department also contended that EPA had underestimated the length of pipe that very small and small mines would need to recirculate water from settling ponds to the sluice and stated that, in light of topographic conditions and other factors, longer pumping distances "are anticipated." The DOI did not provide data to support this contention. The Department also apparently misunderstood the length of pipe costed by EPA, which, as indicated in the Agency's final costing study supporting the final rule, was actually several times greater than indicated by the DOI. Moreover, EPA took into account the topographical constraints cited by the Department by including in its analysis the costs of building three or four small settling ponds per year if there was not adequate space for a single large pond. Under this scenario, less piping is obviously needed because each new pond is constructed as close as possible to the gold recovery process. Finally, as explained in the final Economic Impact Analysis, EPA applied a cost factor which increased all operating costs for certain representative mines in the analysis to reflect the higher costs of operating under difficult topographic conditions.

4. Settling Pond Construction Costs

The Department also asserted that EPA had underestimated the size of settling ponds needed to comply with the rule because the Agency allegedly overestimated the density of solids that would be collected in the ponds after settling. However, the Agency's estimate of 57% solids in the sludge was based upon laboratory analysis of sludge core samples taken at seven operating settling ponds during the 1986 mining season. The Department cited a Bureau of Mines chemical flocculant study which apparently found a percent solids content of 45%. However, the Bureau of Mines study was a pilot scale examination of the performance of chemically aided settling; the study did not measure the density of solids in settling ponds. Because EPA's analysis was performed under actual, full-scale conditions and was specifically designed to ascertain the percent solids in sludge produced by simple settling, the Agency is confident that it has accurately estimated the percent solids that will be produced under full-scale field conditions.

5. Patenting Costs

Several commenters asserted that EPA should have included in its analysis the cost of mines to patent their claims. They cite in particular the Alaska Native Claims Settlement Act and assert that miners may lose their right to mine if the lands on which their claims are located are conveyed to Native Villages and Regional Corporations under the Act. EPA concludes that it properly excluded this cost from its analysis. It is well-established that a miner does not have to patent his claim in order to maintain his possessory mining rights.

Decisions by the Department of the Interior and the Federal courts have clearly held a miner's right to his unpatented claims is not impaired if lands on which his claims are located are conveyed under the Alaska Native Claims Settlement Act. Since the decision to go to patent is therefore discretionary and not a necessary cost of doing business, EPA appropriately excluded it from its analysis.

6. Lower 48 Analysis

DOI asserted that EPA's economic analysis contains insufficient information on mines located in the Lower 48 States. EPA disagrees with this assertion. EPA made an intensive effort beginning in 1984 to collect data on Lower 48 mining activity. EPA prepared a model mine analysis similar to that developed for Alaska that covers an estimated 265 mines in the Lower 48 States. The database supporting the Lower 48 analysis includes all available data, including data from private sources (e.g., material in comments from miners) and publicly available data (State and Federal publications, correspondence with State and Federal agencies). The information was collected over a period of years and was subject to public review and comment at proposal and in two subsequent notices. EPA believes the Lower 48 analysis is based on sufficient data and correctly states the impact of the regulation on mines in the Lower 48 States.

7. Regional Data

DOI asserted that EPA's analysis contains insufficient ore grade information on two mining regions within Alaska—the Northern and Southeastern regions.

In developing the database for the regulation, EPA undertook an exhaustive investigation of ore grades found at mines throughout Alaska and relied upon information collected in field questionnaires, published literature and land patent reports to derive regional ore grade values. The Northern and Southeastern regions of Alaska had the smallest number of ore grade data points, which is not unexpected, since these two regions have historically had the least mining activity. In 1986, a total of seven mines were active in these two regions according to the State of Alaska *Minerals Industry Yearbook 1986.*

In the Northern region, EPA relied upon two data points to determine a regional average. A data point of .016 ounce per cubic yard was obtained from an EPA questionnaire. The other data point was based on a historic grade of .058 ounce per cubic yard. We reduced this very high value to .04 ounce/yard as a conservative assumption. The two data points thus yielded an average ore grade of .028 ounce per cubic yard, which is the value used for calculating mine revenues in the Northern region. We believe this value, which is higher than the statewide average, is appropriate because any mines that operate under the more difficult conditions of the Northern region (harsh weather, long distance to suppliers, etc.) would require higher than average ore grades and, therefore, higher than average returns in order to cover higher than average costs. EPA notes that, consistent with this approach, the representative model mines in the Agency's analysis for this region were estimated to have higher operating costs due to these difficult conditions.

In the Southeastern region, DOI incorrectly stated that EPA used the 1921 Geological Survey bulletin to obtain a regional average ore grade of .02 ounce per cubic yard. EPA was unable to obtain any ore grade data for this region, so the state-wide weighted average ore grade of .02 was used as a proxy for this region. This value is lower than the ore grade reported in the USGS 1921 bulletin for Alaska. Given the small number of mines in this region, the use of the statewide average ore grade value as a proxy is a reasonable alternative.

In developing this regulation, EPA thoroughly searched for and used all available information to derive ore grade values by mining region. We recognize that the data are limited for two regions, but again point out this is consistent with the scarcity of mines in these two areas of Alaska. The number of ore grade data points is similarly limited in the Alaska Department of Natural Resources database. Given the limited data, we believe that the ore grade estimates used by the Agency are reasonable representations of the grades at mines in these two regions.

8. Ore Grades

The most significant data submitted to EPA related to the ore grade values assumed in the Agency's analysis. Ore grade assumptions form the basis of revenue estimates and are therefore crucial to determining the effect of this regulation on mine profitability. The DOI contended that EPA has included "outdated" historical ore grade information in its database and recommended that EPA use a single, revised ore grade value for all mines (0.015 ounce per cubic yard) that the Department derived from a portion of EPA's data and other data sources.

EPA has reviewed all of the data presented by the Department and has concluded that they do not justify revising the ore grade database relied upon by EPA in promulgating this regulation. A complete analysis of the comments and data presented by the DOI is contained in the document "Summary Report on Comments and Analysis of Data Submitted After Promulgation of the Gold Placer Mining Rule", which is contained in the record for this decision. A summary of EPA's analysis and conclusions is provided below.

EPA's ore grade database was derived from an exhaustive data collection effort and is compiled from several sources. These include observations reported in published studies which reported ore grade or other mining data over time from which ore grade could be reported, and ore grade values collected directly from miners by EPA during site visits in the 1984–1986 mining seasons. While

some of the ore grades obtained from published literature were collected some time ago, the Department has provided no data to substantiate its claim that deposits with such ore grades are no longer found because many miners are currently remining previously worked areas. Indeed, the Agency has reexamined the recent data collected in support of the final rule, and determined that, if the Agency were to rely *only* on the recently collected data and exclude the historical ore grades, the economic impacts would likely be lower than projected at promulgation because the overall statewide average of EPA's recent ore grade data (i.e., collected after 1977), weighted according to the number of mines operating in various regions, is actually higher than the weighted average of the data (recent and historical) relied upon at promulgation. Therefore, the Department's contention that use of the historic ore grades inflated mine revenues and reduced the projected impacts of the rule is without merit.

EPA conducted an analysis evaluating the economic impacts of this rule if the ore grade values were lowered in the manner suggested by the DOI. The analysis indicates that use of lower ore grades suggested by DOI results in baseline closures of most of the gold placer mining industry (i.e., closures prior to the imposition of any costs to comply with this regulation). At the 1986 season average gold price of $377 per ounce, 84% of all mines would close in the baseline; at the 1987 season average gold price of $455, 65% of all mines would close in the baseline. However, since the number of mines in Alaska actually increased between 1986 and 1988, we believe that DOI's recommended ore grade value is unrealistically low, for its projects pre-compliance closures of a significant portion of the industry at a time when the number of mines is expanding.

EPA also evaluated whether some of the data submitted by the DOI were appropriate for use in the Agency's analysis. Two new ore grade data sources were supplied by the DOI: an average ore grade value from nine BLM patent reports, and 151 ore grade values that had been collected by the Alaska Department of Natural Resources (ADNR) from 1982 to 1987. With regard to the patent reports, the DOI did not provide EPA with the individual ore grade values from the nine mines; nor did the Department provide the actual reports. Without this information, EPA was unable to verify the method by which ore grades were calculated, the sizes of the mines or their locations in order to evaluate the accuracy of the data or its representativeness. In addition, the Department informed EPA that it had selected the nine reports from 21 that were available, and EPA does not know the criteria that were used in selecting only the nine reports. For these reasons, EPA does not believe it would be appropriate to incorporate these data into its analysis.

The Agency also evaluated the survey data collected by ADNR for possible use in EPA's analysis. After DOI submitted its comments to the Agency, EPA solicited additional information from the ADNR regarding the mines in the database, such as mine size, location and instances were an individual mine reported ore grade for more than one year. However, because the survey had been conducted under a promise of confidentiality, the actual data could not be obtained by EPA.

For several reasons, the Agency concluded that reliance on the Alaska data would not be appropriate. First, the data are the result of a self-selected survey; several thousand questionnaires had been sent during the six years but only 151 responses were received containing information sufficient to derive ore grade values. This indicates a potential for response bias. Also, the questionnaires did not specifically request the miner's ore grade. The wording of relevant questions was confusing and could have caused errors in the reporting or deriving of ore grade values. Moreover, the data appear overly representative of large mines which, because of economies of scale, may be able to operate profitably with lower ore grades than smaller mines. Thus, the large number of ore grade data points from large mines introduces the possibility of bias in the database towards lower ore grade values. Finally, the questionnaire was designed to get an overall view of the Alaska mineral industry, and not specifically to investigate gold placer mining ore grades.

EPA's data collection effort, by contrast, was specifically designed to be representative of the gold placer mining industry in a variety of respects, including the number of mines in various size categories and locations. Also, since EPA had its raw data in hand, the Agency was able to exercise the quality control that it could not exercise without having the raw data collected by ADNR. EPA therefore concluded that it was appropriate to continue to rely upon the database collected prior to promulgation.

However, EPA also evaluated whether the Alaska data, if it were appropriate for use by the Agency, would indicate economic impacts significantly different from those projected by EPA at promulgation. The Alaska data, when grouped by region and weighted according to the number of mines in each region, yield a statewide weighted average that is approximately 5% lower than the statewide weighted average of EPA's database. EPA, therefore, conducted a sensitivity analysis that reduced the ore grade values in each region by this amount. The most notable result of this adjustment is an increase in the number of baseline closures. While the total number of closures due to compliance increases slightly (from 25 to 27 mines), the Agency does not believe that the results are significantly different from those projected at promulgation. Therefore, the Agency has concluded that, even if it were to rely upon the ADNR data base, EPA would conclude that the final regulation is economically achievable for all mine size categories.

9. Conclusion

On the basis of its analysis of all the comments and data submitted during the comment period, EPA concludes that no changes to its economic impact methodology are warranted. EPA continues to believe that limitations based upon recirculation of process wastewater are economically achievable for all mine size categories.

Dated December 20, 1988.

Lee M. Thomas,

Administrator.

[FR Doc. 88-30182 Filed 12-30-88; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101, Subchapter A

[FPMR Temp. Reg. A-31]

Travel and Transportation Expense Payment System Using Contractor-Issued Charge Cards, Centrally-Billed Accounts, and Travelers Checks

AGENCY: Federal Supply Service, GSA.

ACTION: Temporary regulation.

SUMMARY: This regulation prescribes policies and procedures for a travel and transportation expense payment system which provides for the use of General Services Administration (GSA) contractor-issued charge cards, centrally-billed accounts, and travelers checks by Federal agencies for the procurement of passenger transportation

services, car rentals, payment to commercial facilities for subsistence (lodging, meals, etc.) and for miscellaneous travel and transportation expenses incurred during official travel. This regulation incorporates the awarded contracts effective November 30, 1988.

DATES: *Effective date*: November 30, 1988

Expiration date: November 29, 1989, unless sooner canceled or superseded.

FOR FURTHER INFORMATION CONTACT: Phyllis Hickman, Travel and Transportation Management Division (FBT), Washington, DC 20406, telephone FTS 557–1264 or commercial (703) 557–1264.

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more, a major increase in costs to consumers or others, or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Ch. 101, Subchapter A

Government employees, Travel, Travel allowances, Travel and transportation expenses.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter A to read as follows:

December 7, 1988.

[Federal Property Management Regulations Temporary Regulation A–31]

TO: Heads of Federal agencies.

SUBJECT: Travel and transportation expense payment system using contractor-issued charge cards, centrally-billed accounts, and travelers checks.

1. *Purpose.* This regulation prescribes policies and procedures for a travel and transportation expense payment system which provides for the use of General Services Administration (GSA) contractor-issued charge cards, centrally-billed accounts, and travelers checks by Federal agencies for the procurement of passenger transportation services, car rentals, payment to commercial facilities for subsistence (Lodging, meals, etc.) and for miscellaneous travel and transportation expenses incurred during official travel.

2. *Effective date.* This regulation is effective November 30, 1988.

3. *Expiration date.* This regulation expires November 29, 1989, unless sooner superseded or canceled.

4. *Scope.* This regulation shall be used in conjunction with the Federal Travel Regulation (FTR) and 41 CFR Part 101–41. Except as provided in this temporary regulation, all provisions of the FTR, 41 CFR Part 101–41, and related regulations (e.g., FPMR Temporary Regulation A–30, governing use of airline contract fares) continue in effect.

5. *Applicability.* a. This regulation applies to employees of Federal agencies and departments that participate in GSA's travel and transportation expense payment system using contractor-issued charge cards, centrally-billed accounts, and travelers checks.

b. Except for the use of contractor-issued charge cards, this regulation permits eligible cost-reimbursable contractors working for the Government to participate in GSA's travel and transportation expense payment system.

6. *Background.* a. Under 41 CFR 101–41.203, Federal agencies normally use a U.S. Government Transportation Request (GTR), SF 1169, to purchase passenger transportation services directly from a common carrier or through a commercial travel agent under contract to GSA. Also, under the FTR, travelers are eligible for advances to pay for allowable travel expenses. Upon completion of official travel, the employee submits a travel voucher to the agency finance office, which reimburses the employee for authorized and allowable travel expenses.

b. Authority to deviate from 41 CFR 101–41.203 was granted by the Administrator of General Services on August 4, 1983, thus allowing eligible individuals to participate in the charge card program. (See 48 FR 36893, dated August 15, 1983.)

c. GSA entered into a new contract with Citibank/Dinners Club, Inc., to issue and maintain charge cards and establish centrally-billed accounts. GSA also contracted with Citicorp for the issuance of travelers checks to be used by Federal employees to cover subsistence and other allowable travel and minor transportation expenses. Those contracts are effective November 30, 1988.

d. For more effective cash management, the Office of Management and Budget (OMB) Bulletin 88–17 dated July 22, 1988, prescribes that agencies should advance travel funds in the form of travelers checks, when determined to be in the best interest of the Government.

7. *Definitions.* For the purposes of this regulation, certain terms used herein are defined as follows:

a. "Centrally-billed" means a Government Travel System account established by the contractor at the request of a participating agency.

b. A "charge card" means a Citibank/Diners Club charge card to be used by travelers of a participating agency to pay for passenger transportation services, commercial facilities for subsistence expenses, and other allowable travel and transportation expenses incurred in connection with official travel.

c. "Contractor" means Citibank/Diners Club, Inc.

d. "Cost-reimbursable contractor" means contractors performing work under cost-reimbursable contracts or other eligible contracts as defined in 48 CFR Part 51, including (but not limited to):

(1) Contractors working under cost-reimbursable contracts or other types of contracts involving direct travel costs to the Government; and

(2) Contractors working for the Government at specific sites under special arrangements with the applicable contracting agency, and which are funded at such sites through congressional appropriations (e.g., Government-owned, contractor operated (GOCO), federally funded research and development (FFRDC), or management and operating (M&O) contracts).

e. "FTD" means the Federal Travel Directory, a monthly publication issued by GSA and the Department of Defense to provide up-to-date information on charge cards, contract fares, lodging rates, car rental, per diem rates, travel management centers, and other travel and transportation matters. Government employees should order copies of the FTD through their appropriate headquarters administrative offices. The FTD is also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. For ordering information, telephone the central order desk on (202) 783–3238 and request the Federal Travel Directory, GPO stock number 722–006–00000–3.

f. "Participating agency" means agencies and departments that participate in GSA's travel and transportation expense payment system.

g. "Travelers checks" are Citicorp travelers checks.

h. "TMC" means a Travel Management Center. A TMC is a commercial travel firm under contract to GSA that provides reservations, ticketing, and related travel management services for official Government travelers.

8. *Travel and transportation expense program.* This GSA travel management program incorporates provisions for the following:

a. Individual employee charge cards used to pay for major travel and transportation expenses; i.e., passenger transportation tickets, vehicle rental charges, lodgings, meals, etc. (see par. 9);

b. Centrally-billed accounts used by designated agency offices primarily for the purchase of passenger transportation services (see par. 12); and

c. Travelers checks (or cash) used for other expenses; i.e., laundry, parking, local transportation, or tips (see par. 14).

9. *Individual employee charge cards.*—a. *Issuing charge cards.* Participating agencies shall determine and name employees who may be issued an individual employee charge card. The employees will be requested to complete an employee card account application for agency approval and submission to the contractor. The charge card is issued directly to the employee in his or her name. Cost-reimbursable contractors are not eligible to use the charge card.

b. *Use of charge cards.*

(1) The employee shall use charge cards issued under this program only for expenses incurred in conjunction with official travel. The employee shall use the charge card to pay for official travel expenses to the maximum extent possible. There is no preset expense limit on the charge cards. Although the employee is liable for payment of all charges incurred, the employee shall be reimbursed by his/her agency for all authorized and allowable travel and transportation expenses. However, employees are cautioned that charges in excess of authorized and allowable travel and transportation expenses, i.e., lodging and meal costs which exceed authorized amounts, are the financial responsibility of the employee and are not reimbursable. Use of the charge card does not relieve the employee of the responsibility to employ prudent travel practices and to observe rules and regulations governing official travel as set forth in the FTR and implementing agency regulations.

(2) The charge card may be used to pay for passenger transportation services (including services under contract fares offered by carriers under contract to GSA) at the transportation carrier's ticket counter, TMC, or agency travel office, as appropriate, under the participating agency's policies and procedures. Agencies may elect to prohibit employees from using the charge card to purchase services directly from a carrier. The charge card shall not be used to procure travel and transportation services from commercial travel agencies that are not under contract to the Government to provide such services to the Government traveler.

c. *Monthly contractor bills and payments.* The terms of the contract with Citibank/Diners Club, Inc., require billing and payment to be performed in the following manner. The contractor bills charges directly to the individual employee each month. Charges billed to the individual employer are due and must be paid in full within 25 calendar days of the billing date. There are no interest or late charges, and extended or partial payment is not permitted. Questions concerning billings and payments should be directed to the contractor at: 800–525–5289 or 303–799–9000.

d. *Travel voucher claims.*—(1) *Preparing and submitting travel vouchers.* Upon completing official travel, the employee must prepare and submit a travel voucher in the usual manner to be reimbursed under the FTR and agency policies and procedures, together with any required receipts, to the appropriate finance or paying office. The employee is reimbursed for authorized and allowable travel and transportation expenses. Participating agencies shall process travel vouchers within the time limits prescribed in OMB Bulletin 88–17 of July 22, 1988.

2. *Unused transportation tickets.* Unused or partially unused tickets purchased with individual charge cards shall be returned to a TMC or carrier and a refund credit receipt obtained. Unused tickets that have been prepaid for pickup at the airport must be refunded by the airline upon whose ticket stock the ticket was issued. The employee may claim reimbursement on the travel voucher only for the cost of the tickets actually used. Refunds for unused tickets will be credited to the employee's account. The unused tickets shall not be submitted with the travel voucher.

(3) *Transportation charges and assignment of rights.* Use of charge cards for purchase of passenger transportation services is considered to be a cash purchase. Travel vouchers submitted for reimbursement of transportation purchase with charge cards must include a statement which assigns to the United States all rights which the traveler has in connection with recovery of overcharges from the carrier(s). This statement is preprinted on the SF 1012, Travel Voucher, and must be initialed by the employee when claiming reimbursement for transportation expenses. Employees using agency travel vouchers under approved exceptions to the SF 1012 must add this statement if it is not preprinted on the voucher.

10. *Charge card cancellation or suspension.* Charge cards may be canceled by the employee, the participating agency, or the contractor. Cancellation may be accomplished by telephone notification with subsequent written confirmation to the contractor. The contractor may cancel an employee's card when the contractor's statement has not been paid in full 120 calendar days after the date the statement was issued. The contractor may suspend an employee's card when the contractor's statement has not been paid in full 60 calendar days after the date the statement was issued. In either event, the contractor will cancel or suspend an employee's card only on notification to and with the concurrence of the participating agency.

11. *Lost or stolen charge cards.* An employee is not responsible for any charges incurred against a lost or stolen charge card provided the employee promptly reports loss of the card to the contractor under the terms of the cardmember agreement signed by the employee when the charge card was issued. Employees may call the following telephone numbers 24 hours a day to report lost or stolen charge cards:

In the continental U.S., Alaska, Hawaii, and Virgin Islands (toll free) 1–800–525–9040
In Canada (call collect) 0–303–779–6235
In Puerto Rico (call collect) 37–800–525–9040
In the Caribbean 0–809–295–7181
In Colorado (except Denver) (toll free) 1–800–332–9340
In metropolitan Denver (dial direct) 779–8235/779–1505

These telephone numbers are also published in the FTD.

12. *Participating agency centrally-billed accounts.*—a. *Establishment.* (1) Participating agencies may establish centrally-billed accounts with the contractor for one or more designated offices within the agency to primarily purchase transportation services, principally for groups or for infrequent travelers; i.e., employees not designated to receive individual cards. Agencies shall ensure that only authorized personnel use the accounts and that all tickets purchased are authorized.

Charge cards are not issued for centrally-billed accounts.

(2) The Federal agency may also allow centrally-billed accounts to be established for use by eligible cost-reimbursable Government contractors. These accounts must be established at the specific request of the agency and are subject to approval by GSA's contracting officer.

b. *Use of centrally-billed accounts.* Centrally-billed accounts may be used only if agencies use a TMC or an agency travel office. They are intended principally to supplement the individual card, rather than as the sole means of purchasing airline tickets for all agency employees.

c. *Contractor billing and payment.* Consolidated contractor airline ticket charges accrued through use of centrally-billed accounts shall be billed monthly to the agency's finance and paying office. Expenses billed monthly against centrally-billed accounts are paid to the contractor. Monthly payment of charges incurred through the use of centrally-billed accounts is subject to the provisions of the Prompt Payment Act of 1982, and charges billed to agency offices are due in full within 30 calendar days of the billing date.

d. *Travel voucher claims.*—(1) *Preparation and submission of travel vouchers.* On completing official travel, the employee shall prepare and submit a travel voucher in the usual manner, together with any required receipts, to the finance and paying office, to be reimbursed.

(2) *Unused transportation tickets.* The employee shall submit to the appropriate agency office all unused transportation tickets (wholly or partially unused) purchased under a centrally-billed account. In turn, the agency shall return the unused tickets to the TMC through use of the SF 1170, Redemption of Unused Tickets, and maintain a copy of the SF 1170 on file until the credit appears as an adjustment to the agency's bill from the TMC. Policies and procedures regarding the use of the SF 1170 are provided in 41 CFR Subpart 101–41.2.

13. *Financial obligations/liability.*—a. *Employee.* Except for charges accrued against promptly reported lost or stolen cards, employees with charge cards are liable for all billed charges (see pars. 9b and 11). Government employees must pay their just financial debts under section 206 of Executive Order 11222 (May 8, 1965) and Office of Personnel Management Regulations, 5 CFR 735.207. At the request of the contractor, Federal agencies and departments, without Government liability, may assist in collecting delinquent employee accounts after 60 calendar days.

b. *Government.* The Government assumes no liability for charges incurred on employee charge cards, nor is the Government liable for lost or stolen charge cards. The Government is liable only for authorized charges incurred in conjunction with official travel on centrally-billed accounts.

14. *Travelers checks.* Travelers checks issued under this program are available to participating agencies in denominations of $20, $50, $100, $500, and $1,000. Specific arrangements for issuing, shipping, and paying for bulk stocks of travelers checks are made during initial discussions between Citicorp and the participating agency.

15. *Lost or stolen travelers checks.* Lost or stolen travelers checks shall be reported promptly by telephone to Citicorp. Employee may call the following numbers 24 hours a day to report lost or stolen travelers checks and to obtain refund information:

In the continental U.S. (Also serves as access to Operations Center) 1–800–645–6556
Outside the continental U.S. (Alaska, Canada) (Also serves as Citicorp Hotline) 813–623–1709
Europe, Middle East and Africa (call London Office collect) 1–438–1414
In Latin America 813–626–4444
United Kingdom Dial 100; ask for FREEFONE Citicorp Travelers Checks
Seoul, Korea (call collect) 2–738–8914
Toyko (call collect) 3–501–1348
Hong Kong (call collect) 5–821–7215
Sydney, Australia 2–239–9533
Within Australia (toll free) 2–008–022272
Singapore 223–1009
Taipei, Taiwan (call collect) 2–713–9739

These telephone numbers are also published in the FTD.

16. *Establishing accounts.* a. The contractor shall issue charge cards and establish centrally-billed accounts only upon the request of authorized representatives of participating agencies. Interested offices within the participating agency shall contact their local administrative or travel office to initiate this program. Only the headquarters agency office, however, can approve participation in the program.

b. The contractor mails charge cards to authorized individuals or to requesting agency offices within 3 workdays of notifying the contractor.

17. *Additional agency guidance and information.*—a. *Purchasing passenger transportation.* (1) Passenger transportation services procured with contractor-issued charge cards under this payment system are exempt from the cash limitation established by the Administrator of General Services at 41 CFR 101–41.203–2. Any credit card other than the contractor-issued charge card, and all travelers checks used to purchase passenger transportation services shall be considered the equivalent of cash and subject to the cash limitation and provisions of 41 CFR 101–41.203–2.

(2) The portion of the charge card application form, Optional Employee Data, Field 2, is to be used to record the standard Federal organization code(s) contained in the Department of Commerce/National Bureau of Standards publication, Codes for the Identification of Federal and Federally-assisted Organizations (FIPS PUB 95), dated December 23, 1982. Specific details concerning this requirement will be communicated by the contractor directly to each participating agency during the initial program implementation phase.

b. *Submitting passenger ticketing information to GSA for audit.* (1) Travel vouchers containing reimbursable transportation charges purchased with contractor-issued charge cards shall not be considered transportation vouchers under 41 CFR 101–41.807.

(2) Passenger ticketing information is furnished directly by the contractor to GSA's Office of Transportation Audits. It is used to identify and collect carrier overcharges.

c. *Examination of payments and collection.* The Transportation Act of 1940, as amended (31 U.S.C. 3726), authorizes the GSA Transportation Audit Division (see 41 CFR 101–41.102) to issue a notice of overcharge when GSA finds that a carrier has been overpaid for the services rendered.

(1) Under the provisions of 41 CFR Subpart 101–41.5, carriers are requested to refund amounts due the United States. Refund checks are to be made payable to the General Services Administration and mailed promptly to General Services Administration, P.O. Box 93746, Chicago, IL 60673. Payment or credit to the contractor is not considered proper payment of overcharge claims due the U.S. Government.

(2) Protests to notices of overcharge are handled and processed in accordance with 41 CFR 101–41.503.

(3) Collection of unrefunded overcharges owed to the U.S. Government are processed in accordance with 41 CFR 101–41.504.

(4) Debts collected by GSA based on audits of transportation accounts are deposited to miscellaneous receipts, U.S. Treasury.

(5) Claims against the United States related to the actions taken above are processed under 41 CFR Subpart 101–41.6.

(6) Reconsideration and review of GSA transportation claim settlements follow the provisions of 41 CFR Subpart 101–41.7.

18. *Employee training.* Participating agencies shall ensure that each of their eligible employees is adequately trained in the use of the contractor-issued charge card or centrally-billed account before allowing them to use either a charge card or a centrally-billed account.

19. *Agency participation.* Agencies or departments desiring to participate in this program should contact the Travel and Transportation Management Division (FBT), General Services Administration, Washington, DC 20406, telephone (703) 557–1264 or FTS 557–1264.

20. *Comments and recommendations.* Comments and recommendations regarding the travel and transportation expense payment system or this regulation may be sent to: General Services Administration, Federal Supply Service, Office of Transportation and Property Management, Travel and Transportation Management Division (FBT), Washington, DC 20406.

21. *Effect on other directives.* This regulation cancels FPMR Temp. Reg. A–25 in its entirety.

Richard G. Austin,

Acting Administrator of General Services.

[FR Doc. 88–30043 Filed 12–30–88; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 663

[Docket No. 81130–8265]

Pacific Coast Groundfish Fishery; Foreign Fisheries

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

ACTION: Notice of final 1989 fishery specifications.

SUMMARY: NOAA announces the final 1989 specifications for Pacific coast groundfish taken in the ocean off the coasts of Washington, Oregon, and California. The specifications include the acceptable biological catch, the optimum yield, and the distribution of the optimum yield between domestic and foreign fishing operations as required by the regulations implementing the Pacific Coast Groundfish Fishery Management Plan. The intended effect of this action is to establish allowable harvests of Pacific coast groundfish from the United States exclusive economic zone and territorial waters in 1989.

EFFECTIVE DATE: January 1, 1989, until modified, superseded, or rescinded.

FOR FURTHER INFORMATION CONTACT: William L. Robinson (Northwest Region, NMFS), 206–526–6140, or Rodney R. McInnis (Southwest Region, NMFS), 213–514–6199.

SUPPLEMENTARY INFORMATION: The implementing regulations for the Pacific Coast Groundfish Fishery Management Plan (FMP) at 50 CFR Part 663 require that management specifications for groundfish be evaluated each calendar year, that preliminary specifications for the upcoming year be published in the **Federal Register** inviting public comment, and that final specifications be published in the **Federal Register** following public comment. The management specifications include the acceptable biological catch (ABC), the optimum yield (OY), and the distribution of OY between domestic and foreign fishermen. The ABC is an estimate of the annual catch that can be taken of the more than 80 groundfish species managed by the FMP without jeopardizing the stock's productivity. The OY, which is specified for six species (Pacific whiting, sablefish, Pacific ocean perch, shortbelly rockfish, widow rockfish, and, north of 39° N. latitude, jack mackerel), is based on socio-economic as well as biological factors and thus is not necessarily equal to the ABC. The OYs for these six species are the maximum amounts of fish (in round weight) that may be retained or landed each year from the 3–200 nautical mile exclusive economic zone (EEZ) and the territorial sea (0–3 nautical miles) off Washington, Oregon, and California.

The OY for each of these six species is apportioned into specifications of the amounts available for domestic and foreign fishing. The domestic annual harvest (DAH) consists of estimates of domestic annual processing (DAP) and joint venture processing (JVP) which are verified by surveys of the domestic industry in September and June. The total allowable level of foreign fishing (TALFF) is the remainder, if any, of OY after domestic needs have been subtracted. Before TALFF is designated, a reserve of 20 percent of OY is established for each species in case the domestic industry needs more fish than initially was estimated.

The other groundfish species managed under the FMP do not have numerical OYs. For the most part, they cannot be harvested selectively and, unless biological stress is documented, have not been managed by quotas. The fisheries may be regulated by gear, area, and catch restrictions. Full utilization by domestic processors of some species in this multispecies complex preclude joint venture of foreign targeting on underexploited species in the complex because large incidental catches of the fully utilized species are likely to result. Consequently, specifications for DAH, DAP, JVP, and TALFF are not made for species which do not have numerical OYs. However, ABCs are specified for the major species or species groups.

The OYs may be changed during the year, within limits, under the procedures outlined in the regulations at 50 CFR 663.22. The estimates of DAP, DAH, JVP, and TALFF also may be modified inseason according to the procedures outlined in the foreign fishing regulations at 50 CFR 611.70.

The Pacific Fishery Management Council (Council) reviewed the recommendations of its Groundfish Management Team (GMT) and Scientific and Statistical Committee, received public comment, and recommended preliminary specifications for the 1989 ABCs, based upon the best available scientific information and surveys of the industry, at its September 1988 meeting. The preliminary 1989 ABCs and OYs recommended by the Council were published in the **Federal Register** at 53 FR 46890 (November 21, 1988). Written public comments on the preliminary specifications were requested through December 1, 1988; none were received.

The Council again received public comment at its November 16–17, 1988 meeting, the last opportunity in 1988 to recommend final specifications for 1989. The Council considered public comments in addition to advice from its Groundfish Advisory Subpanel (industry and consumer representatives) and GMT (state and federal fishery biologists and an economist) in recommending final specifications to NMFS. The Council recommended the following revisions to the preliminary specifications for sablefish, widow rockfish, and Pacific cod in 1989.

Sablefish

The ABC for sablefish in 1989 is 9,000 metric tons (mt). At its November meeting, the Council changed its earlier recommendation for a 1989 sablefish OY from 10,400 mt to an OY range of 10,400 mt–11,000 mt and stated its intent to manage for the low end of the range.

This 600 mt potential increase in landings is intended to provide for uncertainties in landings projections for trawl and nontrawl gears, enable some small fisheries that operate later in the year to land small amounts of sablefish after gear allocations have been achieved, and allow for landings of sablefish caught incidentally while fishing for other species. However, if total landings reach the upper end of the OY range of 11,000 mt, all further landings of sablefish will be prohibited. This strategy, in conjunction with specific management measures designed to slow the rate of landings (published in a separate **Federal Register** notice), is intended to reduce the probability of a fishery closure early in the year, and will thus reduce the waste of incidentally caught sablefish which must be discarded after a quota is reached.

A similar OY range (9,200–10,800 mt) was adopted in 1988. The Council intended to manage for the 10,000 mt ABC (allocated 52 percent for trawl gear and 48 percent for nontrawl gear), and provided an additional 800 mt to be used, if needed, to allow for landings of sablefish caught incidentally in the trawl fishery after the trawl allocation was reached. Although the 800 mt reserve was added to the trawl allocation in August, inseason management measures slowed total landings to a projected 10,000 mt in 1988.

Although the OY range of 10,400–11,000 mt is higher than the 9,000 mt ABC in 1989, it is not expected to result in overfishing because the stock is larger than the biomass level which will produce the estimated 8,200 mt maximum sustainable yield (MSY). If 10,400 mt of sablefish are taken in 1989, then the yield may be reduced in increments of a few hundred metric tons a year over 7 years, at which time the biomass and the yield will have converged to MSY levels. If 11,000 mt of sablefish are taken in 1989, then the convergence to MSY would be achieved in about 5 years.

Because domestic processors intend to process all available sablefish, DAP and DAH are equal to OY. No sablefish are available for joint venture or foreign fishing except for small incidental catches.

Widow Rockfish

The preliminary 1989 ABC and OY for widow rockfish both were proposed to be 9,500 metric tons (mt), 21 percent below the 1988 ABC and OY of 12,100 mt. Because two stock assessment models produced different results and because it was not clear what the current level of the stock was in relation to MSY, the preliminary specifications for ABC and OY were based on the average estimated MSY from the two stock assessment models.

New information, made available after the preliminary specifications were recommended by the Council, indicates that the stock is at or above the MSY levels estimated by the two previous models, and that an ABC of 12,400 mt, the average ABC derived by the two models, may be more appropriate for 1989. Accordingly, the final ABC for widow rockfish in 1989 is 12,400 mt, 300 mt higher than in 1988. As proposed in the preliminary specifications, OY equals ABC. Because domestic processors intend to process all available widow rockfish, DAP and DAH equal OY. No widow rockfish are available for joint venture or foreign fishing except for small incidental catches.

Pacific Cod

Because there is no formal stock assessment for Pacific cod, the ABC for this species has always been determined by the highest catch on record. The most recent information, unavailable at the time the preliminary specifications were proposed, projects 1988 coastwide landings of 3,200 mt. Because landings information now are available coastwide (which was not the case when the previous ABC for Pacific cod was estimated), the GMT recommended that the ABC for Pacific cod be applied coastwide rather than only for the Vancouver and Columbia areas as previously was the case. Accordingly, the ABC for Pacific cod is increased 100 mt, from 3,100 mt to 3,200 mt, and applied coastwide. (Footnotes 2 and 6 of Table 1 therefore are modified to delete reference to Pacific cod.) Pacific cod does not have a numerical OY quota and therefore has no specifications for JVP or TALFF.

All other ABC and OY designations for 1989 remain as proposed in the preliminary specifications at 53 FR 46890 (November 21, 1988). In particular, no changes are made to the specifications for Pacific whiting. The entire 225,000 mt OY for Pacific whiting will be utilized by the domestic industry, 18,000 mt for shore-based processing and 207,000 mt for joint venture operations. Domestic needs will be reevaluated in June, and Pacific whiting surplus to domestic needs could be made available for foreign fishing near August 1, 1989. However, the establishment of a foreign fishery for Pacific whiting in 1989 does not appear likely at this time.

After considering this information, the Secretary of Commerce concurs with the Council's recommendations including the revisions stated above, and in the absence of other public comment announces the final specifications for 1989 as shown in Tables 1 and 2.

TABLE 1.— FINAL SPECIFICATIONS OF ABC FOR 1989 FOR THE WASHINGTON, OREGON, AND CALIFORNIA REGION BY INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION AREAS

[In Thousands of Metric Tons]

Species	Area					Total
	Vancouver [1]	Columbia	Eureka	Monterey	Conception	
Roundfish:						
Lingcod	1.0	4.0	0.5	1.1	0.4	7.0
Pacific Cod						[3]3.2
Pacific Whiting						[3]225.0
Sablefish						[3]9.0
Rockfish:						
Pacific Ocean Perch	0.0	0.0	([2])	([2])	([2])	0.0
Shortbelly						[3]10.0
Widow						[3]12.4
Other Rockfish: [4]						
Bocaccio ([2])	([2])	([2])	([2])	4.1	2.0	6.1
Canary	0.8	[5]2.1	0.6	([2])	([2])	3.5
Chilipepper						[3]3.6
Yellowtail	1.1	[5]2.9	0.3	([2])	([2])	4.3

TABLE 1.— FINAL SPECIFICATIONS OF ABC FOR 1989 FOR THE WASHINGTON, OREGON, AND CALIFORNIA REGION BY INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION AREAS—Continued

[In Thousands of Metric Tons]

Species	Area					Total
	Vancouver [1]	Columbia	Eureka	Monterey	Conception	
Remaining Rockfish	0.8	[5]3.7	1.9	4.3	3.3	14.0
Flatfish:						
Dover Sole	2.4	11.5	8.0	5.0	1.0	27.9
English Sole						[3]1.9
Petrale Sole	0.6	1.1	0.5	0.8	0.2	3.2
Other Flatfish	0.7	3.0	1.7	1.8	0.5	7.7
Other Fish:						
Jack Mackerel [7]						12.0
Others	2.5	7.0	1.2	2.0	2.0	14.7

[1] U.S. portion.
[2] These species are not common or important in the areas footnoted. Accordingly, rockfish species are included in the "remaining rockfish" category for the areas footnoted only.
[3] Total all areas.
[4] "Other rockfish" means rockfish species at 50 CFR 663.2, as amended, which do not have a numerical OY.
[5] For management of the *Sebastes* complex of rockfish, the Columbia area is split into northern and southern parts at Coos Bay, Oregon (43°21'34"N. latitude), and ABCs for the Columbia area are prorated as follows:

Species	Columbia area Total	North of Coos Bay	South of Coos Bay
Canary	2.1	1.7	0.4
Yellowtail	2.9	2.8	0.1
Remaining rockfish	3.7	3.3	0.4

[6] "Other fish" includes sharks, skates, ratfish, morids, grenadiers, and jack mackerel. "Other fish" is part of the "other species" category listed at 50 CFR 663.2.
[7] North of 39° N. latitude.

TABLE 2.—FINAL SPECIFICATIONS OF OY AND ITS DISTRIBUTION FOR 1989

[In Thousands of Metric Tons]

	Total OY	DAP	JVP [1]	DAH	Reserve	TALFF [1]
Pacific Whiting	225.0	18.0	207.0	225.0	0.0	0.0
Sablefish	10.4–11.0	10.4–11.0	0.0	10.4–11.0	0.0	0.0
Pacific Ocean Perch	[2]1.3	[2]1.3	0.0	[2]1.3	0.0	0.0
Shortbelly Rockfish	10.0	1.0	5.0	6.0	2.0	2.0
Widow Rockfish	12.4	12.4	0.0	12.4	0.0	0.0
Jack Mackerel	12.0	0.0	0.0	0.0	2.4	9.6
Other Species	([3])					

[1] In the foreign trawl and joint venture fisheries for Pacific whiting, incidental catch allowance percentages (based on TALFF) and incidental retention allowance percentages (based on JVP) are: sablefish 0.173 percent; Pacific ocean perch 0.062 percent; rockfish excluding Pacific ocean perch 0.738 percent; flatfish 0.1 percent; jack mackerel 3.0 percent; and other species 0.5 percent. In foreign trawl and joint venture fisheries, "other species" means all species, including nongroundfish species, except Pacific whiting, sablefish, Pacific ocean perch, rockfish excluding Pacific ocean perch, flatfish, jack mackerel, and prohibited species. In a foreign trawl or joint venture fishery for species other than Pacific whiting, incidental allowance percentages will be stated in the conditions and restrictions to the foreign fishing permit. See 50 CFR 611.70(c)(2) for application of incidental retention allowance percentages to joint venture fisheries.
[2] Of this 1,300 metric tons, 500 metric tons is for the Vancouver area and 800 metric tons is for the Columbia area. Pacific ocean perch from other areas are included in the OY for "other species." See 50 CFR 663.21(a)(3).
[3] The total OY for "other species" is that amount of fish that may be lawfully harvested and/or processed under 50 CFR 611.70 and Part 663. See 50 CFR 663.2 for species listing.

Classification

This action is taken under the authority of 50 CFR 663.24 and is in compliance with Executive Order 12291. This action is covered by the Regulatory Flexibility Analysis prepared for the implementing regulations.

Authority: 16 U.S.C. 1801 *et seq.*

List of Subjects in 50 CFR Parts 611 and 663

Fish, Fisheries, Fishing, Foreign relations.

Dated: December 27, 1988.

James W. Brennan,

Assistant Administrator For Fisheries, National Marine Fisheries Service.

[FR Doc. 88–30215 Filed 12–28–88; 4:36 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 54, No. 1
Tuesday, January 3, 1989

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

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 882-3135]

Budget Rent A Car Corp.; Proposed Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, Budget Rent A Car Corporation ("Budget") from failing to inspect and, if appropriate, repair its rental vehicles within a reasonable period of time (not to exceed 120 days) in response to manufacturers' safety recall notices. The consent would require respondent to generally disclose to prospective renters that the vehicles are subject to safety recall notices and may contain defects, if it chooses not to inspect.

DATE: Comments must be received on or before March 6, 1989.

ADDRESS: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Lydia B. Parnes, FTC/H-238, Washington, DC 20580. (202) 326-3126.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

List of Subjects in 16 CFR Part 13

Automobile, Rental cars, Trade practices.

Budget Rent A Car Corp.; Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Budget Rent A Car Corporation, hereinafter sometimes referred to as proposed respondent, and it now appearing that the proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Budget Rent A Car Corporation, by its duly authorized officers, and counsel for the Federal Trade Commission that:

1. Proposed respondent, Budget Rent A Car Corporation, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 200 North Michigan Avenue, Chicago, Illinois 60601. Budget Rent A Car Systems, Inc., a wholly owned subsidiary of Budget Rent A Car Corporation, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 200 North Michigan Avenue, Chicago, Illinois 60601. For purposes of this agreement, the term "Proposed respondent" or "respondent" shall mean Budget Rent a Car Corporation and shall include Budget Rent A Car Systems, Inc.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of the complaint attached hereto.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act, 5 U.S.C. 504.

4. Proposed respondent retains all rights, including those rights provided by Section 5(b) of the FTC Act, 15 U.S.C. 45(b), and 16 CFR 2.51, 3.71 and 3.72, to petition the Commission to modify or set aside the Order due to changes in conditions of law or fact which may include, but shall not be limited to, recommended changes to an automobile manufacturer's regular vehicle preventative maintenance schedules for its vehicles; provided, however, that this provision shall not be interpreted to require the Commission to modify or set aside the Order on any particular ground.

5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the proposed complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the proposed complaint attached hereto. Proposed respondent denies that any law has been violated as alleged in the complaint attached hereto.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the proposed complaint attached hereto and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered,

modified or set aside in the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purpose of this Order, the following definitions shall apply:

1. "Affected vehicles" means respondent's rental fleet vehicles that are covered by recall notices received by respondent.

2. "Rental fleet vehicles" means those vehicles that respondent's corporate owned locations rent to the public.

3. "Manufacturer" means any person or entity engaged in the manufacturing or assembling of motor vehicles.

4. "Recall notice" means written notification from manufacturers to owners under the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1391 *et seq.*, and the rules and regulations promulgated thereunder, 49 CFR Part 577, that their vehicles may contain safety-related defects.

5. "Reasonable period of time" means a period of time not to exceed 120 days from the date the affected vehicle's notice of safety recall was received by respondent.

I.

It is ordered that respondent Budget Rent A Car Corporation, a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporate or other device, in connection with respondent's corporate owned locations' advertising, offering for rental, or rental of any rental fleet vehicle in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing within a reasonable period of time after receipt of a recall notice, to inspect or to have inspected each such affected vehicle and to repair or to have repaired each such affected vehicle found to contain the safety defect(s); provided, however, that failure to comply with respect to any specific affected vehicle shall not be deemed to be a violation of this Order if respondent can demonstrate that such failure to comply was due to circumstances beyond its control, including, but not limited to, the unavailability of replacement parts to complete that affected vehicle's safety recall procedures, and if respondent can show that, upon learning of such failure to comply, it complied at the earliest practicable date.

II.

It is further ordered that respondent may elect, in lieu of the obligations set forth in Part I of this Order, to disclose, in a clear and conspicuous manner, to each prospective renter of an affected vehicle, that the affected vehicle is subject to a recall notice and has not been inspected or repaired.

III.

It is further ordered that for a period of two (2) years, respondent shall maintain at the place said documents are routinely kept and upon request make available to the Federal Trade Commission for inspection and copying:

1. Any recall notice received subsequent to the date of this Order and records sufficient to show the date or dates it was received from the manufacturer;

2. Records disclosing the vehicle identification number, make and model of every affected vehicle; and

3. Documents evidencing the inspection and, if required, the repair of affected vehicles.

IV.

It is further ordered that respondent shall:

1. Distribute a copy of this Order to all officers and any employee having responsibilities for recall procedures; and

2. Distribute a copy of this Order to all its existing and future U.S. licensees.

V.

It is further ordered that respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

VI.

It is further ordered that respondent shall, within one hundred twenty (120) days after the date of service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to proposed consent order from Budget Rent A Car Corporation, ("Budget") 200 North Michigan Avenue, Chicago, Illinois 60601. Budget is the fourth largest automobile rental firm in the United States. The company primarily offers car and truck rental services to the general public.

The proposed consent order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charges Budget with failing to disclose to renters that it did not inspect, within a reasonable period of time, vehicles that were subject to recall notices.

The proposed consent order would prohibit Budget from failing to inspect and, if appropriate, repair its rental vehicles within a reasonable period of time in response to manufacturers' safety recall notices. Part I of the Order would require Budget to inspect and, if appropriate, repair each vehicle subject to a safety notice within a reasonable period of time, not to exceed 120 days, after receipt of that vehicle's recall notice.

Part II of the proposed consent order would give Budget the option to generally disclose to prospective renters, in a clear and conspicuous manner, that their cars are subject to a safety recall notice and may contain safety-related defects, if it chooses not to inspect.

Part III of the proposed consent order would require Budget to maintain, for a period of two years after each recall, copies of recall notice received from a manufacturer; records showing the vehicle identification, make and model of each affected vehicle; and documents evidencing inspection and, if required, the repair of affected vehicles.

Part IV of the proposed consent order would also require Budget to distribute a copy of the order to each of its officers and any employees who have responsibilities in connection with Budget's recall inspection procedures. It would require Budget also to distribute a copy of the proposed consent order to all its existing and future U.S. licensees. Finally, the proposed order would require Budget to notify the Commission at least thirty (30) days prior to any proposed change in its corporate structure and to file a compliance report within 120 days after service of the order.

The purpose of this analysis is to facilitate public comment on the proposed order; it is not intended to constitute an official interpretation of the agreement and proposed order, or to modify their terms in any way.

Donald S. Clark,

Secretary.

[FR Doc. 88-30148 Filed 12-30-88; 8:45 am]

BILLING CODE 6750-01-M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 201

Procedures Relating to Appeals of Denial of Requests for Confidential Treatment, Notification of Intent to Use Certain Equipment at Hearings, and Notification to Submitters of Confidential Business Information of a Request Under the Freedom of Information Act

AGENCY: International Trade Commission.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The U.S. International Trade Commission is considering adopting the following proposed rules relating to (1) the definition of the term "confidential business information; (2) information and argumentation presented in conjunction with appeals to the Commission of denials of requests for confidential treatment; (3) notification of intent to use audio-visual or other equipment at hearings; and (4) notification to submitters of confidential business information of a request for disclosure of such information under the Freedom of Information Act.

The proposed rules, if adopted, would amend § 201.6 (relating to confidential business information), § 201.13 (relating to conduct of nonadjudicative hearings), and §§ 201.18–201.19 (relating to denials of requests for information under the Freedom of Information Act and appeals thereof) of the Commission's Rules of Practice and Procedure (19 CFR 201.6, 201.13, 201.18, and 201.19). Present § 201.19, which relates to appeals from denial of requests for records, would be combined with present § 201.18, which relates to denial of requests for records. New § 201.18 would be entitled "Denial of requests, appeals from denial".

Promulgation of new rules with respect to notification to submitters of confidential business information, the fourth item identified above, is required by Executive Order 12600 of June 23, 1987 (52 FR 23781). The proposed rules largely reflect longstanding Commission practice and parallel final rules issued by the Department of Justice and published in the **Federal Register** of July 19, 1988 (53 FR 27161).

DATES: Comments must be received not later than February 2, 1989.

ADDRESS: Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

FOR FURTHER INFORMATION CONTACT: William W. Gearhart, Esq., Assistant General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–252–1091.

SUPPLEMENTARY INFORMATION: The Commission's part 201 rules are of general application. The Commission's rules concerning requests for confidential treatment of business information are set forth in § 201.6, rules concerning conduct of nonadjudicative hearings are set forth in § 201.13, and rules relating to requests for agency records under the Freedom of Information Act are set forth in §§ 201.17–201.20.

None of the proposed amendments constitutes a "major rule" within the meaning of Executive Order No. 12291 (Improving Government Regulations). the requirements of the Regulatory Flexibility Act, 5 U.S.C. 605(b), do not apply.

Definition of term "confidential business information". The first of the amendments would make clear the fact that "proprietary information" in section 777(b) of the Tariff Act of 1930 (19 U.S.C. 1677f(b)) is the equivalent of "confidential business information" in § 201.6(a) of the rules. The term "proprietary" in section 777(b) was substituted for "confidential" by the Tax Reform Act of 1986 to "clarify that the reference always is to sensitive company commercial and financial data rather than national security information at the 'confidential' level." Mudge Rose Guhrie Alexander & Ferdon v. U.S. International Trade Commission (Civil Action No. 87-5312, May 20, 1988, D.C. Cir.). Section 777(b) provides for the submission and nondisclosure (except under limited circumstances) of proprietary information submitted to the Commission in connection with investigations conducted under the antidumping and countervailing duty laws (19 U.S.C. 1671 et seq.). Section 1886(a)(13)(A) of the Tax Reform Act of 1986 (Pub. L. 99-514, 100 Stat. 2922) substituted the terms "proprietary", "non-proprietary", and "proprietary status" for the terms "confidential", "nonconfidential", and "confidentiality" in section 777(b) and changed the title of section 777(b) to "proprietary information" from "confidential information".

Appeals of denials of requests for confidential treatment. The second of the amendments would add to the end of § 201.6(e) a new paragraph (3) providing that, (i) in the case of an appeal to the Commission of a denial by the Secretary or Acting Secretary of a request for confidential treatment, that justification for confidential treatment submitted to the Commission by the appealing party with the appeal shall be limited to that submitted to the Secretary; (ii) when the Secretary or Acting Secretary has denied a request for confidential treatment on the ground that the submitter failed to provide adequate justification, the submitter may file any such additional justification with the Secretary as part of an amended request for confidential treatment; and (iii) with respect to the 20-day period for filing an appeal set forth in paragraph (1) of § 201.6(e), that such period be considered to recommence as of the date any amended request had been denied, or approval or denial had not been forthcoming within 10 days of the filing of the amended request.

The Commission's present rules provide that requests for confidential treatment shall be submitted to the Secretary and that appeals shall be filed with the Chairman for consideration by the full Commission. However, present Commission rules are silent on the question of whether an appellant may submit additional justification with his appeal. It is estimated that about half the appeals filed in recent years have contained justification in addition to that submitted to or considered by the Secretary. In many cases it appears that the Secretary would have granted the request if he had considered the additional justification. As a result, the Commission has frequently become, in effect, a first level rather than second level reviewer of requests for confidential treatment. This submitting

of new justification to the Commission unnecessarily adds to the time it takes to dispose of a request (under the rules appeals are decided by the Commissioners in 20 working days, but initial requests are disposed of by the Secretary in 10 working days), unnecessarily adds to the Commissioners' dockets, and deprives submitters of a level of agency review (the second level of review effectively becomes the Federal courts).

Notification of intent to use certain equipment at hearings. Section 201.13 of the rules would be amended by adding at the end thereof a new subsection (l) that would direct parties wishing to use audio-visual equipment, easels, and other equipment in the course of their hearing presentation to advise the Secretary that they intend to use such equipment at least three (3) days in advance of the hearing. Parties in recent years have increasingly used such equipment in their hearing presentations.

Notification to the Secretary would (1) facilitate the conduct of hearings by giving the Secretary advance notice of the number and kinds of equipment to be used in order that he might anticipate and coordinate setups, (2) enable the Secretary to determine in advance whether Commission facilities can accommodate the equipment, and (3) enable the Secretary to advise parties as to the availability of Commission equipment, thus obviating the need in some instances for parties to bring their own equipment.

Notification to submitters of business information of a request for such information under the Freedom of Information Act. Executive Order 12600 of June 23, 1987 (52 FR 23781) requires that agencies publish rules with respect to notification to submitters of confidential business information of requests for such information under the Freedom of Information Act (5 U.S.C. 552). The proposed Commission rules, to be set forth in a revised § 201.19 of the Commission's rules, would provide for such notification, parallel rules issued by the U.S. Department of Justice and published in the Federal Register of July 19, 1988 (53 FR 27161), and largely reflect existing agency practice.

List of Subjects in 19 CFR Part 201

Administrative practice and procedure, Civil rights, Classified information, confidential business information, Equal employment opportunity, Federal buildings and facilities, Freedom of information, Handicapped, Infants and children, Investigations, Lawyers, Postal Service, Privacy, Signs and insignia, Sunshine Act.

PART 201—[AMENDED]

1. The authority citation for Part 201 continues to read as follows:

Authority: Sec. 335, 72 Stat. 680, sec. 401, 76 Stat. 902; 19 U.S.C. 1335, 1802, unless otherwise noted.

§ 201.6 [Amended]

2. Section 201.6(a) is amended by removing the designations "(1)" and "(2)" and by adding the following sentence to the end of the paragraph:

The term "confidential business information" includes "proprietary information" within the meaning of section 777(b) of the Tariff Act of 1930 (19 U.S.C. 1677f(b)).

3. Section 201.6 is amended by adding the following paragraph (e)(3):

(3) The justification submitted to the Commission in connection with an appeal shall be limited to that presented to the Secretary with the original or amended request. When the Secretary or Acting Secretary has denied a request on the ground that the submitter failed to provide adequate justification, any such additional justification shall be submitted to the Secretary for his consideration as part of an amended request. For purposes of paragraph (1) of this subsection, the twenty (20) day period for filing an appeal shall be tolled on filing of an amended request and a new twenty (20) day period shall begin once the Secretary or Acting Secretary has denied the amended request, or the approval or denial has not been forthcoming within ten (10) days of the filing of the amended request. A denial of a request by the Secretary on the ground of inadequate justification shall not obligate a requester to furnish additional justification and shall not preclude a requester from filing an appeal with the Commission based on the justification earlier submitted to the Secretary.

§ 201.13 [Amended]

4. Section 201.13 is amended by adding the following paragraph (l):

(l) To facilitate the conduct of hearings, parties intending to use easels, audio visual, and similar equipment in the course of hearing presentations should advise the Secretary of their intent to use such equipment at least three (3) working days before the hearing.

§§ 201.18 and 201.19 [Amended]

5. Section 201.18 is amended as follows:

(a) The title of § 201.18 is amended to read: "Denial of requests, appeals from denial."

(b) The text of present § 201.18 is redesignated as § 201.18(a).

(c) Paragraphs (a) through (d) of present § 201.19 are redesignated as paragraphs (b) through (e), respectively, of § 201.18.

6. Section 201.19 is revised to read as follows:

§ 201.19 Notfication regarding requests for confidential business information.

(a) *In general.* Business information provided to the Commission by a business submitter which the Commission has designated as "confidential business information" will not be disclosed pursuant to a Freedom of Information Act (FOIA) request except in accordance with this section.

(b) *Definitions.* The following definitions are to be used in reference to this section:

"Confidential business information" means commercial or financial information that has been designated as confidential business information by the Commission under § 201.6 of this part.

"Submitter" means any person or entity who provides confidential business information, directly or indirectly, to the Commission. The term includes, but is not limited to, corporations, producers, importers, and state and foreign governments.

(c) *Notice to submitters.* Except as provided for in paragraph (e) of this section, the Commission will, to the extent permitted by law, provide a submitter with prompt written notice of a FOIA request or administrative appeal encompassing its confidential business information whenever required under paragraph (d) of this section, in order to afford the submitter an opportunity to object to disclosure pursuant to paragraph (f) of this section. Such written notice will describe the nature of the confidential business information requested. The requester will also be notified that notice and opportunity to object are being provided to a submitter.

(d) *When notice is required.* Notice will be given to a submitter in writing at submitter's last known address whenever:

(1) The information the subject of the FOIA request or appeal has been designated by the Commission as confidential business information; and

(2) The Commission has reason to believe that the information may not be protected from disclosure under FOIA Exemptions 3 or 4.

(e) *Exceptions to notice requirement.* The notice requirements of paragraph (c) of this section will not apply if:

(1) The Commission determines that the information should not be disclosed;

(2) The information lawfully has been published or has been officially made available to the public; or

(3) Diclosure of the information is required by law (other than 5 U.S.C. 552.

(f) *Opportunity to object to disclosure.* In general, the Commission has 10 working days in which to respond to a FOIA request. Through the notice described in paragraph (c) of this section, the Commission will afford a submitter an opportunity, within the period afforded to the Commission to make its decision in response to the FOIA request, to provide the Commission with a detailed written statement of any objection to disclosure. Such statement shall be filed at least one working day before the Commission is required to respond to the FOIA request, and it shall specify all grounds for withholding any of the information under any exemption of FOIA. In the case of FOIA Exemptions 3 or 4, it shall demonstrate why the information should continue to be considered confidential business information within the meaning of § 201.6 of this part and should not be disclosed. The submitter's claim of continued confidentiality should be supported by a certification by an officer or authorized represenatative of the submitter. Information provided by a submitter pursuant to this paragraph may itself be subject to dislclosure under FOIA.

(g) *Notice of intent to dislose.* The Commission will consider carefully a submitter's objections and specific grounds for nondisclosure prior to determining whether to disclose the the information. Whenever the Commission decides to disclose such information over the objection of a submitter, the Commission will forward to the submitter a written notice which will include:

(1) A statement of the reasons for which the submitter's disclosure objections were not sustained;

(2) A description of the information to be disclosed; and

(3) A specified disclosure date.

Such notice of intent to disclose will be forwarded to the submitter a reasonable number of days prior to the speficified disclosure date and the requester will be notified likewise.

(h) *Notice of FOIA lawsuit.* Whenever a requester brings suit seeking to compel disclsoure of informaation that the Commission has desingated as confidential business information, the Commission will promptly notify the submitter at its last known address. For the purpose of this paragraph, the Secretary may assume such address to be that given on the submission.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 20, 1988.

[FR Doc. 88-29807 Filed 12-30-88; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-158-86, 160-86]

Excise and Income Taxes; 401(k) Arrangements Under the Tax Reform Act of 1986 and Nondiscrimination Requirements for Employee and Matching Contributions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains a correction to the **Federal Register** publication on Monday, August 8, 1988, beginning at 53 FR 29719 of the notice of proposed rulemaking. The proposed rules relate to cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1986, and nondiscrimination rules for employee contributions and matching contributions made to employee plans contained in section 401(m) of the Code. These changes were made to the Code by the Tax Reform Act of 1986.

FOR FURTHER INFORMATION CONTACT: William D. Gibbs, Office of the Assistant Chief Counsel, Employee Benefits and Exempt Organizations, 202-377-9372 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On August 8, 1988, proposed rules relating to cash or deferred arrangements and nondiscrimination rules for employee contributions and matching contributions were published in the **Federal Register** (53 FR 29719). The amendments were proposed to conform the regulations to changes in the applicable tax law made by the Tax Reform Act of 1986.

Need for Correction

As published, the proposed rules contain a typographical error which may prove to be misleading and is in need of correction.

Correction of Publication

Accordingly, the publication of the proposed rules (EE-158-86, 160-86), which was the subject of FR Doc. 88-17721 (53 FR 29719), is corrected as follows:

§ 1.401(k)-1 [Corrected]

On page 29730, in the third column, in § 1.401(k)-1(g)(8)(iii)(C), in the last line, "(g)(8)(ii) (A) and (B) of this section." should read "(g)(8)(iii) (A) and (B) of this section."

Dale D. Goode,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 88-30213 Filed 12-30-88; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 301

[CC:D-1398-88]

Disclosure of Information

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the Income Tax Regulations relating to the disclosure, under section 6103(n) of the Internal Revenue Code, of returns and return information, in connection with the procurement of property and services for purposes of tax administration. These proposed amendments give to the Tax Division, Department of Justice, the authority to make these disclosures under section 6103(n) for federal tax administration purposes. These proposed amendments affect all disclosures by the Tax Division, Department of Justice, made to any person(s) described in section 6103(n). These proposed amendments apply to all disclosures made after the effective date of this amended regulation.

DATES: These proposed amendments to the regulations are proposed to be effective March 6, 1989. Written comments and requests for public hearing must be delivered or mailed by February 2, 1989.

ADDRESS: Send comments and requests for a public hearing to: Internal Revenue Service, Attention: CC:CORP:T:R, Room 4429, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: James N. Beyer of the Disclosure Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention: CC:D:Branch 2,

Room 3564) (202) 566-3074 (Not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations relating to the disclosure of returns and return information under section 6103(n) of the Internal Revenue Code (26 CFR 301.6103(n)-1).

Explanation of Provisions

Section 6103(n) of the Code authorizes the disclosure, pursuant to Treasury Regulations, of returns and return information to the extent necessary and in connection with the processing, storage, transmission, and reproduction of returns and return information, and the programming, maintenance, repair, testing, and procurement of equipment, for purposes of tax administration. Section 6103(b)(4) of the Code defines "tax administration" to include litigation arising under the Internal Revenue laws.

Existing § 301.6103(n)-1 of the regulations authorizes disclosures to third parties under section 6103(n) only by officers or employees of the Treasury Department, a State tax agency, or the Social Security Administration, for tax administration purposes. Under the current regulations, the Tax Division, Department of Justice, cannot make disclosures to third parties. These proposed amendments would give disclosure authority to the Tax Division, Department of Justice, in order to allow the Tax Division to disclose tax returns and return information for purposes of obtaining litigation support services during the course of litigation arising under the Code. This authority is deemed necessary to enable the Tax Division to procure services from outside contractors in connection with Tax Division's tax litigation responsibilities.

Special Analyses

The proposed rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. Although this document is a notice of proposed rulemaking that solicits public comments, the notice and public procedure requirements of 5 U.S.C. § 553 do not apply because the regulations proposed herein are interpretative. Therefore, an initial Regulatory Flexibility Analysis is not required by the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Request for a Public Hearing

Before adopting the proposed amendments to the regulations, consideration will be given to any written comments that are submitted (preferably a signed original and eight copies) to the Internal Revenue Service. All comments will be available for public inspection and copying in their entirety. A public hearing may be scheduled and held upon written request by any person who submits written comments. If a public hearing is scheduled, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed amendments to the regulations is James N. Beyer of the Disclosure Litigation Division of the Office of Chief Counsel. Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service, the Office of Chief Counsel, and the Treasury Department participated in developing these proposed amendments to the regulation, both on matters of substance and style.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Disclosure of information, Employment taxes, Estate Tax, Excise taxes, Filing requirements, Gift tax, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes.

Accordingly, Title 26, Part 301 of the Code of Federal Regulations, is proposed to be amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority for Part 301 is amended by adding the following citation:

Authority: 26 U.S.C. 7805; * * * Section 301.6103(n)-1 also issued under 26 U.S.C. 6103(n).

§ 301.6103 [Amended]

Par. 2. Section 301.6103(n)-1(a) is amended as follows:

In § 301.6103(n)-1, the first sentence of paragraph (a) is amended by removing the language "or" immediately following the phrase "State tax agency", and by adding, immediately following the phrase "the Social Security Administration," the language", or the Tax Division, Department of Justice".

Also in paragraph (a), the first full sentence of the flush language following paragraph (a)(2) is amended by removing the language "or" immediately following the phrase "State tax agency", and by adding, immediately following the phrase "the Social Security Administration", the language", or the Tax Division, Department of Justice".

Par. 3. Section 301.6103(n)-1(d) is amended as follows:

In § 301.6103(n)-1, the second sentence of paragraph (d) is amended by removing the language "or" immediately following the phrase "State tax agency", and by adding, immediately following the phrase "the Social Security Administration", the language", or the Tax Division, Department of Justice".

Par. 4. Section 301.6103(n)-1(d) is further amended as follows:

In § 301.6103(n)-1, paragraph (d)(2) is amended by adding, immediately following the phrase "State tax agency,", the language "or to the Tax Division, Department of Justice,".

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

[FR Doc. 88-30199 Filed 12-30-88; 8:45 am]

BILLING CODE 4830-01-M

Fiscal Service

31 CFR Parts 203 and 214

Treasury Tax and Loan Depositaries, Depositaries for Federal Taxes

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: Treasury proposes to (1) amend its regulations on paying fees to financial institutions for maintaining Treasury Tax and Loan (TT&L) accounts and processing Federal Tax deposit (FTD) payments by removing specific references to the FTD fee structure from 31 CFR Parts 203 and 214 and transferring the fee schedule to the Treasury Financial Manual and (2) revise its procedures to reduce the fees paid to depositaries for processing FTD payments. Payment of fees for processing FTD payments is not required by statute. Therefore, Treasury plans to transfer these administrative procedures to the Treasury Financial Manual which may be obtained from any Federal Reserve Bank. In addition, Treasury plans to reduce the current per-item fee structure beginning in March 1989 for (1) all note option B and C depositaries and (2) any remittance option depositary that processes FTD dollar deposit volumes in excess of $10 million annually. However, fee reductions for depositaries that process the smaller FTD dollar deposit volumes and those depositaries that participate

in the Federal Government's Minority Bank Deposit Program (MBDP) will not be implemented. This rule shall be effective upon publication as a final rule in the Federal Register.

DATE: Comments on this proposed rule must be received by February 2, 1989.

ADDRESS: Comments may be mailed to the Treasury Programs Branch, Financial Management Service, U.S. Department of the Treasury, Room 420, Liberty Center, 401 14th Street SW., Washington, DC 20227.

FOR FURTHER INFORMATION CONTACT: Michael Salapka (202) 287-0590.

SUPPLEMENTARY INFORMATION: Treasury currently pays a fee of fifty ($.50) cents to each participating depositary for each FTD coupon processed. As proposed, to achieve budget reductions in Fiscal Year 1989, Treasury plans to reduce fees to thirty ($.30) cents beginning in March 1989 for (1) note option B and C depositaries and (2) any remittance option depositary that processes more than $10 million in FTD deposits annually. *See* S. Rep. No. 387, 100th Cong., 2d Sess. 16 (1988). However, fee reductions for depositaries that process the smaller FTD dollar deposit volumes, as well as for those depositaries that participate in the Federal Government's Minority Bank Deposit Program, are under review. It will be decided at a later date when such fee reductions will be implemented. The new and any subsequent fee schedules will be published in the Treasury Financial Manual which may be obtained from any Federal Reserve Bank.

Nearly 3,400 financial institutions participate as note option depositaries while over 11,600 financial institutions participate under the remittance option. Note option B and C depositaries and those remittance option depositaries that process the largest FTD dollar deposit volumes generally benefit most from overnight use of funds. In Fiscal Year 1988, the note option depositaries processed $498.6 billion in FTD payments which comprised 70% of the total FTD dollar deposit volume received by TT&L depositaries. The remittance option depositaries processed $211.2 billion in FTD payments in FY 1988 which was 30% of the total FTD dollar deposit volume received by TT&L depositaries. Note option B and C depositaries and the large remittance option depositaries would lose proportionately less income from loss of fees relative to the smaller remittance option depositaries. Therefore, Treasury has determined that the initial fee reduction will be limited to (1) note option B and C depositaries and (2) remittance option depositaries that process over $10 million in FTD deposits annually. Fee reductions to depositaries that participate in the Minority Bank Deposit Program, as well as to those depositaries that process the smaller FTD dollar deposit volumes, are under review. It will be decided at a later date when such fee reductions to these depositaries will be implemented.

Distribution of the revised Treasury Financial Manual to the Federal Reserve banks and TT&L depositaries will be coordinated with the regulation revisions.

Treasury has determined that this is not a major rule as defined by Executive Order 12291. Accordingly, a regulatory impact analysis is not required. It is hereby certified pursuant to the Regulatory Flexibility Act that this revision will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Act analysis is not required.

List of Subjects

31 CFR Part 203

Banks, Banking, Taxes.

31 CFR Part 214

Banks, Banking, Taxes.

For the reasons set out in the preamble, Title 31, Part 203 and Part 214 of the Code of Federal Regulations, is proposed to be amended as set forth below.

PART 203—[AMENDED]

1. The authority citation for Part 203 is revised to read as follows:

Authority: 31 U.S.C. 3122 and 31 U.S.C. 323.

2. Section 203.10(b)(2)(ii) is revised to read as follows:

§ 203.10 [Amended]

* * * * *

(b) * * *

(2) * * *

(ii) *Analysis credit.* All tax and loan balances which are in excess of a current day's credits will be subject to an analysis credit, as explained in the Procedural Instructions for Treasury Tax and Loan Depositaries.

3. Section 203.14 is revised to read as follows:

§ 203.14 Compensation for services rendered.

Except as provided in the Procedural Instructions for Treasury Tax and Loan Depositaries, Depositaries will not be compensated for servicing the tax and loan account or for the bookkeeping costs of maintaining that account.

PART 214—[AMENDED]

1. The authority citation for Part 214 is revised to read as follows:

Authority: 12 U.S.C. 265; 12 U.S.C. 391; 31 U.S.C. 3122; 31 U.S.C. 323.

2. Section 214.6 is amended by revising paragraph (b) as follows:

§ 214.6 [Amended]

* * * * *

(b) Compensation for services. Except as provided in the Procedural Instructions for Treasury Tax and Loan Depositaries, Depositaries will not be compensated for servicing the tax and loan account or for the bookkeeping costs of maintaining that account.

W.E. Douglas,

Commissioner.

[FR Doc. 88-30197 Filed 12-30-88; 8:45 am]

BILLING CODE 4810-35-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3498-1]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA is proposing to approve a site-specific State Implementation Plan (SIP) revision to the ozone portion of the Ohio SIP. This SIP revision was submitted as an alternative emission control plan (bubble) with monthly averaging, for its two air cleaner spray booths and a dip tank at the Ford Motor Company (Ford Motor) in Sandusky, Ohio. This facility is located in Erie County, Ohio. USEPA's action is based upon the March 13, 1986, revision request that was submitted by the Ohio Environmental Protection Agency (OEPA).

USEPA has determined that this SIP revision does not meet its policies on bubbles and long-term averaging. However, USEPA is proposing to approve this revision as a relaxation from reasonably available control technology (RACT) because Ford Motor is located in an attainment area for ozone, and approval of this revision will not cause an increase in actual emissions. However, because this revision does not satisfy USEPA's emissions trading policy and monthly averaging policy, and it would allow less than RACT to be required, approval

of this revision would eliminate the accommodative Ozone SIP for Erie County, including the 1 year preconstruction monitoring waiver for new sources.

DATE: Comments on this revision and on the proposed USEPA action must be received by February 2, 1989.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review: (It is recommended that you telephone Uylaine E. McMahan, at (312) 886-6031, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216.

Comments on this proposed rule should be addressed to: (Please submit an original and three copies, if possible.) Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Uylaine E. McMahan, (312) 886-6031, FTS 886-6031.

SUPPLEMENTARY INFORMATION: On March 13, 1986, the OEPA submitted a site-specific revision to its ozone SIP for Ford Motor. This revision was submitted as a bubble with monthly averaging for two air cleaner spray booths and a Cincinnati type dip tank located at the Ford Motor Plant in Sandusky Erie County, Ohio. Erie County, Ohio was redesignated to attainment on June 12, 1984.

Under the existing federally approved SIP, each spray booth and dip tank is subject to the control requirements contained in Ohio Administrative Code (OAC) Rule 3745-21-09(U) for surface coating of miscellaneous metal parts and products, and to the compliance schedule contained in OAC Rule 3745-21-04(C)(28). These rules require the sources to meet a volatile organic compound (VOC) limit of 3.5 pounds of VOC per gallon of coating, excluding water, by December 31, 1982. USEPA approved these rules as meeting the RACT requirements of the Clean Air Act on October 31, 1980 (45 FR 72122), and June 29, 1982 (47 FR 28097).

Bubble Policy

On April 7, 1982 (47 FR 15076), the USEPA issued a proposed Emissions Trading Policy Statement (bubble policy) which sets forth general principles for the creation, banking and use of emission reduction credits. This statement indicated that it is the policy of USEPA to encourage use of emissions trades to achieve more flexible, rapid and efficient attainment of national ambient air quality standards (NAAQS). It describes emissions trading, sets out general principles that USEPA will use to evaluate emissions trades under the Clean Air Act, and expands opportunities for States and industry to use these less costly control approaches. The April 7, 1982, notice noted that until USEPA took final action on its policy statement, State actions involving emission trades would be evaluated under the provisions set forth in the proposed statement.

On December 4, 1986 (51 FR 43814), USEPA issued its final bubble policy, which contains the criteria by which emission trades will be evaluated. Under USEPA's final bubble policy, a baseline for determining creditable reductions must be established both on an annual basis and for all other averaging periods consistent with relevant NAAQS and Prevention of Significant Deterioration (PSD) [1] increments.

This approach is necessary to protect the ambient standards and PSD increments on a short-term as well as an annual basis. For VOC sources, the baseline should be established on a daily basis.

Summary of Bubble

VOC emission credits obtained from the shutdown of two miscellaneous metals spray booths and material changes are used to provide credit for use of noncomplying coatings on two air cleaner spray booths and a dip tank. The bubble balances SIP-allowable emissions for all five lines on an annual basis. The revision also allows monthly averaging to determine compliance with a daily cap.

The actual and allowable emissions and the change in emissions from before to after the bubble are summarized in the following table:

EMISSION (TONS PER YEAR)

	Actual			Allowable		
	Before bubble	After bubble	Change	Before bubble	After bubble	Change
Air Cleaners Spray booths	177.3	10.8	−166.5	46.3	*84.7	*19.8
Dip tank	37.0	3.4	−33.6	18.6		
Spray booths	36.8	0	−36.8	19.8	0	−19.8
Total	251.1	14.2	−236.9	84.7	84.7	0

* Total for both spray booths and dip tank.

The "before bubble" emissions are based on actual 1982 production levels. The "after bubble" actual emissions are expected 1987 emissions and do not represent a regulatory limit. The actual emissions will not increase above 84.7 tons per year because this is the limit contained in the variance.

USEPA's Analysis of The Bubble

The annual limit of 84.7 tons of VOC proposed by Ford meets the requirements of USEPA's bubble policy, which specifies that for trades in attainment areas the baseline must generally be determined using the lower of actual or allowable emissions, as of the time the source submitted its bubble application to the State. Since Ford submitted this bubble to the OEPA on September 13, 1982, and was using no complying coatings at that time, the use of 1982 allowable emissions is acceptable.

[1] The PSD requirements are contained in Section 160-169 or Part C of the Clean Air Act. USEPA's regulations for implementing these requirements are found in 40 CFR 51.24 and 52.21. The PSD program addresses the emission limits and control technique technologies which are required for the construction of certain new sources or major modifications of existing sources in attainment areas.

The revision does not, however, contain a meaniful rate-based (e.g., lb. VOC/ gal. coating) daily limit. Such a limit should be based on the allowable emissions as discussed above. The daily limit proposed by Ford appears to be based on actual maximum daily emissions. Because none of the sources were in compliance at the time the bubble was submitted to the State, the allowable emissions are lower than the actual emissions, and should be used as the baseline. In addition, the variance allows compliance with the daily cap to be determined as a monthly average.

Because, the OEPA has not provided an acceptable bubble related rate-based daily limit this revision is not approvable as a bubble under the final ETPS. Despite this deficiency, USEPA is proposing to approve the revision as a relaxation from RACT because the source is located in an ozone attainment area. This basis is discussed further later in this notice.

Criteria for Monthly Averaging

USEPA's January 20, 1984, policy memorandum entitled "Averaging Times for Compliance With VOC Emission Limits" contains the criteria for evaluating a VOC request for extended averaging which are as follows:

Criterion 1

Extended averaging can be permitted where the source operations are such that daily VOC emissions cannot be determined, or where the application of RACT for each emission point is not economically or technically feasible on a daily basis.

Criterion 2

The area must not lack an approved SIP and there must not be any measured violations.

Criterion 3

A demonstration must be made that the use of monthly averaging (greater than 24-hour averaging) will not jeopardize either ambient standards attainment or the reasonable further progress (RFP) plan for the area. This must be accomplished by showing that the maximum daily increase in emissions associated with monthly averaging is consistent with the approved ozone SIP for the area.

Criterion 4

Averaging times must be as short as practicable and in no case longer than 30 days.

The OEPA believes that neither add-on control nor conversion to waterborne or high solids coatings is economically feasible due to the small amount of metal parts that will be painted after the presumed conversion to plastic parts is completed. However, the OEPA has not provided any documentation to support Ford Motor's cost estimates. Therefore, USEPA cannot evaluate the State's determination that add-on controls and low VOC coatings for this facility are not economically feasible. Nevertheless, USEPA is proposing approval of this SIP revision with monthly averaging based on the fundamental criterion that the Clean Air Act does not require the implementation of RACT in this area. This revision could not be approved if the source were located in a nonattainment area. Ford Motor is located in Erie County which has been designated as an attainment area for the pollutant ozone. Approval of this proposed SIP revision will not cause any increase in the historical VOC emission level from this source. Under USEPA's existing policy, however, no demonstration of attainment and maintenance was required in the SIP for this area.

This rulemaking relaxes a stationary source RACT emission limitation in an area that always should have been designated as attainment/unclassifiable for ozone. Erie County was originally designated as nonattainment for the ozone NAAQS. This was based on the assumption that nonattainment of the 0.08 parts per million (ppm) ozone Standard (the level of the standard prior to 1979) was widespread around nearby major urban areas. As requested by OEPA, USEPA designated Erie County as nonattainment although no in-county monitoring data were available. After the ozone standard was changed to 0.12 ppm, OEPA recognized that the assumption of widespread ozone nonattainment was no longer valid and initiated the redesignation of Erie County to attainment of the ozone standard. USEPA approved this redesignation on June 12, 1984 (49 FR 24124). RACT was imposed in this area, by the State, not to satisfy an ozone nonattainment SIP planning requirement, but rather to allow the State to have an accommodative SIP. The original principal of this accommodative ozone SIP for areas classified as attainment/unclassifiable was to require RACT-level controls on existing sources in lieu of requiring new major sources of VOC to do preconstruction monitoring. This monitoring would normally be required of new major sources in attainment/ unclassifiable areas under USEPA's prevention of significant deterioration regulations. The rationale behind this tradeoff is that the "extra" emission reductions obtained from these additional RACT controls would be able to accommodate new source growth in these attainment/unclassifiable areas. Therefore, this action, when promulgated, will cancel the accommodative SIP for Erie County. This means that all new major VOC sources and major modifications in this county must comply with all the PSD monitoring requirements. Because this portion of the State's accommodative SIP never had any effect relative to any designated ozone nonattainment area SIP, the RACT relaxation in this notice will also have no effect on nonattainment areas—all sources wishing to locate in nonattainment areas must comply with the State's federally approved Part D new source review program.

If the State wishes to correct the inconsistencies cited above in order to retain the accommodative SIP for the area, it should also review the following guidance for other potential inconsistencies: (1) Appendix D of the proposed Post-1987 ozone policy titled "Discrepancies and Inconsistencies Found in Current SIPs," (2) a May 25, 1988, clarification of Appendix D titled "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations," and (3) the "SIP Approvability Checklist-Enforceability," which is attached to a September 23, 1987, policy memorandum titled "Review of State Implementation Plan Revisions for Enforceability and Legal Sufficiency." These documents contain USEPA requirements (largely dealing with SIP approvability and enforceability) which must be met for a site-specific SIP revision to be approved in an attainment area without eliminating the accommodative SIP for the area.

USEPA is providing a 30-day comment period on this notice of proposed rule-making. Public comments received on or before February 2, 1989 will be considered in USEPA's final rulemaking. All comments will be available for inspection during normal business hours at the Region V office listed at the front of this notice.

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

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

Authority: 42 U.S.C. 7401–7642.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 89–29590 Filed 12–30–88; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[FRL–3501–6]

Alternative Emission Control Plan for American Cyanamid Co. Fortier Plant, Westwego, LA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking; extension of the public comment period.

SUMMARY: On November 18, 1988 (53 FR 46636), EPA invited comment on the proposed disapproval of the American Cyanamid Company Fortier Plant Alternative Emission Reduction Plan ("Bubble") as a revision to the Louisiana State Implementation Plan (SIP). At the request of American Cyanamid, in a letter dated December 13, 1988, EPA is extending the public comment period until February 1, 1989, to allow additional time to develop comments on the issues presented in the proposed rulemaking.

DATES: Comments may be submitted to EPA at the address below, until February 1, 1989.

ADDRESSES: Comments should be submitted to: Bill Riddle, State Implementation Plan Section (6T–AN), EPA Region 6, 1445 Ross Ave., Dallas, Texas 75202.

FOR FURTHER INFORMATION CONTACT: Bill Riddle at (214) 655–7214 or FTS 255–7214.

Date: December 22, 1988.

Robert E. Layton Jr.,

Regional Administrator.

[FR Doc. 88–30183 Filed 12–30–88; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 228

[FRL–3501–5]

Ocean Dumping; Proposed Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate an existing dredged material disposal site located off the Louisiana coast at the mouth of the Mississippi River for the continued disposal of dredged material removed from the Southwest Pass Channel. This proposed site designation is for an indefinite period of time. This action is necessary to provide an acceptable ocean dumping site for the current and future disposal of this material.

DATE: Comments must be received on or before February 17, 1989.

ADDRESSES: Send comments to: Norm Thomas, Chief, Federal Activities Branch (6E–F), U.S. EPA, 1445 Ross Avenue, Dallas, Texas 75202–2733.

Information supporting this proposed designation is available for public inspection at the following locations: EPA, Region VI (E–FF), 1445 Ross Avenue, 10th Floor, Dallas, Texas 75202. Corps of Engineers, New Orleans District, Foot of Prytania Street, Room 296, New Orleans, Louisiana 70160.

FOR FURTHER INFORMATION CONTACT: Norm Thomas 214/655–2260.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et seq.* ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23, 1986, the Administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the site is located. This proposed site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, Section 228.4) state the ocean dumping sites will be designated by publication in Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 *et seq.*). That list established the Southwest Pass-Mississippi River site for the disposal of material dredged from the Southwest Pass Channel. In January 1980, the interim status of the Southwest Pass site was extended indefinitely. Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the EPA Region VI address given above.

B. EIS Development

Section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, ("NEPA") requires that Federal agencies prepare an Environmental Impact Statement (EIS) on proposals for major Federal actions significantly affecting the quality of the human environment. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with ocean dumping site designations such as this (39 FR 16186, May 7, 1974).

In August 1984 EPA distributed a Draft Environmental Impact Statement entitled "Environmental Impact Statement (EIS) for the Southwest Pass-Mississippi River Ocean Dredged Material Disposal Site Designation" to the public for a 45-day review and comment period. Eight comment letters were received on the Draft EIS. The Agency has responded to the comments in the Final EIS. Editorial or factual corrections required by the comments have been incorporated in the text and noted in the Agency's response. Comments which could not be appropriately treated changes have been addressed point by point in the Final EIS. On December 9, 1988, a notice of availability of the Final EIS for public review and comment was published in the **Federal Register**. The public comment period on the Final EIS will close on January 9, 1989. The EIS is available for review at the EPA address given above.

The proposed action discussed in the EIS is designation for continuing use of an ocean disposal site for dredged material. The purpose of the designation is to provide an environmentally acceptable location for ocean disposal. The appropriateness of ocean disposal is determined on a case-by-case basis. Prior to each use the Corps will comply with 40 CFR Part 227 by providing EPA a letter containing all the necessary information.

The EIS discusses the need for the action and examines ocean disposal sites and alternatives to the proposed action. Land-based disposal alternatives were examined in a previously published EIS and the analysis was updated in EPA's Final EIS based on information from the COE.

About 1200 acres of marshes have been built on the west side of the Southwest Pass Channel using dredged material. However, use of the dredged material disposed at the Southwest Pass site for marsh creation purposes is not feasible because of technical and cost considerations. Long pipelines would be required to transport the material and the COE has determined that pipeline dredges in this area were impractical and unsafe because of the length of pipe and cable required, concerns over pipe breakage in rough seas and difficulties with currents in the area. Consideration was also given to the use of these materials for beach nourishment. The same difficulties associated with transport of the materials by pipeline for marsh creation would apply. Also the materials consist primarily of fines,

which are generally considered unsuitable for beach nourishment. Upland disposal was also evaluated but there are no upland disposal sites located in the vicinity of the Gulf portion of Southwest Pass.

Four ocean disposal alternatives—two shallow water areas (including the proposed site), a mid-shelf area and a deepwater area—were evaluated. Use of the mid-shelf and deepwater sites would involve: (1) Increased transportation costs without any corresponding environmental benefits; (2) increased surveillance and monitoring costs due to the greater depths of water and distance from shore; and (3) increased safety hazards resulting from transporting dredged material greater distances through areas of active oil and gas development. Because of these reasons, the mid-shelf area and the deepwater area were eliminated from further consideration. An alternate shallow-water site located northeast or northwest of the existing site was also evaluated. However, no environmental benefits would be gained by its selection. Rather, the alternate site would be located in more biologically productive waters nearer to estuarine areas.

In accordance with the requirements of the Endangered Species Act, EPA has completed a biological assessment and is currently coordinating a no adverse effect determination with the National Marine Fisheries Service. EPA is also coordinating with the State of Louisiana under requirements of the Coastal Zone Management Act.

C. Proposed Site Designation

The existing disposal site is located on the west side of the Southwest Pass Channel approximately 1.75 nautical miles from shore. Water depths within the site range from 2.7 to 32.3 meters. The boundary coordinates are as follows: 28°54'12" N, 89°27'15" W; 28°54'12" N, 89°26'00" W; 28°51'00" N, 89°27'15" W; 28°51'00" N, 89°26'00" W.

D. Regulatory Requirements

Five general criteria are used in the selection and approval of ocean disposal sites for continuing use. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at a site cause unacceptable adverse impacts, further use of the site may be terminated or limitations placed on the use of the site to reduce the impacts to acceptable levels. The general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations; Section 228.6 lists eleven specific factors used in evaluating a proposed disposal site to assure that the general criteria are met.

EPA has determined, based on information presented in the Draft and Final EISs, that the existing site is acceptable under the five general criteria. The Continental Shelf location is not feasible and no environmental benefit would be obtained by selecting such a site. Historical use of the existing site has not resulted in substantial adverse effects to living resources of the ocean or to other uses of the marine environment. The characteristics of the proposed site are reviewed below in terms of the eleven specific factors.

1. *Geographical position, depth of water, bottom topography and distance from coast.* (40 CFR 228.6(a)(1).)

Geographical position, average water depth, and distance from the coast for the disposal site are given above. Bottom topography is irregular.

2. *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases. (40 CFR 228.6(a)(2).)*

The northwestern Gulf of Mexico is a breeding, spawning, nursery and feeding area for shrimp, menhaden and bottom fish. The Mississippi Delta in the vicinity of Southwest Pass is a highly productive area with a wide variety of plankton and nekton. Due to runoff from the Mississippi River, the Delta area near the mouth of Southwest Pass experiences changing salinity, temperature, turbidity and nutrient conditions over an annual cycle. During periods of active dredged material disposal, there would be short-term interferences with breeding, spawning, feeding and passage of the nekton. However, it would be difficult to differentiate this interference from that resulting from high flows of the Mississippi River. The existing disposal site is seaward of any estuaries or bays.

3. *Location in relation to beaches and other amenity areas.* (40 CFR 228.6(a)(3).)

There are no beaches in the vicinity of the existing disposal site. The area around Southwest Pass is not readily accessible by land. Recreation in the area is limited to boating related activities, primarily sport fishing.

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the wastes, if any.* (40 CFR 228.6(a)(4).)

Dredged material released at approved dredged material disposal sites must conform to the EPA criteria in the Ocean Dumping Regulations (40 CFR Part 227). The dredged material to be disposed of consists of about 4 percent sand and 96 percent fines. Historically, an average of 14.5 million cubic yards (mcy) of material is dredged annually, with a range of 1.8 to 32.5 mcy. Similar quantities will continue to be dredged and disposed of annually using either agitation dredging in high river flows or hopper dredges for transport during low flows. The dredged material will not be packaged in any way.

5. *Feasibility of surveillance and monitoring.* (40 CFR 228.6(a)(5).)

Surveillance and monitoring are both feasible at this site. Surveillance can be accomplished by inspection of logs, observation by ship riders or from aircraft and observation from the light station at the end of Southwest Pass. The shallow depth of the site and its close proximity to the shore facilitate monitoring at the site. Based on historic data, an intense monitoring program is not warranted. However, in order to provide adequate warning of environmental harm, EPA will develop a monitoring plan in coordination with the COE. The plan would concentrate on periodic depth soundings and sediment and water quality testing.

6. *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any.* (40 CFR 228.6(a)(6).)

The Mississippi River plume passes through the site in a westerly or southwesterly direction and may mask the turbidity plume from dredged material disposal. Prevailing currents at the site are southwest at speeds of 0 to 4 knots. Disposed dredged material fines become mixed with the Mississippi River plume and move generally southwest. Net movement of the heavier dredged materials which settle is to the west. Freshwater discharge from the Mississippi River results in stratification at the mouth of Southwest Pass; seaward of the Pass vertical mixing increases.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).* (40 CFR 228.6(a)(7).)

The materials dredged from the Southwest Pass Channel are similar to the materials in the Mississippi River flow. And therefore, the sediments at the disposal site are similar to the sediments in the broad area off the mouth of Southwest Pass. Previous site

surveys have not detected any effects of disposal at the existing site.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean.* (40 CFR 228.6(a)(8).) Some interference with shipping, recreational and commercial fishing and boating are expected during dredged material disposal operations. Although there is no fish or shellfish culture within the site, there will be some impacts on naturally occurring fish and shellfish within the site. The only mineral extraction within the site is oil and gas; past experience has indicated no interference during dredged material disposal.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys.* (40 CFR 228.6(a)(9).) The water quality and ecology at the existing site is generally similar to the nearshore region off the Louisiana coast affected by discharges from the Southwest Pass of the Mississippi River. The water quality varies depending on the amount and mixing of fresh water runoff occurring at the time. Data gathered during the 1980 and 1981 surveys indicated that trace metal concentrations and chlorinated hydrocarbon concentrations were comparable to historic data for the area.

10. *Potentiality for the development or recruitment of nuisance species in the disposal site.* (40 CFR 228.6(a)(10).) Past disposal of dredged material at the existing site has not resulted in the development or recruitment of nuisance species. Considering the similarity of the dredged material with the existing sediments, it is not expected that continued disposal of dredged material will result in the development of such species.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.* (40 CFR 228.6(a)(11).) There are no known features of historical or cultural significance that occur within the site. There are some shipwrecks located about 3.5 miles from the site.

E. Proposed Action

Based on the Draft and Final EISs, EPA proposes to designate the Southwest Pass—Mississippi River ocean dredged material disposal site. The existing site is compatible with the general criteria and specific factors used for site evaluation. While the Corps does not administratively issue itself a permit, the requirements that must be met before dredged material derived from Federal projects can be discharged into ocean waters are the same as where a permit would be required. EPA has the authority to approve or to disapprove or to propose conditions upon dredged material permits for ocean dumping.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entites. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This Proposed Rule does not contain any information collection requirements subject to the Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: December 22, 1988.

Robert E. Layton Jr.,

Regional Administrator of Region IV.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is proposed to be amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by removing from paragraph (a)(3) under "Dredged Material Sites" the entry for Mississippi River, Baton Rouge to the Gulf of Mexico, La.—Southwest Pass and adding paragraph (b)(73) to read as follows:

§ 228.12 Delegation of management authority for ocean dumpling sites.

* * * * *

(b) * * *

(73) Southwest Pass—Mississippi River, Louisiana—Region VI Location: 28° 54' 12" N, 89° 27' 15" W; 28° 54' 12" N, 89° 26' 00" W; 28° 51' 00" N, 89° 27' 15" W; 28° 51' 00" N, 89° 26' 00" W.

Size: 3.44 square nautical miles.

Depth: Ranges from 2.7 to 32.2 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the vicinity of the Southwest Pass Channel.

[FR Doc. 88-30184 Filed 12-30-88; 8:45 am]

BILLING CODE 6560-50-M

LEGAL SERVICES CORPORATION

45 CFR Part 1610

Use of Funds From Sources Other Than the Corporation

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: Part 1610 is proposed to be amended to conform the rule to the changes made by the 1977 amendments to the Legal Services Corporation Act of 1974. The application of the words "any purpose prohibited" in section 1010(c) of the Act is proposed to be amended to include all prohibitions of the LSC Act, whether characterized as procedural or conditional. In addition, a provision is added establishing a presumption that all recipient funds are LSC or private funds received for the provision of legal assistance, unless shown by the recipient to be otherwise by clear and convincing evidence. These changes collectively will redirect private funds toward the purposes intended by the LSC Act.

DATES: Comments must be submitted on or before February 2, 1989.

ADDRESSES: Comments should be mailed to the Office of the General Counsel, Legal Services Corporation, 400 Virginia Avenue SW., Washington, DC 20024-2751.

FOR FURTHER INFORMATION CONTACT: Timothy B. Shea, General Counsel, 400 Virginia Avenue SW., Washington, DC 20024-2751, (202) 863-1823.

SUPPLEMENTARY INFORMATION: Part 1610, concerning the use of non-LSC funds by LSC recipients, implements section 1010(c) of the LSC Act, which restricts the use of private funds received for the provision of legal assistance to purposes not prohibited by the Act, and restricts the use of public funds to the purposes for which they were received. The regulation was

originally promulgated in 1976 and has not been revised since. *See* 41 FR 25901, June 23, 1976.

Section 1610.1

Section 1610.1, which identifies specific prohibitions found in the LSC Act pertaining to LSC and private funds, does not reflect the renumbering of portions of the Act or the deletion of a prohibition in the Act made in 1977 when the Act was amended. The 1977 amendments to the Act removed the prohibition on representation of juveniles and renumbered several other provisions listed in § 1610.1. 91 Stat. 1621 (1977). The proposed changes would make the references to the LSC Act in § 1610.1 conform with the 1977 amendments.

Nowhere in the Act is the phrase "any purpose prohibited by this title" defined or explained, nor do the committee reports lend specificity to the provision. When explaining the conference language to the Senate for final approval, however, Senator Cranston stated that "private foundation funds may not be used by a recipient for legal assistance activities that we do not permit that same recipient to engage in with Corporation funds." 120 CONG. REC. S12935 (daily ed. July 19, 1974). Thus, wherever in the Act the use of LSC funds is prohibited for certain legal assistance activities, the use of private funds likewise is prohibited.

When promulgating Part 1610 in 1976, the Corporation applied section 1010(c) to prohibitions on types of legal assistance activities, as opposed to affirmative requirements or procedural limitations. Pursuant to this determination, the Corporation classified those activities covered by this construction of section 1010(c) in § 1610.1 of Part 1610. As there is nothing in the Act limiting application of section 1010(c) to specific types of legal assistance activities, the decision as to which provisions in the Act should be included in § 1610.1 as prohibited purposes properly may be influenced by discretionary policy considerations consistent with the purposes of the Act.

Upon review of these issues, it is now proposed to define "any purpose prohibited by this title" to include four additional categories of activities in § 1610.1. Given the scarcity of funds available for the direct provision of legal assistance to the poor, the use of private funds appropriately should be limited for these four categories in the same manner as LSC funds.

LSC proposes to revise Part 1610 to require recipients to follow the same procedural requirements for the use of private funds for class action cases as the LSC Act presently requires for LSC funds. Requiring project directors to consider the resources necessary for a class action undertaken with private funds will provide a measure of assurance that the competing interests of individual clients who could benefit from the program's services are appropriately weighed. While section 1006(d)(5) does not prohibit all class action suits, it does prohibit any class action not expressly approved by the project director in accordance with board policies. If LSC funds cannot be used for unapproved class actions, then under section 1010(c) regulation of the use of private funds in the same manner serves the purposes of the Act.

While attempting to allow class actions when appropriate and necessary, Congress wanted such cases initiated only after being given careful consideration by the top program managers. Ordinarily, a class action will consume a disporportionate share of a program's staff time and resources. LSC recipients should not, without careful consideration, invest large portions of their resources, whether private or LSC funds, in class actions, because this precludes the use of those resources for needed individual service. The same intent is reinforced by the inclusion of even stricter procedural requirements in LSC's annual appropriations act. *See, e.g.*, Pub. L. No. 99–180, 99 Stat. 1162 (1985); Pub. L. No. 100–102 Stat. 2223 (1988).

LSC also proposes to prohibit the use of private funds to provide assistance to ineligible clients. The centerpiece of the Act is that LSC funds may not be used to represent ineligible clients, that is, those who are not poor by LSC standards. Indeed, the central purpose of the Act is "to provide high quality legal assistance to those who would be otherwide unable to afford adequate legal counsel." 42 U.S.C. 2996, section 1001(2). Once it is determined that a client is ineligible, LSC funds may not be used for legal representation. Pursuant to section 1010(c), if LSC funds may not be used to provide legal assistance to ineligible clients, private funds may be likewise restricted. Because the need for legal assistance to eligible clients is still often unmet, directing private funds—as well as LSC funds—to eligible clients will serve the Act's central mandate of providing equal access to justice for the nation's poor.

The Corporation porposes to include as a prohibited purpose the provision in seciton 1006(a)(3), 42 U.S.C. 2996e(a)(3), which prohibits the Corporation from making grants or contracts for broad general legal or policy research ("general research") unrelated to representation of eligible clients. For the purposes of section 1010(c), which applies to private funds provided for legal assistance activities, general research is legal assistance when done on behalf of a client. If section 1006(a)(3) prohibited general research unrelated to representation of any client, then such research might arguably be interpreted as research that is not legal assistance. Although general research done on behalf of an *eligible* client is allowable, section 1006(a)(3) prohibits general research when done on behalf of an *ineligible* client. Since the Act prohibits the use of LSC funds for general research for ineligible clients, section 1010(c) provides authority for the Corporation to prohibit the use of private funds for such research. Again, the Corporation believes it to be sound policy for LSC recipients to direct all available funds for the provision of legal assistance to eligible clients.

Finally, LSC proposes to include as a prohibited purpose the prohibition in section 1007(b)(5), 42 U.S.C. 2996f(b)(5), which provides that LSC funds must not be used "to make grants to or enter into contracts with any private law firm which expends 50 percent or more of its resources and time litigating issues in the broad interests of a majority of the public," *i.e.*, a public interest law firm. Since LSC funds may not be used by recipients to make grants to or enter into contracts with public interest law firms, section 1010(c) requires that recipients may not use their private funds for such grants or contracts. The type of law firm that may not be funded with LSC or private funds is one that receives a majority of its revenue from retainers or fees of private clients, and spends a majority of its time and resources on social or legal reform litigation.

Section 1610.4

A new paragraph (b) is proposed for addition to § 1610.4 to establish a presumption that, absent a clear and convincing demonstration to the contrary by the recipient, all recipient funds are LSC or private funds received for the provision of legal assistance. Not only would recipients have to prove when funds were public, they would also have to prove that the funds are received for a purpose other than the provision of legal assistance.

It is appropriate to place the burden of proving that funds are public funds on the recipient, because the recipient possesses pertinent documents and information, such as applications for grants, award letters, correspondence with the funding entity, and grantor audits and monitoring reports, to which

the corporation may not have ready access. As part of its planning and budgeting process, a recipient must match funds it receives with activities that are consistent with the funding and, therefore, the recipient will have a basic for its determination that readily can be documented. Also, as the Corporation's 1981 and 1986 editions of the *Audit and Accounting Guide for Recipients and Auditors* require that contributions with restrictions be recorded in a restricted fund, a recipient's independent auditors will likely have made an independent determination of the nature of all the recipient's funds, which will be able to substantiate the recipient's assertion. Finally, because § 1630.3 allocates to the recipient the burden of proof in defending a questioned cost to show that funds used are not subject to a restriction, a recipient should be able to determine the existence of any restrictions before allocating expenses.

The proposal also establishes a presumption that all private funds received by a recipient are received for the provision of legal assistance, absent a clear and convincing showing that the funds were received for other than legal assistance activities. Basic field and support recipients deliver services using lawyers and paralegal staff, and so all services provided by a recipient should be for the purpose of legal assistance. Therefore, unless a private funding source specifically restricts the use of its funds to some non-legal purpose, all LSC and private funds would be considered received for legal assistance.

Finally, the authority section is proposed to be amended to add section 1008(e) of the LSC Act, which provides authority for the Corporation to promulgate regulations.

List of Subjects in 45 CFR Part 1610

Legal services.

For reasons set out above, 45 CFR Part 1610 is proposed to be amended as follows:

PART 1610—USE OF FUNDS FROM SOURCES OTHER THAN THE CORPORATION

1. The authority citation for Part 1610 is revised to read as follows:

Authority: 42 U.S.C. 2996g(e) and 2996i(c).

2. Section 1610.1 is revised to read as follows:

§ 1610.1 Definitions.

As used in this part, the phrase "purposes prohibited by the Act or Corporation Regulations" refers to activities prohibited by the following Sections of the Act and the regulations promulgated thereunder:

(a) Section 1006(a)(3) (Broad general legal or policy research);

(b) Sections 1006(d)(3), 1006(d)(4), 1007(a)(6) (Political activities);

(c) Section 1006(d)(5) (Class actions);

(d) Section 1007(a)(2)(A) (Ineligible clients);

(e) Section 1007(a)(5) (Legislative and administrative lobbying);

(f) Section 1007(a)(10) (Activities inconsistent with professional responsibilities);

(g) Section 1007(b)(1)–(10) (Fee-generating cases; criminal proceedings; civil actions challenging criminal convictions; political activities; grants or contracts with public interest law firms; advocacy training; organizing activities; abortions; school desegregation; and violations of Military Selective Service Act or military desertion).

3. Section 1610.4 is amended by designating the current text as paragraph (a) and adding paragraph (b) to read as follows:

§ 1610.4 Accounting.

* * * * *

(b) All funds received by recipients shall be presumed to be LSC or private funds received for the provision of legal assistance, absent a clear and convincing demonstration to the contrary by the recipient.

December 28, 1988.

Timothy B. Shea,

General Counsel.

[FR Doc. 88–30239 Filed 12–30–88; 8:45 am]

BILLING CODE 7050–01–M

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45 CFR Part 1611

Eligibility

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: The Legal Services Corporation proposes to amend Part 1611 by revising § 1611.3(e), so that no person whose income exceeds the maximum annual income level established by a recipient would be eligible for legal assistance provided with private funds. This amendment would conform Part 1611 to the changes proposed in an accompanying proposed rule for 45 CFR Part 1610, LSC's regulation governing the use of funds from sources other than the Corporation.

In addition, a technical change is proposed for the authority section to include section 1008(e) of the LSC Act, 42 U.S.C. 2996g, the provision providing the Corporation authority to promulgate regulations.

DATE: Comments must be submitted on or before February 2, 1989.

FOR FURTHER INFORMATION CONTACT: Timothy B. Shea, General Counsel, Legal Services Corporation, 400 Virginia Avenue SW., Washington, DC 20024–2751; (202) 863–1823.

SUPPLEMENTARY INFORMATION:

Section 1010(c) of the LSC Act restricts the use of private funds received for the provision of legal assistance to purposes not prohibited by the Act, 42 U.S.C. section 2996i. In 1976, LSC promulgated 45 CFR Part 1610 to implement section 1010(c). Section 1610.1 listed those activities which the Corporation decided to include as "any purpose prohibited" within the meaning of section 1010(c). No prohibition against providing legal assistance to ineligible clients with private funds was included. Similarly, when LSC first promulgated Part 1611 in 1976, it included a provision, § 1611.3(e), allowing the use of non-LSC funds for ineligible clients.

Upon review, as set out in the accompanying notice of proposed revisions to 45 CFR Part 1610, it is proposed that private funds should not be used to represent ineligible clients, because program resources should be focused on the client population with the most pressing needs. This proposal would revise § 1611.3(e) to prohibit the representation of ineligible clients with private funds.

List of Subjects in 45 CFR Part 1611

Legal services.

For reasons set out above, 45 CFR Part 1611 is proposed to be amended as follows:

PART 1611—ELIGIBILITY

1. The authority citation for Part 1611 is revised to read as follows:

Authority: Sec. 1006(b)(1), 42 U.S.C. 2996e(b)(1); sec. 1007(a)(1), 42 U.S.C. 2996f(a)(1); sec. 1007(a)(2), 42 U.S.C. 2996f(a)(2); sec. 1008(e), 42 U.S.C. 2996g.

2. Section 1611.3(e) is revised to read as follows:

§ 1611.3 Maximum income level.

* * * * *

(e) Unless authorized by § 1611.4, no person whose income exceeds the maximum annual income level established by a recipient shall be eligible for legal assistance provided with private funds.

December 28, 1988.

Timothy B. Shea,

General Counsel.

[FR Doc. 88–30240 Filed 12–30–88; 8:45 am]

BILLING CODE 7050–01–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Ch. II

[FRA Docket No. RSCG-3; Notice No. 3]

Grade Crossing Signal System Safety

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Advance notice of proposed rulemaking; extension of comment deadline.

SUMMARY: On November 23, 1988, FRA published in the **Federal Register** an Advanced Notice of Proposed Rulemaking (ANPRM) (53 FR 47554) on grade crossing signal system safety and scheduled a public hearing to be held on December 14, 1988. Because all interested parties could not be heard in one day, the public hearing was extended to two days and rescheduled for December 19 and 20, 1988. The deadline for filing written comments in this proceeding remained January 4, 1989.

The Association of American Railroads has requested a two week extension of time in which to file written comments. FRA recognizes the time pressures in commenting on the issues raised in the testimony and the extensive documentation produced at the hearing, therefore, FRA is extending the deadline to January 17, 1989 for receipt of written comments in this proceeding.

DATES: Written comments must be received by January 17, 1989. Comments received after that date will be considered to the extent possible without incurring additional delay or expense.

ADDRESSES: Written comments should be addressed to the Docket Clerk, Office of Chief Counsel, RCC–30, Room 8201, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mark Tessler, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590 (telephone: (202) 366–0628).

Issued in Washington, DC, on December 28, 1988.

John H. Riley,

Administrator.

[FR Doc. 88–30241 Filed 12–30–88; 8:45 am]

BILLING CODE 4910–06–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California

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

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the Pacific Fishery Management Council (Council) has submitted Amendment 9 to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California (FMP) for review by the Secretary of Commerce (Secretary). Written comments are invited from the public. Copies of the amendment may be obtained from the address below.

DATE: Comments will be accepted on or before February 24, 1989.

ADDRESSES: Comments should be sent to Rolland A. Schmitten, Director, Northwest Region, NMFS, 7600 Sand Point Way N.E., BIN C15700, Seattle, WA 98115–0070; or E. Charles Fullerton, Director, Southwest Region, NMFS, 300 S. Ferry Street, Terminal Island, CA 90731–7415. Copies of the amendment are available upon request for the Pacific Fishery Management Council, Metro Center, Suite 420, 2000 S.W. First Avenue, Portland, OR 97201–5344.

FOR FURTHER INFORMATION CONTACT: William L. Robinson (Northwest Region, NMFS), 206–526–6140; Rodney R. McInnis (Soughwest Region, NMFS), 213–514–6199; or Lawrence D. Six (Pacific Fishery Management Council), 503–221–6352.

SUPPLEMENTARY INFORMATION: Amendment 9 to the FMP was prepared by the Council under authority of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1808 *et seq.* (Magnuson Act) and has been submitted for review, approval, and implementation by the Secretary. The Magnuson Act also requires that the Secretary, upon receipt of a fishery management plan amendment, immediately publish a notice of its availability for public review and comment. The Secretary will consider the comments received from the public in determining whether or not to approve the amendment.

Amendment 9 to the FMP would: (1) Replace the long-term spawning escapement goal and rebuilding schedule for Klamath River fall chinook with fixed annual spawning escapement and harvest rates which will allow a fixed percentage from each year class of natural spawners to escape the fisheries and spawn, subject to a minimum escapement floor for naturally spawning adults; (2) modify the ocean harvest allocation of coho and chinook between non-Indian commercial and recreational fisheries north of Cape Falcon, Oregon; (3) revise the notice procedures for inseason management actions; (4) conform federal and state regulations regarding the incidental harvest of steelhead by recreational fishermen; (5) authorize inseason reporting requirements for commercial fishermen to provide timely accounting of catches from any regulatory area subject to quota management; and (6) increase the Council's flexibility in setting commercial and recreational season beginning and ending dates.

An environmental assessment (required under the National Environmental Policy Act) and a regulatory impact review/initial regulatory flexibility analysis (required under Executive Order 12291 and the Regulatory Flexibility Act) are incorporated in the amendment.

Proposed regulations to implement this amendment are scheduled to be published within 5 days.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 27, 1988.

Richard H. Schaefer,

Director of Office of Fisheries Conservation and Management National Marine Fisheries Service.

[FR Doc. 88–30214 Filed 12–28–88; 3:32 pm]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 54, No. 1
Tuesday, January 3, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

DEPARTMENT OF THE INTERIOR

Recommendations of the Interagency Policy Review Team Regarding Fire Management in Parks and Wilderness Areas; Public Meetings

AGENCIES: United States Forest Service, Agriculture; National Park Service, Interior; United States Fish and Wildlife Service, Interior; Bureau of Land Management, Interior; Bureau of Indian Affairs, Interior.

ACTION: Notice of public meetings.

SUMMARY: This notice announces 10 public meetings regarding the policies for fire management in National Park Service areas and Federally designated wilderness areas.

DATES:

February 1, 7:30 p.m.—University Center Ballroom, University of Montana, Missoula, Montana.

February 1, 7:30 p.m.—Ramada Inn North, 2900 N. Monroe Street, Tallahassee, Florida.

February 2, 7:30 p.m.—Red Lion Inn, Redwood Ballroom, 2001 Point West Way, Sacramento, California.

February 2, 10:00 a.m.–2:00 p.m.—USDA South Building, Jefferson Auditorium, 12th and Independence, Washington, DC.

February 6, 1:00 p.m.–4:30 p.m.—Denver Federal Center, Bureau of Reclamation, Auditorium, Building 56, Lakewood, Colorado.

February 7, 7:30 p.m.—Wort Hotel, 50 N. Glenwood, Jackson, Wyoming.

February 7, 7:00 p.m.—NPS Regional Office, Rm 300, 2525 Gambell Street, Anchorage, Alaska.

February 8, 7:30 p.m.—Quality Inn Westbank, 275 River Parkway, Idaho Falls, Idaho.

February 9, 7:00 p.m.—Indian Pueblo Cultural Center, 2401 12th Street NW., Albuquerque, New Mexico.

February 9, 7:00 p.m.—Klondike Goldrush NHP, Visitor Center Auditorium, 117 S. Main Street, Seattle, Washington.

February 14, 7:30 p.m.—Cody Convention Center, 1240 Beck Avenue, Cody, Wyoming.

ADDRESSES: Comments should be directed to:

Chief, Forest Service-USDA, P.O. Box 96090, Washington, DC 20090–6090.

or

Director, National Park Service, P.O. Box 37127, Washington, DC 20013–7127.

Single copies of the recommendations developed by the interagency Fire Policy Review Team are available from: Director, Public Affairs Office, Forest Service-USDA, P.O. Box 96090, Washington, DC 20090–6090; or Chief, Office of Public Affairs, National Park Service, P.O. Box 37127, Main Interior Building-Mail Stop 3043, Washington, DC 20013–7127.

FOR FURTHER INFORMATION CONTACT: Public Affairs Office, Forest Service-USDA, P.O. Box 96090, Washington, DC 20090–6090, phone (202) 447–3760; or Ranger Activities Division, National Park Service, P.O. Box 37127, Main Interior Building-Mail Stop 3310, Washington, DC 20013–7127, phone (202) 343–4874.

SUPPLEMENTARY INFORMATION: On September 28, 1988, the Secretaries of the Department of Agriculture and the Department of the Interior appointed the interagency Fire Management Policy Review Team to the investigate and recommend modifications to the agencies' current fire management policies for National Park Service areas and Federally designated wilderness areas. The Team's complete report and recommendations were previously published in the **Federal Register** on December 20, 1988. In establishing the Fire Policy Review Team, the Secretaries called for public review of the resulting policy recommendations. Therefore ten public meetings are scheduled across the country to encourage public comment on the proposed revisions.

Persons who plan to attend the meetings should be aware of the following procedures which will be followed:

(a) The meetings will be informal in nature and will be conducted by an impartial hearings officer.

(b) A member of the interagency Fire Policy Review Team will be present at each of the meetings to answer any questions about the recommendations.

(c) Persons wishing to make a presentation at an individual meeting should contact the hearing officer immediately prior to the start of the meeting. The hearing officer will call the presenters in the order in which the names are received. Time limits may be established for the length of the presentations if necessitated by the number of persons wishing to make a statement.

(d) Persons wishing to make statements are encouraged to provide written copies of their statement for the record.

(e) Statements made by agency representatives should not be taken as expressing a final agency position.

Persons who are unable to attend one of the meetings, but wishing to make comments on the recommendations should send their written comments to the address listed above before February 21, 1989.

Roland Vautour,

Under Secretary, Department of Agriculture.

Earl E. Gjelde,

Under Secretary, Department of the Interior.

[FR Doc. 88–30244 Filed 12–30–88; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 88–206]

Availability of Environmental Assessment and Finding of No Significant Impact Relative to Issuance of a Permit to Field Test Genetically Engineered Disease Resistant Tomato Plants

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: By this notice, we are advising the public that an environmental assessment and finding of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of a permit to Calgene, Inc., to allow the field testing in the State of Hawaii of genetically engineered tomato plants, modified to contain an extra gene to reduce endopolygalacturonase production. The assessment provides a

basis for the conclusion that the field testing of these genetically engineered tomato plants does not present a risk of introduction or dissemination of a plant pest and also will not have any significant impact on the quality of the human environment. Based upon this finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

ADDRESS: Copies of the environmental assessment and finding of no significant impact are available for public inspection at Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. Quentin B. Kubicek Staff Biotechnologist, Biotechnology Permit Unit, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 841, Federal Building, 6505 Belcrest Road Hyattsville, MD 20782, (301) 436–6774. For copies of the environmental assessment and finding of no significant impact, call Ms. Mary Petrie at Area Code (301) 436–5874, or write her at this same address. The environmental assessment should be requested under accession number 88–236–01.

SUPPLEMENTARY INFORMATION: On June 16, 1987, the Animal and Plant Health Inspection Service (APHIS) published a final rule in the **Federal Register** (52 FR 22892–22915), which established a new Part 340 in Title 7 of the Code of Federal Regulations entitled "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests" (the rule). The rule regulates the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article can be introduced in the United States. The rule sets forth procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. APHIS has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

Calgene, Inc., of Davis, California, has submitted an application for a permit for release into the environment, for the field testing of genetically engineered tomato plants modified to contain an extra gene to reduce endopolygalacturonase production. One function that the enzyme endopoloygalacturonase performs is to enable tomato fruits to soften during the ripening process.

In the course of reviewing the permit application, APHIS assessed the impact on the environment of releasing the tomato plants under the conditions described in the Calgene, Inc., application. APHIS concluded that the field testing will not present a risk of plant pest introduction or dissemination and will not have any significant impact on the quality of the human environment.

The environmental assessment and finding of no significant impact, which are based on data submitted by Calgene, Inc., as well as a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field testing.

The facts supporting APHIS's finding of no significant impact are summarized below and are contained in the environmental assessment.

1. An endopolygalacturonase gene from tomato has been modified and inserted into a tomato chromosome in such a way as to produce anti-sense RNA, for the purpose of reducing endopolygalacturonase production in order to delay ripening of the tomato fruit. In nature, the genetic material contained in a plant chromosome can only be transferred to another plant by cross-pollination with a sexually compatible plant. In this field test, none of the introduced genes can spread to sexually compatible plants outside the field test plot because the field test plot is located sufficiently far from any sexually compatible plant.

2. Neither the modified endopolygalacturonase gene nor the derived anti-sense RNA confers on tomato any plant pest characteristics. The tomato cultivar (UC82B) from which the endopolygalacturonase gene was obtained is not a plant pest.

3. The anti-sense endopolygalacturonase gene does not provide the transformed tomato plants with any measurable selective advantage over nontransformed tomato plants in the transformed plants' ability to be disseminated or to become established in the environment.

4. The vector used to transfer the anti-sense endopolygalacturonase gene to tomato plants has been evaluated for its use in this experiment, and does not pose a plant pest risk in this experiment. The vector, although derived from a plasmid with known plant pathogenic potential, has been disarmed; that is, genes that are necessary to confer plant pathogenic traits have been removed from the vector. The vector has been tested and shown to be not pathogenic to any susceptible plant.

5. The vector agent, the phytopathogenic bacterium that was used to deliver the anti-sense endopolygalacturonase gene into a tomato plant cell, was eliminated and is no longer associated with the transformed tomato plants.

6. Horizontal movement of genetic material after insertion into a plant genome (i.e., chromosomal DNA) has not been demonstrated. The vector acts by delivering and inserting the gene into the tomato genome. The vector does not survive in or on a transformed plant. No mechanism in nature to horizontally move an inserted gene from the chromosome of a transformed plant to any other organism has been reported in the scientific literature.

7. The size of the field test plot is small (110 feet by 192 feet). The plot will be located within a 10-acre cotton field on a private farm with restricted access.

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508), (3) USDA Regulations Implementing NEPA (7 CFR Part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384 and 44 FR 51272–51274).

Done at Washington, DC, this 28th day of December, 1988.

James Glosser,

Administrator, Animal and Plant Health Inspection Service.

December 28, 1988.

[FR Doc. 88–30220 Filed 12–30–88; 8:45 am]
BILLING CODE 3410–34–M

Forest Service

Baldy Fire Recovery, Klamath National Forest, Siskiyou County, CA; Intention to Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service will prepare an environmental impact statement (EIS) for a proposal to implement fire recovery activities on a portion of the Bald-Ten Fire on the Happy Camp Ranger District; this EIS will encompass a portion of the Siskiyou released-roadless area.

A range of alternatives for this area will be considered. One of these will be no recovery activities in the project area. Other alternatives will range from implementing fire recovery activities to recovery in combination with more extensive timber management projects.

Federal and State, and local agencies, and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process. This process will include:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a previous environmental review.
4. Determination of potential cooperating agencies and assignment of responsibilities.

The Fish and Wildlife Service, Department of the Interior, will be invited to participate as a cooperating agency to evaluate potential impacts on threatened and endangered species habitat if any such species are found to exist in the watershed.

The Forest Supervisor will hold a public meeting at the Forest Supervisors Office, Klamath National Forest, large conference room, 1312 Fairlane Road, Yreka, California, at 1:00 p.m., on Saturday, February 4, 1989. This meeting will be held in conjunction with the Dillon Creek EIS.

Robert Rice, Forest Supervisor, Klamath National Forest, is the responsible official.

The analysis is expected to take about 10 months. The draft environmental impact statement should be available for public review by January, 1990. The final environmental impact statement is scheduled for completion by April, 1990.

Written comments and suggestions concerning the analysis should be sent to George Harper, District Ranger, Happy Camp Ranger District, Klamath National Forest, Happy Camp, California, CA 96039, by March 1, 1989.

Questions about the proposed action and environmental impact statement should be directed to Terry Chute, Planner, Happy Camp Ranger District, Klamath National Forest, Happy Camp, California, 96039, phone 916–493–2243.

Dated: December 16, 1988.

Robert L. Rice,

Forest Supervisor.

[FR Doc. 88–30246 Filed 12–30–88; 8:45 am]

BILLING CODE 3410–11–M

Dillon Creek, Klamath National Forest, Siskiyou County, CA; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service will prepare an environmental impact statement (EIS) for a proposal to implement commercial timber sales within the Dillon Creek watershed on the Happy Camp and Ukonom Ranger District; this EIS will encompass a portion of the Siskiyou released-roadless area.

A range of alternatives for this area will be considered. One of these will be no road construction or timber harvest. Other alternatives will consider implementing intensive timber management activities (including harvest of timber and road construction) to low intensity timber management (minimal salvage harvesting with no road construction).

Federal and State, and local agencies; and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process. This process will include:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a previous environmental review.
4. Determination of potential cooperating agencies and assignment of responsibilities.

The Fish and Wildlife Service, Department of the Interior, will be invited to participate as a cooperating agency to evaluate potential impacts on threatened and endangered species habitat if any such species are found to exist in the watershed.

The Forest Supervisor will hold a public meeting at the Forest Supervisors Office, large conference room, 1312 Fairlane Road, Yreka, California, at 1:00 p.m., on Saturday, February 4, 1989. This meeting will be held in conjunction with the Baldy EIS.

Robert L. Rice, Forest Supervisor, Klamath National Forest, is the responsible official.

The analysis is expected to take about 10 months. The draft environmental impact statement should be available for public review by January, 1990. The final environmental impact statement is scheduled for completion by April, 1990.

Written comments and suggestions concerning the analysis should be sent to George Harper, District Ranger, Happy Camp Ranger District, Klamath National Forest, Happy Camp, California, 96039, by March 1, 1989.

Questions about the proposed action and environmental impact statement should be directed to Terry Chute, Planner, Happy Camp Ranger District, Klamath National Forest, Happy Camp, California, 96039, phone 916–493–2243.

Date: December 16, 1988.

Robert L. Rice,

Forest Supervisor.

[FR Doc. 88–30245 Filed 12–30–88; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–007]

Barium Chloride from the People's Republic of China; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On April 21, 1988, the Department of Commerce ("the Department") published the preliminary results of its administrative review of the antidumping duty order on barium chloride from the People's Republic of China. The review covers one manufacturer and/or exporter of this merchandise to the United States and the periods April 6, 1984 through September 30, 1984 and October 1, 1985 through September 30, 1986.

We gave interested parties an opportunity to comment on the preliminary results. Based on minor corrections to our analysis, the final results of review are changed from those presented in the preliminary results.

EFFECTIVE DATE: January 3, 1989.

FOR FURTHER INFORMATION CONTACT: Michael Rill or Maureen Flannery, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–3601/2923.

SUPPLEMENTARY INFORMATION:

Background

On April 21, 1988, the Department published in the **Federal Register** (53 FR 13140) the preliminary results of its administrative review of the antidumping duty order on barium chloride from the People's Republic of China (49 FR 40635, October 17, 1984). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of barium chloride, a chemical compound having the formula BaCl2 or BaCl2–2H2O. These imports are currently classifiable under item number 417.7000 of the *Tariff Schedules of the United States Annotated* and under item number 2827.38.00 of the *Harmonized Tariff Schedule.*

The review covers China National Chemicals Import and Export Corporation (Sinochem) and the periods April 6, 1984 through September 30, 1984 and October 1, 1985 through September 30, 1986.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received timely comments from Cometals, Inc., an importer, and Chemical Products Corporation, the petitioner. At the request of Cometals, we held a public hearing on June 9, 1988.

Comment 1: Cometals argues that the dumping margins found are not reflective of the actual prices at which Cometals purchased barium chloride from China. The price did not change from the last review period to this review period, so the large change in duties is not justified.

Department's Position: Dumping margins are determined by comparing the United States price to foreign market value. Even if U.S. price is unchanged, changes in foreign market value may result in different dumping margins. Both U.S. price and foreign market value are based on information available for this review period, which is independent of facts pertaining to other review periods.

Comment 2: Cometals argues that foreign market value should be based on the factors of production provided for two factories and not on the basis of the highest-cost producer. In the original investigation and the first administrative review, the Department only required information from Sinochem on the two factories exporting barium chloride to the U.S. The third factory producing barium chloride does not export it to the U.S. and therefore information for that factory is irrelevant. Furthermore, Sinochem has no control over this factory and cannot compel it to provide information. The factors is controlled locally rather than by the central government.

The petitioner argues that the Department's action is consistent with its well-established policy of requiring data from all significant manufacturing plants in the country in question and of using the best information available when the respondent fails to submit such information in a timely fashion.

Department's Position: When merchandise covered by an order is produced in more than one plant and those plants are related under section 773(e)(3) of the Tariff Act, the Department uses the average cost of all related producing facilities. In this review we determined there are three plants producing barium chloride, and requested information in order to determine whether the three plants were related. The response to our request was inadequate and did not provide sufficient information for us to conclude that the three plants were not related. Therefore, we have assumed they are related and production information for each is needed. Since Sinochem did not provide information regarding factors of production for all three firms, we used the best information available to determine foreign market value.

This decision is based exclusively on information collected in this administrative review. The facts, insofar as they were presented and known to the Department, and were used by various parties in their arguments, may well have been different in prior reviews or the original investigation. However, those were each separate proceedings, had separate records and were each decided on the basis of those records. The records of those proceedings are not relevant to our current administrative review and have not been used to determine these final results.

We have not altered our basic method of averaging costs from all related producers.

Final Results of the Review

Based on our analysis as presented in the preliminary results of review, with currency conversions corrected to reflect exchange rates on the dates of sale, we determine that the following margins exist:

Manufacturer/exporter	Period	Margin/ (Percent)
Sinochem.....	04/06/84–09/30/84	27.70
	10/01/85–09/30/86	60.84

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

As provided for by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties of 60.84 percent shall be required for shipments from Sinochem. For any future entries of this merchandise from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after September 30, 1986 and who is unrelated to the reviewed firm, a cash deposit of 60.84 percent shall be required. These cash deposit requirements are effective for all shipments of Chinese barium chloride entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and will remain in effect until the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53a of the Commerce Regulations (19 CFR 353.53a).

Jan W. Mares,

Assistant Secretary for Import Administration.

Date: December 23, 1988.

[FR Doc. 88–30217 Filed 12–30–88; 8:45 am]

BILLING CODE 3510-DS-M

Articles of Quota Cheese; Annual Listing of Foreign Government Subsidies

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Publication of annual list of foreign government subsidies on articles of quota cheese.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared its annual list of foreign government subsidies on articles of quota cheese. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: January 1, 1989

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup or Paul J. McGarr, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 377–2786.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of those subsidies.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amount of each subsidy on which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

Date: December 22, 1988.

Jan W. Mares,

Assistant Secretary for Import Administration.

APPENDIX—QUOTA CHEESE SUBSIDY PROGRAMS

Country	Program(s)	Gross [1] subsidy	Net [2] subsidy
Belgium	European Community (EC) restitution payments	24.6¢/lb	24.6¢/lb.
Canada	Export assistance on certain types of cheese	28.9¢/lb	28.9¢/lb.
Denmark	EC restitution payments	27.0¢/lb	27.0¢/lb.
Finland	Export subsidy	116.3¢/lb	116.3¢/lb.
	Indirect subsidies	19.7¢/lb.	19.7¢/lb.
		136.0¢/lb	136.0¢/lb.
France	EC restitution payments	23.6¢/lb	23.6¢/lb.
Greece	EC restitution payments	28.1¢/lb	28.1¢/lb.
Ireland	EC restitution payments	76.9¢/lb	76.9¢/lb.
Italy	EC restitution payments	59.3¢/lb	59.3¢/lb.
Luxembourg	EC restitution payments	24.6¢/lb	24.6¢/lb.
Netherlands	EC restitution payments	28.5¢/lb	28.5¢/lb.
Norway	Indirect (Milk) subsidy	17.7¢/lb	17.7¢/lb.
	Consumer subsidy	39.2¢/lb	39.2¢/lb.
		56.9¢/lb	56.9¢/lb.
Portugal	EC restitution payments	24.0¢/lb	24.0¢/lb.
Spain	EC restitution payments	25.7¢/lb	25.7¢/lb.
Switzerland	Deficiency payments	92.5¢/lb	92.5¢/lb.
U.K.	EC restitution payments	25.4¢/lb	25.4¢/lb.
W. Germany	EC restitution payments	36.5¢/lb	36.5¢/lb.

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 88–30216 Filed 12–30–88; 8:45 am]
BILLING CODE 3510–DS–M

DEPARTMENT OF DEFENSE (DOD)

Department of the Army

Billing Procedures on Selected Traffic by All Methods of Transportation

AGENCY: Military Traffic Management Command (MTMC), Department of the Army (DOD).

ACTION: Rules for billing procedures on selected traffic by all methods of transportation.

SUMMARY: DOD is modifying the billing procedures for carriers handling freight for DOD. These procedures will be published in the Rules Publication, MFTRP Freight Traffic Rules Publication No. 10 (RAIL) and MTMC Freight Traffic Rules Publication No. 1A (MOTOR) as they are issued or reissued. These modified procedures will assist DOD in easy identification of carrier billings and will expedite processing of carriers' vouchers for payment on these selected billings.

EFFECTIVE DATE: January 3, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Lamm, Headquarters, Military Traffic Management Command, ATTN: MT–INFQ, 5611 Columbia Pike, Falls Church, Virginia 22041–5050, or telephone (202) 756–1173.

SUPPLEMENTARY INFORMATION: The Prompt Payment Act, as amended in November 1988, allows prepayment audit of transportation Government bills of lading (GBLs) prior to payment. This authority has been delegated to DOD. These modified procedures will assist in this function and will prevent unnecessary delay in payment of the carriers' vouchers.

The following rule is established for all modes of traffic to cover GBLs for which the total charge(s) is $10,000 or more.

Item: Exception to Billing Procedures:

Individual GBLs for which the total charge for services rendered is $10,000 or more will be submitted on a Public Voucher for Transportation Charges (SF 1113) separate from other GBLs for which the charges are less than $10,000. Several GBLs, each having individual charges of $10,000 or more, may be presented on the same voucher.

The following rule is established for movement of "GUARANTEED TRAFFIC" from Defense Depots at Columbus, OH, Memphis, TN,

Mechanicsburg, PA, Richmond, VA, Tracy, CA, and Ogden, UT.

Item: Billing Procedures (GUARANTEED TRAFFIC):

1. Charges for services rendered for GUARANTEED TRAFFIC shipments from points identified above are shown in block 28 of the GBL. The actual amount billed when rounded to the nearest dollar will not exceed the amount shown in block 28 of the GBL.

a. If there is a disagreement with the charges shown in block 28, the carrier must contact the shipping activity to resolve the disagreement prior to submitting the bill for payment. If it is determined that the charge(s) shown in block 28 of the GBL is incorrect, the shipper will prepare a GBL Correction Notice (SF 1200) showing the correct charges. A copy of this correction notice must accompany the original bill of lading and voucher when submitted for payment.

b. If an agreement cannot be reached between the shipper and carrier on what the charges should be, the carrier will submit this GBL on a separate voucher to the appropriate finance center which will forward to MTMC for audit prior to payment.

2. Voucher(s) submitted for payment will include only GBLs covering GUARANTEED TRAFFIC moved under the solicitation and applicable tender. All vouchers submitted covering GUARANTEED TRAFFIC shipments must contain the statement "GUARANTEED TRAFFIC" either stamped or printed in bold letters on the face of the voucher.

John O. Roach,

Army Liaison Officer with the Federal Register.

[FR Doc. 88–30253 Filed 12–30–88; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Supplement to the Lower Granite Final Environmental Impact Statement for a Proposed Land Exchange at Wilma Habitat Management Unit on the Snake River Near Clarkston, Washington

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare an FEIS supplement.

SUMMARY: The Walla Walla District Corps of Engineers proposes to provide Wilma Habitat Management Unit (171 acres) to the Port of Wilma in exchange for the Henley Property (742 acres), which will be acquired by the Port for the purpose of exchange. Both of these properties are located along the Snake River in southeastern Washington. The exchange will allow the port to expand its facilities while providing the Corps with land suitable for wildlife habitat development.

FOR FURTHER INFORMATION CONTACT: Comments concerning the project and draft supplemental EIS should be addressed to Chief, Environmental Resources Branch, Corps of Engineers, Walla Walla District, Walla Walla, Washington 99362–9265. Comments or questions can be telephoned to Ms. Sandra Shelin at (509) 522–6626.

SUPPLEMENTARY INFORMATION: 1. The Port of Wilma has requested to obtain Wilma Habitat Management Unit (HMU) which is Corps of Engineers project land (171 acres) along the north shore of the Snake River, river mile 134–135, in Lower Granite Reservoir. The parcel is currently managed to partially fulfill wildlife compensation requirements for the Lower Snake River project. In exchange, the Port proposes to offer to the Corps the Henley Property (742 acres), which is the land along the north shore of the Snake River, river mile 68–69, in the Lower Monumental Reservoir (Lake Herbert G. West) just downstream from Little Goose Dam. The proposed land exchange would allow the Port to expand its facilities located immediately adjacent to and upstream of Wilma HMU. In exchange the Corps would receive land adjacent to Snake River project lands suitable for wildlife habitat development.

2. Alternatives to be investigated include:

A—No action.

B—Land exchange as proposed (includes filling of shallow water habitat by the Port).

C—Land exchange, but no filling of shallow water habitat by the Port.

D—Land exchange, but the Port acquires property other than Henley Property for exchange.

E—Sale of Wilma HMU to the Port, Port provides money for habitat development on existing Corps property.

G—Sale of Wilma HMU to the Port, no exchange of land or money for habitat development.

3. Significant issues to be addressed in the draft supplement include effects of the alternatives on wildlife, fisheries, endangered species, existing wildlife compensation program, cultural resources, port development, and socioeconomics. The project will be reviewed under all applicable Federal, state, and local statutes.

4. Affected Federal, state, and local agencies, affected Indian tribes, and other interested organizations and parties are invited to participate in scoping for the draft supplement. A formal scoping meeting is not planned, however, comments should be directed to the address given below.

5. The draft supplement should be available on or about March 3, 1989.

Dated: December 8, 1988.

James A. Walter,

LTC, CE Commanding.

[FR Doc. 88–30252 Filed 12–30–88; 8:45 am]

BILLING CODE 3710–GC–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Non-Federal Participation in the Northern Portion of the Third AC Intertie; Intention to Prepare an Environmental Impact Statement and Conduct a Public Scoping Meeting

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of intent to prepare an environment impact statement (EIS) and conduct a public scoping meeting.

SUMMARY: BPA plans to prepare and consider an EIS on its proposal to offer non-Federal scheduling utilities in the Pacific Northwest an opportunity to participate in the northern portion of the Third AC Intertie. Allowing Northwest non-Federal utilities to participate in this project could increase their marketing flexibility and provide an additional measure of assurance concerning their ability to gain long-term access to extraregional markets.

DATES: A public meeting will take place in Portland, Oregon, at 1:00 p.m. on January 17, 1989, at the Holiday Inn, Portland Airport, to scope the EIS and to further discuss BPA's non-Federal participation proposal. BPA encourages and will consider written comments and recommendations on the proposal for non-Federal participation and the means for performing an appropriate environmental analysis. Comments on the scope of the EIS should be submitted to the address below by February 10, 1989.

ADDRESS: Written comments should be submitted to the Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony R. Morrell, Assistant to the Administrator for Environment—AJ,

Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, 503–230–5136. Information also may be obtained from Dr. John M. Taves, Coordination and Review Staff, Office of Power Sales, at 503–230–5146, or callers may use the following toll-free numbers to reach the BPA Public Involvement office: Oregon, 800–452–8429; California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming, 800–547–6048. A copy of Bonneville Power Administration's, "Proposal for Non-Federal Participation in the Northern Portion of the Third AC Intertie" is available upon request. Information also may be obtained from:

Mr. George E. Gwinnutt, Lower Columbia Area Manager, Suite 243, 1500 NE. Irving Street, Portland, Oregon 97232, 503–230–4551

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503–687–6952

Mr. Wayne R. Lee, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3060

Mr. Ronald K. Rodewald, Wenatchee District Manager, Room 307, 301 Yakima Street, Wenatchee, Washington 98801, 509–662–4377, extension 379

Mr. Terence G. Esvelt, Puget Sound Area Manager, Suite 400, 201 Queen Anne Avenue, Seattle, Washington 98109–1030, 206–442–4130

Mr. Thomas V. Wagenhoffer, Snake River Area Manager, 101 West Poplar, Walla Walla, Washington 99362, 509–522–6225

Mr. Robert N. Laffel, Idaho Falls District Manager, 1527 Hollipark Drive, Idaho Falls, Idaho 83401, 208–523–2706

Mr. Thomas H. Blankenship, Boise District Manager, Room 494, 550 West Fort Street, Boise, Idaho 83724, 208–334–9137

SUPPLEMENTARY INFORMATION:

Background

The Pacific Northwest/Pacific Southwest Intertie presently consists of a 1956-megawatt (MW) direct current (DC) line and a 3,200–MW alternating current (AC) Intertie system. BPA owns the DC line and the majority of the AC Intertie in the Northwest. The remaining Northwest portion of the AC Intertie is owned by Portland General Electric Company and Pacific Power and Light Company. The capacity of the DC line is being expanded to 2986 MW via increasing the capability of converter stations at either end of the DC line. This Terminal Expansion Project is scheduled for energization in February 1989. The Califorina-Oregon Transmission Project/Third AC Intertie Project would add an additional 1,600 MW to the capacity of the AC Intertie. On September 27, 1988, BPA issued a Record of Decision indicating its intent to construct, operate, and maintain the Third AC Intertie in the Pacific Northwest. Should this project proceed as planned, the total capacity of the Intertie would increase to approximately 7800 MW in 1992.

Prior to deciding to proceed with the Third AC Intertie, the BPA Administrator considered three environmental impact statements. The California-Oregon Transmission Project EIS addressed the impacts of line construction in California and substation upgrades in the Northwest needed to develop the Third AC Intertie. The Eugene/Medford EIS addressed the effects of upgrading from 230 kilovolts (kV) to 500 kV a line running between Eugene, Oregon and Medford, Oregon. This upgrade is an integral part of the plan of service for the Third AC Intertie. In addition, BPA prepared and considered the Intertie Development and Use Environmental Impact Statement (IDU EIS).

The IDU EIS addresses the potential environmental effects of changes in resource operations and development occasioned by an expanded Intertie system used in conjunction with BPA's Long-Term Intertie Access Policy (LTIAP). The IDU EIS analysis assumes that all non-Federal access to the Federal portion of the Intertie will be governed by the provisions of the LTIAP. The non-Federal participation EIS will be tiered to the IDU EIS pursuant to 40 CFR 1502.20 of the Council on Environmental Quality's Regulations for Implementing the National Environmental Policy Act (NEPA).

In June 1987, several members of the U.S. House of Representatives asked BPA to study the possibility of allowing Pacific Northwest utilities an opportunity to participate in the Third AC Intertie. BPA's "Final Study of Non-Federal Participation in the Northern Portion of the Third AC Intertie" was published in March 1988. BPA is now defining the terms under which it proposes to offer non-Federal participation.

Proposal for Non-Federal Participation

BPA's proposal for non-Federal participation addresses the amount of Intertie to be made available, the financial terms for participation, the rights of participants, and restrictions placed on participants. A maximum of 725 MW of Intertie capacity would be offered to participants. The price would be based on the actual cost of the new Third AC facilities and reinforcements plus the depreciated replacement costs of related existing facilities. BPA's current estimate is $248/kilowatt (kW) in 1991 dollars. Participants also would pay a proportional annual charge for operations and maintenance, replacement, and other related items. In return, participants would receive contractual rights to schedule power over a specified amount of BPA's share of Third AC capacity resulting from increases from 4,000 to 4,800 MW. The contract rights would expire at the end of the year 2016, which is the expiration of the agreements governing BPA's use of Pacific Power and Light's facilities for Intertie purposes. Participants would have a one-time opportunity to choose to wheel for third-parties and arbitrage over their Third AC scheduling right which, if selected, would preclude the participant from obtaining additional access under the LTIAP. Although no restrictions are proposed on new nonhydro resource development, participants would be restricted from developing or acquiring the output of new hydro resources in Protected Areas, as defined in BPA's LTIAP (i.e., designated stream reaches inside the Columbia River Basin). Furthermore, BPA's obligation to serve participants' loads under current power sales contracts would be reduced by the amount of any export energy sales made by participants over the Intertie; however, the reduction in obligation would become effective for nonhydro resources only at such time as BPA reaches energy load/resource balance. Additional terms and conditions will be developed, considered, and analyzed during the processes of negotiation and environmental review.

Scope of Environmental Analysis

The EIS on non-Federal participation will address the potential environmental effects of implementing BPA's proposal for non-Federal participation and of reasonable alternatives to the proposal. It is anticipated that potential environmental effects of the proposal would be the result of changes in the development or operation of generation resouces enabled by the implementation of non-Federal participation in the Third AC Intertie. The EIS will address effects on river operations, downstream juvenile fish passage, upstream adult migration, resident fish propagation in

reservoirs, recreation, cultural resources, nonrenewable resource consumption, and air quality.

Alternatives that BPA may analyze, in addition to the proposal, include providing access to the Third AC Intertie only under the terms of the LTIAP as addressed in the IDU EIS. This would represent BPA's "no action" alternative. Another alternative that may be studied is operating under the LTIAP but allowing an increase in the amount of assured delivery with or without additional restrictions. Participation as described in the preferred alternative but with the following variations also may be studied: increased restrictions on the development of new resources for export purposes; extending the protected areas concept regionwide; and eliminating the provision for reduction of BPA's obligation to serve the load of participants in an amount equal to their export sales. BPA also may study alternative amounts of and costs for participation.

Issued in Portland, Oregon, on December 22, 1988.

James J. Jura,

Administrator.

[FR Doc. 88-30202 Filed 12-30-88; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4639-006 New York]

Christine Falls Corp., c/o Trafalgar Power; Availability of Environmental Assessment

December 23, 1988.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for amendment of license for the Christine Falls Hydroelectric Project located on the Sacandaga River in Hamilton County, near the Village of Speculator, New York, and has prepared an Environmental Assessment (EA) for the proposed amendment. In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed amendment and has concluded that approval of the proposed amendment, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, Room 1000, of the Commission's offices at 825 North Capitol Street, NE., Washington, DC 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 88-30208 Filed 12-30-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP87-5-004]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

December 23, 1988

On December 16, 1988, CNG Transmission Corporation ("CNG") submitted for filing, as part of its FERC Gas Tariff Original Volume No. 1, the following tariff sheets:

First Revised Sheet No. 6, Superseding Original Sheet No. 6

First Revised Sheet No. 7, Superseding Original Sheet No. 7

Original Sheet No. 8

First Revised Sheet No. 114, Superseding Original Sheet No. 114

CNG also submits for filing as part of its FERC Gas Tariff, Original Volume No. 2A, the following tariff sheets:

First Revised Sheet No. 3, Superseding Original Sheet No. 3

First Revised Sheet No. 4, Superseding Original Sheet No. 4

Original Sheet No. 5

Original Sheets No. 294 through 343

CNG states that these tariff sheets are filed in compliance with the Commission order dated July 27, 1988 in Docket No. CP87-5-000 authorizing seasonal sales to the Associated Penn East Customer group.

CNG has requested that the Commission grant all waivers necessary to permit this filing to become effective as of November 15, 1988. CNG states that copies of the filing were served upon all of its Volume No. 1 customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules and Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests shall be filed on or before January 4, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 88-30166 Filed 12-30-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-227-000, RP88-227-002, RP88-227-003, CP88-309-004 and CP88-309-005]

Paiute Pipeline Co.; Informal Settlement Conference

December 23, 1988

Take notice that an informal settlement conference will be convened in the above proceeding on January 17, 1989 at 10:00 a.m. at the office of Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426.

Any party, as defined by 18 CFR 385.102(c), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (19 CFR 385.214).

For additional information, contact John C. Walley (202) 357-8458, or Marsha Gransee (202) 357-5738.

Lois D. Cashell,

Secretary.

[FR Doc. 88-30167 Filed 12-30-88; 8:45 am]

BILLING CODE 6717-012-M

[Docket No. RP87-15-025]

Trunkline Gas Co.; Refund Requirement

December 23, 1988

Take notice that on December 16, 1988, Trunkline Gas Company (Trunkline) filed its report of refunds applicable to Docket No. RP87-15 rates that were in effect during the period May 1, 1987 through November 30, 1988.

At the outset, Trunkline calls attention to the fact that in compliance with Order No. 297, but without prejudice to judicial review, it has filed the tariff sheets eliminating the fixed cost minimum bill applicable to its sales customers under Rate Schedules P-1 and P-2, the only services to which such minimum bill had applied, accepted by Commission order issued on June 23, 1988. Trunkline states that all operations and services from June 23, 1988 have been conducted without a fixed cost minimum bill, by reason of the Commission's orders.

Trunkline states that the Docket No. RP87-15 rates were superseded by new rates on December 1, 1988 in Docket No. RP88-180, subject to the outcome of that

proceeding. Hence, the Docket No. RP87-15 period is a locked in period extending from May 1, 1987 to November 30, 1988.

Trunkline states that it has fully refunded the entire rate increase amounts paid by its sales customers for the entire period of the increased rates in this proceeding and that no further refunds are due.

Trunkline states that this report presents new material concerning the magnitude of the refunds that have been paid to sales customers which had previously made minimum bill payments for 1987, and states that this material was not available when Trunkline filed its earlier refund report on June 8, 1988.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1988). All such motions or protests should be filed on or before January 4, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-30165 Filed 12-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP89-437-000]

El Paso Natural Gas Co.; Request Under Blanket Authorization

December 23, 1988.

Take notice that on December 16, 1988, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas, 79978, filed in Docket No. CP89-437-000, a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act for authorization to upgrade the Humboldt City Gate Meter Station in order to permit the delivery of additional volumes of natural gas to Southern Union Gas Company (SUG) for resale to nearby areas in Yavapai County, Arizona, as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, El Paso proposes to install an additional American 500B positive meter at El Paso's existing 20 inch O.D. Maricopa County Line in Yavapai County. The estimated cost of the installation is reported as $2,500. Peak day and annual deliveries at the proposed delivery point are expected to be 1,087 mcf and 332,226 mcf, respectively. El Paso notes that the ultimate distribution of the requested volumes of natural gas would be used for residential, commercial and industrial usages.

El Paso states that the total volumes delivered would be within the certificated entitlements of that customer.

Any person of the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 88-30168 Filed 12-30-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-447-000]

Northern Natural Gas Co., Division of Enron Corp.; Request Under Blanket Authorization

December 23, 1988.

Take notice that on December 16, 1988, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP89-447-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to transport natural gas on behalf of VenGas Marketing Company, a marketer of natural gas, under Northern's blanket certificate issued in Docket No. CP86-435-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northern states that, pursuant to a transportation agreement dated November 11, 1988, the total quantities of gas to be transported will be 10,000 MMBtu equivalent of natural gas on a peak day, 7,500 MMBtu equivalent of natural gas on an average day, and 3,650,000 MMBtu equivalent of natural gas on an annual basis. Northern states that construction of facilities will not be required to provide the proposed service. It is stated that the executed transportation agreement, known as Attachment No. 1, Appendix A, Part I, contains the location of the receipt and delivery points. It is further stated that service commenced November 11, 1988, for this shipper under the 120-day automatic authorization pursuant to § 284.223(a) of the Regulations, as reported in Docket No. ST89-1141 (filed December 5, 1988).

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 88-30169 Filed 12-30-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-426-000]

Panhandle Eastern Pipe Line Co.; Request Under Blanket Authorization

December 23, 1988.

Take notice that on December 15, 1988, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP89-426-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for Mobil Natural Gas Inc. (Mobil) a shipper and marketer of natural gas, under Panhandle's blanket certificate issued in Docket No. CP86-585-000 pursuant to section 7 of the Natural Gas Act, all as more fully set

forth in the request which is on file with the Commission and open to public inspection.

Panhandle proposes to transport up to 20,000 dekatherms (dkt) of natural gas equivalent per day on an interruptible basis on behalf of Mobil pursuant to a transportation agreement dated November 3, 1988, between Panhandle and Mobil. Panhandle would receive gas at various existing points of receipt on its system in Texas, Oklahoma, Kansas, Colorado, Wyoming, and Illinois and deliver equivalent volumes, less fuel used and unaccounted for line loss, to Gas Service Company in Marion, Johnson, Moniteau, Jackson, Cass, Howard, Pettis, Cooper and Henry Counties, Kansas.

Panhandle states that the estimated daily and estimated annual quantities would be 10,000 dkt and 3,650,000 dkt, respectively. Service under § 284.223(a) commenced on November 5, 1988, as reported in Docket No. ST89–1264–000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 88–30170 Filed 12–30–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP89–451–000]

Tennessee Gas Pipeline Co.; Request Under Blanket Authorization

December 23, 1988.

Take notice that on December 16, 1988, Tennessee Gas Pipeline Company (Applicant), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP89–88–000 a request for authorization pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act and Applicant's blanket certificate issued in Docket No. CP87–115–000 for authorization to provide a transportation service for Reliance Gas Marketing Company (Reliance), a marketer, all as more fully set out in the request on file with the Commission and open to public inspection.

Applicant states that pursuant to a transportation agreement dated October 20, 1988, it proposes to transport natural gas for Reliance from various receipt points located offshore Louisiana and the states of Texas, Louisiana, Mississippi and Alabama. It is maintained that the points of redelivery would be located at various delivery points off Applicant's system.

The Applicant further states that under the contract, the transportation volumes would be as follows:

Maximum daily quantity—50,000 dt.
Average day—50,000 dt.
Annual basis—1,825,000 dt.

It is asserted that service under § 284.223(a) commenced November 1, 1988, as reported in Docket No. ST89–1080.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 88–30172 Filed 12–30–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP88–67–000, RP88–81–000 and RP88–221–000]

Texas Eastern Transmission Co.; Informal Settlement Conference

December 23, 1988.

Take notice that a conference will be convened in this proceeding on January 25, 1988 at 10:00 a.m. at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC, for the purpose of exploring the possible settlement of the above-reference dockets.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b) is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Dennis H. Melvin (202) 357–8076.

Lois D. Cashell,

Secretary.

[FR Doc. 88–30173 Filed 12–30–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP89–463–000]

Texas Gas Transmission Corp.; Request Under Blanket Authorization

December 23, 1988.

Take notice that on December 21, 1988, Texas Gas Transmission Corporation, (Texas Gas) 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89–463–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas under its blanket authorization issued in Docket No. CP88–686–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas proposes to transport natural gas on an interruptible basis for Texaco Gas Marketing Inc. (Texaco). Texas Gas explains that the service commenced November 10, 1988, under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST89–1212. Texas Gas proposes to transport on a peak day up to 150,000 MMBtu; on an average day up to 75,000 MMBtu; and on an annual basis up to 54,750,000 MMBtu. Texas Gas proposes to receive the subject gas from various existing points of receipt in Offshore Louisiana and redeliver the volumes for Texaco's account at Eugene Island Area, Block 250, Offshore Louisiana.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 88-30174 Filed 12-30-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-418-000]

Trunkline Gas Co.; Request Under Blanket Authorization

December 23, 1988.

Take notice that on December 15, 1988, Trunkline Gas Company (Trunkline) P.O. Box 1642, Houston, Texas 77251-1642, filed in §§ 157.205 and 284.223 (18 CFR 157.205 and 284.223) of the Commission's Regulations under the Natural Gas Act for authority to provide interruptible transportation service for Mobil Natural Gas, Inc. (Mobil) under Trunkline's blanket transportation certificate authorization which was issued by Commission order on April 30, 1987, in Docket No. CP86-586-000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Trunkline indicates that it will receive the gas at various existing points on its system principally in Louisiana and Texas and redeliver the gas for the account of Mobil to Panhandle Eastern Pipeline Company (Panhandle) in Douglas County, Illinois. Trunkline will transport the gas under its Rate Schedule PT.

Trunkline proposes to transport up to 150,000 Dt (dekatherms) of gas per peak day, approximately 75,000 Dt per average day or 27,375,000 Dt annually. Trunkline states that the transportation service commenced under the 120-day automatic authorization of § 284.223(a) of the Commission's Regulations on November 5, 1988, pursuant to a transportation agreement dated September 20, 1988. Trunkline notified the Commission of the commencement of the transportation service in Docket No. ST89-1268-000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 88-30171 Filed 12-30-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-457-000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

December 23, 1988

Take notice that on December 19, 1988, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP89-457-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) to provide interruptible transportation service on behalf of Texaco Gas Marketing (Texaco), a marketer of natural gas, under United's blanket certificate issued in Docket No. CP88-6-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United states that, pursuant to an interruptible gas transportation agreement dated June 15, 1988, as amended October 14, 1988, it proposes to transport a maximum daily quantity of 41,200 MMBtu of natural gas on behalf of Texaco from various points of receipt located offshore Louisiana, and within the States of Louisiana and Mississippi to various points of delivery located in the States of Florida, Louisiana, Alabama and Mississippi. The average daily quantity transported is expected to equal the maximum daily quantity transported and based thereon, the annual transportation volume is estimated to be 15,038,000 MMBtu. United advises that the transportation service commenced October 14, 1988, as reported in Docket No. ST89-1068-000, pursuant to § 284.223(a) of the Commission's Regulations.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 88-30175 Filed 12-30-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-432-000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

December 23, 1988

Take notice that on December 15, 1988, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP89-432-000, a request pursuant to §§ 157.205 and 284.222 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas under its blanket certificate issued in Docket No. CP88-6-000, pursuant to section 7 of the Natural Gas Act, for Arkla Energy Marketing Company, (Arkla), a marketer of natural gas, all as more fully set forth in the request on file with the Commission and open to public inspection.

United proposes to transport up to a maximum daily quantity of 206,000 MMBtu of natural gas for Arkla from various receipt points in Louisiana, Texas, Mississippi, to various delivery points in Mississippi, Louisiana, Texas, Alabama and Florida. United anticipates transporting up to 206,000 per day and average day, and 75,190,000 MMBtu annually for Arkla. United explains that service commenced December 1, 1988, under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST89-1064.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157-205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 88-30176 Filed 12-30-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD89-02898T]

Designation of Tight Formation Hidalgo County, Texas, Texas-4; Tight Formation Determination

December 23, 1988.

Take notice that on December 12, 1988, the Railroad Commission of Texas (Texas) submitted to the Commission its determination that the McAllen Ranch (Guerra, E.) Field located in Hidalgo County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The application includes the Railroad Commission's order issued November 21, 1988, finding that the formation meets the requirements of the Commission's regulations set forth in 18 CFR Part 271.

Any person desiring to be heard or to protest Texas' determination should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214 (1988)). All such comments should be filed within 20 days after publication of this notice in the **Federal Register.** Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 88-30207 Filed 12-30-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-428-000]

Panhandle Eastern Pipe Line Co.; Request Under Blanket Authorization

December 23, 1988.

Take notice that on December 22, 1988,[1] Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP89-428-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to transport natural gas for Amgas, Inc. (Amgas), a shipper and marketer of natural gas and agent for Metamora Community Consolidated Grade School District No. 1 pursuant to Panhandle's blanket certificate issued in Docket No. CP86-585-000 and section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Panhandle requests authority to transport up to 60 dt equivalent of natural gas per day on an interruptible basis for Amgas pursuant to a transportation agreement dated October 3, 1988, between Panhandle and Amgas. Panhandle states that the transportation agreement provides for Panhandle to receive gas from various receipt points on its system in Texas, Oklahoma, Kansas, Colorado, Wyoming, Illinois, Ohio, and Michigan and redeliver the gas, less fuel and unaccounted-for line loss to Central Illinois Light Company in Tazewell County, Illinois.

Panhandle indicates it would provide the service for a primary term of one month from the date of initial transportation and continue to provide the service on a month-to-month basis until terminated by either party upon at least 30 days prior notice to the other. Panhandle states that it would charge the rates and abide by the terms and conditions of its Rate Schedule PT.

It is indicated that the estimated maximum daily volume, average volume, and annual volumes would be 60 dt equivalent of natural gas, 30 dt equivalent of natural gas, and 10,950 dt equivalent of natural gas, respectively. Panhandle states it commenced a 120-day transportation service for Amgas on November 21, 1988, as reported in Docket No. ST89-1408-000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 88-30204 Filed 12-30-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-458-000]

Transcontinental Gas Pipe Line Corp.; Request Under Blanket Authorization

December 23, 1988.

Take notice that on December 19, 1988, Transcontinental Gas Pipe Line Corporation (Transco), Post office Box 1396, Houston, Texas 77251, filed in Docket No. CP89-458-000 a request for authorization pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act and Transco's blanket certificate issued in Docket No. CP88-328-000 for authorization to provide gas for Tejas Power Corporation (Shipper), all as more fully set forth in the request which is on file with the Commission and available for public inspection.

Transco states that the total volume of gas to be transported for Shipper on a peak day would be 40,000 dt; on an average day would be 25,000 dt; and on an annual basis would be 9,125,000 dt.

Transco also states that it would receive the gas at Brazos Block A-7, Offshore Texas and deliver the gas at an existing point of interconnection between Transco and Tennessee Gas Pipeline Company in Wharton County, Texas. Transco states that it would construct no new facilities in order to provide this transportation service.

Transco states that there is no agency relationship under which a local distribution company or an affiliate of Shipper will receive gas on behalf of Shipper.

Transco states that service for Shipper commenced November 1, 1988, pursuant to the 120-day automatic authorization in Docket No. ST89-1237.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the

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[1] Section 381.103 of the Commission's Regulations provides that the filing date is the date on which the required filing fee was paid. Section 381.208 of the Regulations provides that if the fee for the initial report submitted under § 284.223(f)(i) of the Regulations is paid, no fee is required for a blanket certificate request. In this case the initial report and the related fee were not submitted until December 22, 1988. Although Panhandle submitted its request on December 15, 1988, consistent with the above, the filing date of the request should be considered December 22, 1988.

time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 88-30205 Filed 12-30-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-474-000]

Texas Gas Transmission Corp.; Request Under Blanket Authorization

December 23, 1988

Take notice that on December 22, 1988, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89-474-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Bishop Pipeline Corporation (Bishop) under its blanket authorization issued in Docket No. CP88-686-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas would perform the proposed interruptible transportation service for Bishop, pursuant to an interruptible transportation service agreement dated October 26, 1988. The transportation agreement is effective through the end of October 1988, and shall continue month to month thereafter unless terminated by 30 days prior notice by either party. Texas Gas proposes to transport on a peak day up to 30,000 MMBtu; on an average day up to 10,000 MMBtu; and on an annual basis 10,950,000 MMBtu of natural gas for Bishop. Texas Gas proposes to receive the subject gas at various points located in the states of Arkansas, Illinois, Indiana, Kentucky, Louisiana (including Offshore Louisiana), Ohio, Tennessee, and Texas. It is stated that the points of delivery are as follows: City of Brownsville, Tennessee, City of Covington, Tennessee, City of Jackson, Tennessee and the Memphis Light, Gas and Water Division. The ultimate consumers are: Brownsville Utility Department, Haywood Company, Lydall Corporation, Materials Division, Charms Company, Florida Steel Corporation, Baptist Hospital, Cargill, Inc., Conley Frog & Switch Co., Celotex Corp., Cleo Wrap Division, Cochran Corporation, Dixico, Kimberly Clark, Lehman-Roberts Company, Memphis State University, QO Chemical Co., St. Joseph Hospital, St. Francis Hospital, Taylor Forge International, Stroh Brewing Co., and Velsicol. Texas Gas avers that no new facilities are required to provide the proposed service.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Commission's Regulations. Texas Gas commenced such self-implementing service on November 11, 1988, as reported in Docket No. ST89-1211-000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regualtions under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 88-30206 Filed 12-30-88; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3501-4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared December 12, 1988 through December 16, 1988, pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5074.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 22, 1988 (53 FR 13318).

Draft EISs

ERP No. D-BLM-G65048-NM, Rating LO, White Sands Resource Management Plan, McGregor Range, Implementation, Otero County, NM.

Summary: EPA has no objections to proposed project and concurs with BLM's preferred Alternative C. Specific comments offered for BLM's consideration included: (1) Minimizing vegetation disturbance to arroyo habitats by limiting mineral and livestock activities in these areas, and (2) Developing site specific watershed management plans for review by resource agencies.

ERP No. D-COE-K60018-CA, Rating EO2, Los Angeles Raiders Football Stadium, Parking and Associated Facilities Development, Land Use Change and Implementation, Santa Fe Dam Flood Control Basin and Recreation Area, City of Irwindale, Los Angeles County, CA.

Summary: EPA expressed environmental objections because proposed project features could eliminate or degrade a major portion of an alluvial sage scrub habitat, a scarce regional resource. EPA asked that the Corps of Engineers not lease, sublease or declare as excess property any of the 178 acres of Federal property within the Santa Fe Flood Control Basin.

ERP No. DS-FHW-A41710-NY, Rating LO, Southern Tier Expressway Construction, Corning Area, Painted Post to NY-414, Reevaluation of Alternatives and Updated Information, Funding, Steuben County, NY.

Summary: EPA has no objections to the project as proposed. However, we have requested that the final supplemental EIS contain more specific information concerning mitigation measures to improve and maintain aquatic habitats.

ERP No. D-UMT-K54018-CA, Rating EC2, Colma BART Station Project, Transit Improvements, Funding, San Mateo County, CA.

Summary: EPA expressed environmental concerns that the proposed project would adversely affect the water quality and beneficial uses of the Colma Creek drainage basin without a firm commitment to adopt and implement effective mitigation measures.

Final EISs

ERP No. F-BLM-K61088-CA, California Section 202 Wilderness Study Areas (WSAs) Wilderness Recommendations, South Warner Contiguous and Carson Iceberg WSAs, Wilderness Designation Recommendation, Modoc County, CA and Alpine County, NV.

Summary: Review of the final EIS was not deemed necessary. No formal comments were sent to the agency.

ERP No. F1–BLM–K61088–CA, California Section 202 Wilderness Study Areas (WSAs) Wilderness Recommendation, Garcia Mountain, Rockhouse, Domeland, Machesna, Yolla Bolly and Big Butte WSAs', Nonwilderness Designation Recommendations, San Obispo, Tulare, Kern, Tehama, Mendocino and Trinity Counties, CA.

Summary: Review of the final EIS was not deemed necessary. No formal comments were sent to the agency.

ERP No. F–BLM–L67018–AK, Beaver Creek Watershed, Placer Mining Management Plan, Approval and 404 Permit, Implementation, White Mountain National Recreation Area, Anchorage, AK.

Summary: EPA supports the additional placer mining reclamation components which have been incorporated into the Proposed Action, although the final EIS remains unclear what criteria would be considered in implementing the reclamation measures. Therefore, EPA has remaining concerns regarding the degree of actual improvement in environmental conditions that may result from the Proposed Action. EPA is also concerned that a limited data base, predictive uncertainties, and potential cumulative effects is difficult to determine the significance of conclusions regarding water quality and habitat effects from placer mining discharges.

ERP No. FB–COE–K36014–CA, Santa Ana River Mainstream and Santiago Creek Multipurpose Flood Control Project, Additional Alternatives and Updated Information, Riverside, Orange and San Bernardino Counties, CA.

Summary: EPA expressed its continuing objections concerning adequate mitigation measures for the loss of aquatic and riparian habitats, including the loss of a productive trout fishery, and the project's lack of full compliance with the Clean Water Act section 404(b)(1) Guidelines, which regulate the discharge of dredged or fill materials into waters of the United States.

ERP No. F–FHW–B50006–ME, Fore River Bridge/Million Dollar Bridge/ME–77 Rehabilitation or Replacement, Broadway in South Portland to York Street in Portland, Section 10 and 404 Permits, USCG Bridge Permit and Funding, Fore River, Cumberland County, ME.

Summary: EPA has determined that the final EISs' preferred alternative, the modified Down Stream—Broadway alignment does not comply with the 404(b)(1) Guidelines. EPA requests that FHWA and MDOT reconsider the selection of the rehabilitation, the DS/WO long alignment and the DS/W Low-level long alignment which we believe are environmentally acceptable. EPA will recommend that the U.S. Army Corps of Engineers deny the Section 404 permit for this document's preferred alternative.

ERP No. F–FHW–K40158–CA, I–5/Santa Ana Freeway Widening and Interchanges Reconstruction, CA–22/57 Interchange to CA–55, Funding and 404 Permit, Orange County, CA.

Summary: EPA expressed continuing concerns about the project's potential to exacerbate air quality problems in the South Coast Air Basin, an area which currently experiences serious violations of the National Ambient Air Quality Standards. EPA asked that the Record of Decision contain a commitment to implement applicable transportation control measures found in the Area Quality Management Plan and other measures to improve air quality.

ERP No. F–FRC–A99183–00, Regulations Governing Independent Power Producers (RM88–4–000) and Regulations Governing Bidding Programs (RM88–5–000), Implementation.

Summary: EPA's concerns are that (1) the consequences of "global warming" could have adverse environmental impacts and need to be addressed in EISs that involve shifts in energy sources or consumption and, (2) we continue to recommend that FERC consider methods to link state adoption of bidding programs to load management and conservation.

Dated: December 28, 1988.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 88–30191 Filed 12–30–88; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA–REP–7–1A–3]

Iowa State and Local Offsite Radiological Emergency Response Plans site-specific to the Duane Arnold Energy Center Notice

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: The Federal Emergency Management Agency hereby gives notice that the negative finding on offsite radiological emergency response planning for the Duane Arnold Energy Center, posted in the **Federal Register**, Vol. 53, No. 71, Wednesday, April 13, 1988, has been withdrawn as of December 13, 1988.

SUMMARY: Withdrawal of the March 30, 1988, negative finding is a result of the State of Iowa's submission of significant offsite plan revisions and a more accurate Evacuation Time Study, as well as the results of the Duane Arnold biennial exercise conducted on November 9, 1988, and a remedial drill on December 1, 1988. Based on these plan submissions and exercise demonstrations, FEMA is withdrawing the finding cited above, which had been issued pursuant to 44 CFR 350.12(c).

For further details with respect to this action refer to Docket File FEMA–REP–7–IA–3, maintained by the Regional Director, FEMA Region VII, 911 Walnut Street, 2nd Floor, Kansas City, Missouri 64106 (816–283–7060).

For the Federal Emergency Management Agency.

Joseph A. Moreland,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 88–30177 Filed 12–30–88; 8:45 am]

BILLING CODE 6718–21–M

FEDERAL HOME LOAN BANK BOARD

[No. 88–1390]

Power of Receiver and Conduct of Receiverships; Repos, Financial Contracts, and Special Accounts

Date: December 22, 1988.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The Federal Home Loan Bank Board ("Board") is supplementing earlier resolutions concerning American Savings and Loan Association, Stockton, California ("American") and its successor, American Savings, A Federal Savings and Loan Association ("American Federal"), to provide that the protections afforded to certain persons and entities engaged in certain transactions with American or American Federal will be afforded to such persons or entities engaged in similar transactions with an association (hereinafter designated as "Collecting Association") to which certain of the assets (including mortgage-backed securities) and liabilities of American Federal may be transferred. The Board is also indicating its intention to authorize Collecting Association to enter into certain security agreements with broker-dealers and their affiliates.

EFFECTIVE DATE: December 22, 1988.

FOR FURTHER INFORMATION CONTACT: Lawrence W. Hayes, Deputy General Counsel for FSLIC, (202) 377–6428; or Deborah E. Siegel, Attorney, Office of General Counsel, (202) 377–6848; Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: The Board has adopted the following resolution:

Whereas, The Federal Home Loan Bank Board ("Board") has previously adopted Resolutions No. 88–149 and 88–463 regarding "Repos" and "Financial Contracts" of American Savings and Loan Association, Stockton, California ("American"), and the Board has supplemented such Resolutions to apply to "Repos" and "Financial Contracts" of American Savings, A Federal Savings and Loan Association ("American Federal") pursuant to Resolution No. 88–947 (as so supplemented, respectively the "Repo Resolutions") and the "Financial Contracts Resolutions"); and

Whereas, The Board has previously adopted Resolution No. 88–29, regarding "special accounts" of insured institutions, the Executive Director of the Federal Savings and Loan Insurance Corporation ("Corporation") has issued certain commitments, in accordance with that Resolution, regarding "special accounts" of American in a letter to Mr. William Popejoy dated June 27, 1988 (including Annex A and Schedule A thereto), ("Commitment Letter"), the Board has supplemented such Resolution and Commitment Letter to apply to "special accounts" of American Federal, and the Executive Director of the Corporation supplemented the Commitment Letter, in accordance with such Resolutions, to apply to "special accounts" of American Federal in a letter, dated September 12, 1988, to William Popejoy (collectively, the "CD Commitment"); and

Whereas, The Board has determined that the extension of the commitment regarding payment of insurance would ensure liquidity for a successor association to American Federal, and that such action would serve to reduce the operating losses and potential cost of liquidation of any such successor association; and

Whereas, The Board desires to supplement the Repo Resolutions, the Financial Contracts Resolutions and the CD Commitment (which supplementation the Board does not consider to be an amendment or rescission of such Resolutions and Commitment) to take into account a transfer of certain assets (including mortgage-backed securities) and liabilities of American Federal to an institution the accounts of which are insured by the Corporation ("Collecting Association"), and to provide the same protections and commitments to counterparties to Repos and Financial Contracts entered into with, or transferred from, American Federal to Collecting Association and to holders of "special accounts" in Collecting Association or in such accounts transferred from American Federal to Collecting Association; and

Whereas, The Executive Director of the Corporation, to implement the policy set forth in Resolution No. 88–29, in letters to William Popejoy dated July 25, 1988, and July 29, 1988, authorized American to enter into a security agreement in a form substantially similar to the security agreement attached to and referenced in such correspondence ("Security Agreement"), and by letter dated October 4, 1988, extended such authorization to apply to American Federal; and

Whereas, Collecting Association may desire to enter into a security agreement with broker-dealers or their affiliates in a form substantially similar to the Security Agreement (a copy of which is in the Minute Exhibit File), and such action would serve to reduce the operating losses and potential cost of liquidation of Collecting Association:

Now, Therefore, the Board resolves as follows:

1. Collecting Association, upon acquisition of assets and liabilities of American Federal, is hereby designated as eligible to receive the benefits of Board Resolution No. 88–29.

2. All references in the Repo Resolutions, the Financial Contracts Resolutions and the CD Commitment to "American", "American Savings" and "American Federal" shall also be references to Collecting Association, and the Repo Resolutions and Financial Contracts Resolutions, as supplemented hereby, shall apply to "Repos" and "Financial Contracts" entered into by Collecting Association or transferred from American Federal to Collecting Association, and the CD Commitment, as supplemented hereby, shall apply to special accounts in Collecting Association or transferred from American Federal to Collecting Association.

3. Collecting Association, upon acquisition of assets and liabilities of American Federal, is hereby authorized to enter into a security agreement with broker-dealers or their affiliates in a form substantially similar to the Security Agreement.

4. There resolutions shall be effective immediately upon their adoption by the Board.

5. The Secretary of the Board shall forward these resolutions for publication in the **Federal Register**.

By the Federal Home Loan Bank Board.

Nadine Y. Washington,

Assistant Secretary.

[FR Doc. 88–30237 Filed 12–30–88; 8:45 am]

BILLING CODE 6720–01–M

[No. 88–1391]

Brokered Deposits; Receivership of American Savings, A Federal Savings and Loan Association

Date: December 22, 1988.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The Federal Home Loan Bank Board is supplementing earlier resolutions concerning American Savings and Loan Association, Stockton, California ("American"), and its successor, American Savings, A Federal Savings and Loan Association, Stockton, California ("American Federal") to provide that an authorization of the acceptance of brokered deposits by American Federal would be provided for a successor association to American Federal to which certain of the assets and liabilities of American Federal would be transferred by the Federal Savings and Loan Insurance Corporation as receiver for American Federal.

EFFECTIVE DATE: December 22, 1988.

FOR FURTHER INFORMATION CONTACT: Lawrence W. Hayes, Deputy General Counsel for FSLIC, (202) 377–6428; Deborah Dakin, Regulatory Counsel, Regulations and Legislation Division, Office of General Counsel, (202) 377–6445; Deborah E. Siegel, Attorney, Office of General Counsel, (202) 377–6848; Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: The Board has adopted the following resolution:

Whereas, the Federal Home Loan Bank Board ("Board") had previously adopted Resolution no. 87–616, dated June 3, 1987, regarding the acceptance by American Savings and Loan Association, Stockton, California ("Old American") of brokered deposits up to a maximum limit of $2.5 billion of total deposits ("Brokered Deposit Resolution"); and

Whereas, the Board, by its Resolution No. 88–924, dated September 5, 1988, appointed the Federal Savings and Loan Insurance Corporation ("Corporation")

as receiver for Old American, and pursuant to an Acquisition Agreement dated September 6, 1988 between the Corporation and American Savings, A Federal Savings and Loan Assoication ("American Federal"), the Corporation transferred substantially all of the assets and liabilities of Old American to American Federal; and

Whereas, the authorizations granted to Old American pursuant to the Brokered Deposit Resolution were extended to American Federal pursuant to Board Resolution No. 88–959, dated September 12, 1988; and

Whereas, the Board desires to supplement the Brokered Deposit Resolution (which supplementation the Board does not consider to be an amendment or rescission of such resolution or of any supplement thereto) to take into account a transfer of American Federal's brokered deposits to an institution the accounts of which are insured by the Corporation (hereinafter designated as "Collecting Association"), and to provide the same authorizations to Collecting Association as were provided to Old American and American Federal:

Now, Therefore, the Board Resolves as Follows:

1. All rights and authorizations granted to Old American and American Federal pursuant to the Brokered Deposit Resolution (as supplemented by Board Resolution No. 88–959) shall be extended to Collecting Association upon acquisition of certain assets (including mortgage-backed securities) and liabilities (including brokered deposits) of American Federal.

2. All references in the Brokered Deposit Resolution to "American" and "American Savings" shall also be references to Collecting Association.

3. The Secretary of the Board shall forward these resolutions for publication in the **Federal Register**.

By the Federal Home Loan Bank Board.

Nadine Y. Washington,

Assistant Secretary.

[FR Doc. 88–30238 Filed 12–30–88; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

Item Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following items have been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3601, et. seq.). Requests for information, including copies of the collection of information and supporting documentation, may be obtained from John Robert Ewers, Director, Bureau of Administration, Federal Maritime Commission, 1100 L Street NW., Room 12211, Washington, DC 20573, telephone number (202) 523–5866. Comments may be submitted to the agency and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Items Submitted for OMB Review

46 CFR Part 552—Financial Reports of Vessel Operating Common Carriers by Water in the Domestic Offshore Trades and Related Forms FMC–355 and FMC–378

FMC requests an extension of clearance for regulations which establish methodologies to be used in evaluating rates filed by vessel operating common carriers in the domestic offshore trades who are subject to the Intercoastal Shipping Act, 1933. Total estimated annual burden for 13 tug and barge operators and 20 self-propelled operators is 2559.6 manhours. Total estimated annual cost to the Federal Government is approximately $17,050; total estimated annual cost to respondents is approximately $44,000.

46 CFR Part 553—Financial Exhibits and Schedules of Non-Vessel-Operating Common Carriers in the Domestic Offshore Trades and Related Form FMC–379

FMC requests extension of clearance for regulations which will facilitate the orderly acquisition of data required in those instances where the Commission institutes an investigation and hearing with respect to proposed rate changes by non-vessel operating common carriers in the domestic offshore trades subject to the Shipping Act, 1933.

Although no reports have been received in the past eight years, potential estimated respondent universe is 60 with an estimated 300 manhours per year. The annual cost to the Federal Government and respondents is nominal because there is no reason to believe that a significant number of reports will be received during the renewal period.

Joseph C. Polking,

Secretary.

[FR Doc. 88–30185 Filed 12–30–88; 8:45 am]

BILLING CODE 6730–01–M

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–010790–006.

Title: Israel Eastbound Conference.

Parties:

Zim Israel Navigation Co., Ltd. (Zim Container Service Division)

Farrell Lines, Inc.

Lykes Bros. Steamship Company, Inc.

Synopsis: The proposed modification would prohibit any party, either individually or jointly with any other carrier or carriers, from entering into an individual loyalty contract in the Agreement trade. It would further prohibit any party from taking independent action with respect to loyalty contracts.

Agreement No.: 217–011224.

Title: Mediterranean/Puerto Rico Space Charter Agreement.

Parties:

Compania Trasatlantica Espanola (Spanish Line)

Nordana Line AS

Sea-Land Service, Inc.

Synopsis: The proposed Agreement would permit the parties to charter space and slots from one another in the trade between and/or via all ports on the Iberian Peninsula and/or in the Mediterranean Sea and ports in Puerto Rico Island. Any chartering will be voluntary.

By Order of the Federal Maritime Commission.

Dated: December 27, 1988.

Joseph C. Polking,

Secretary.

[FR Doc. 88–30147 Filed 12–30–88; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Colonial Banc Corp., et al.; Applications to Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 23, 1989.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Colonial Banc Corp.*, Eaton, Ohio; to engage *de novo* through Financial Services, Inc., Eaton, Ohio, in securities brokerage activities, pursuant to § 225.25(b)(15) of the Board's Regulation Y.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Matewan BancShares, Inc.*, Matewan, West Virginia; to engage *de novo* through Matewan Venture Fund, Inc., Matewan, West Virginia, in making and servicing commercial loans and other extensions of credit and making equity investments of 5 percent or less, pursuant to § 225.25(b)(1)(iv) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 27, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-30149 Filed 12-30-88; 8:45 am]

BILLING CODE 6210-01-M

Eastchester Financial Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 23, 1989.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Eastchester Financial Corporation*, White Plains, New York; to become a bank holding company by acquiring 100 percent of the voting shares of Eastchester Savings Bank, White Plains, New York.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Crestar Financial Corporation*, Richmond, Virginia; to acquire 100 percent of the voting shares of Colonial-American Bankshares Corporation, Roanoke, Virginia, and thereby indirectly acquire The Mountain National Bank of Clifton Forge, Clifton Forge, Virginia, and Colonial-American National Bank, Roanoke, Virginia.

C. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Coal City Corporation*, Wilmette, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of Allied Banc Corporation, Morton Grove, Illinois, and thereby indirectly acquire Allied Bank/Coal City National, Coal City, Illinois.

2. *Farmers Savings Bank*, Trustee of Farmers Savings Bank Employee Stock Ownership Plan and Trust, West Union, Iowa, to become a bank holding company by acquiring 49.1 percent of the voting shares of Farmers Savings Bank, West Union, Iowa.

Board of Governors of the Federal Reserve System, December 27, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-30150 Filed 12-30-88; 8:45 am]

BILLING CODE 6210-01-M

Jason Bankshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under section § 225.14 of the board's Regulation Y (12 CFR 225.14) for the board's approval under section 3 of the bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR § 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activites will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of

Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 23, 1989.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Jackson Bankshares, Inc.*, Offerle, Kansas; to acquire The Bucklin State Bank, Bucklin, Kansas.

In connection with this application, Applicant has also applied to engage in expanding the scope of its presently authorized general insurance agency to include serving the area within a ten-mile radius of Bucklin, Kansas (population 788).

Board of Governors of the Federal Reserve System, December 27, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-30151 Filed 12-30-88; 8:45 am]

BILLING CODE 6210-01-M

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 23, 1989.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President), 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Mr. Alex Patterson*, Mount Sterling, Kentucky; to acquire an additional 1.20 percent of the voting shares of Mount Sterling National Holding Company, Mount Sterling, Kentucky, thereby increasing applicant's ownership to 11.20 percent.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President), 411 Locust Street, St. Louis, Missouri 63166:

1. *Faye Cargile*, Glenwood, Arkansas; to acquire 100 percent of the voting shares of Caddo Holding Company, Incorporated, Glenwood, Arkansas, and thereby indirectly acquire Caddo First National Bank, Glenwood, Arkansas.

Board of Governors of the Federal Reserve System, December 27, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-30152 Filed 12-30-88; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[IOA-019-N]

Medicare Program; Meeting of the Advisory Committee on Home Health Claims

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces meeting dates of the Advisory Committee on Home Health Claims for the purpose of studying the reasons for the increase in the denial of claims for home health services during 1986 and 1987, the ramifications of the increase, and the need to reform the process involved in these denials. The meetings will be open to the public.

DATES AND ADDRESSES: The meetings will be held on: January 18, 1989 from 9:30 a.m. to 4:30 p.m., PST, and on January 19, 1989 from 9:30 a.m. to 2:30 p.m., PST, at the Torrance Marriott, 3635 Fashion Way, Torrance, California 90503-4897.

February 23, 1989 from 9:30 a.m. to 4:30 p.m., EST, and on February 24, 1989 from 9:30 a.m. to 2:30 p.m., EST, at the Holiday Inn Oceanside, 2201 Collins Avenue, Miami Beach, Florida 33139.

March 30, 1989 from 9:30 a.m. to 4:30 p.m., EST, and on March 31, 1989 from 9:30 a.m. to 2:30 p.m., EST, at the Bangor Hilton, 308 Godfred Boulevard, Bangor, Maine 04401.

April 27, 1989 from 9:30 a.m. to 4:30 p.m., EDT, and on April 28, 1989 from 9:30 a.m. to 2:30 p.m., EDT, at the International Hotel, 7032 Elm Road, Baltimore, Maryland 21240.

FOR FURTHER INFORMATION CONTACT: Wilhelm Pickens, (301) 966-7476.

SUPPLEMENTARY INFORMATION: On July 1, 1988, the Medicare Catastrophic Coverage Act of 1988 (Pub. L. 100-360) was enacted. Section 427 of Pub. L. 100-360 established the Advisory Committee on Medicare Home Health Claims. Additionally, section 427 requires the Advisory Committee to report by July 1, 1989, to the Administrator of the Health Care Financing Administration (HCFA) and to the Committees on Ways and Means and Energy and Commerce of the House of Representatives, and the Committee on Finance of the Senate, its findings on the denial of claims for home health services in 1986 and 1987. The Advisory Committee must study—

(1) The reasons for the increase in the denial of claims for home health services during 1986 and 1987;

(2) The ramifications of that increase; and

(3) The need to reform the process involved in the denials.

The Advisory Committee will address fully these three specified duties. The recommendations of the Advisory Committee are intended to be used only at the option of HCFA and Congress.

Agenda items for the meeting will include presentations from experts in the field of home health services, and discussions of directions and issues to be addressed at subsequent meetings.

Agenda items are subject to change as priorities dictate.

(Catalog of Federal Domestic Assistance Program No. 13.774; Medicare—Supplementary Medical Insurance)

Dated: December 15, 1988.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 88-30210 Filed 12-30-88; 8:45 am]

BILLING CODE 4120-01-M

Statement of Organization, Functions, and Delegations of Authority

Part F. of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing

Administration (HCFA), **Federal Register**, Vol. 53, No. 45, Tuesday, March 8, 1988, pp. 7402–7403) is amended to reflect revisions to the Management Planning and Analysis Staff functional statement within the Office of Budget and Administration in the Office of the Associate Administrator for Management.

The specific changes to Part F. are as follows:

• Section FH.20.A.4., Management Planning and Analysis Staff (FHA–1) is amended by deleting the functional statement in its entirety and replacing it with the following functional statement:

4. Management Planning and Analysis Staff (FHA–1)

Assists and advises the Director of the Office of Budget and Administration (OBA) and other OBA managers in the management and operation of the Office. Provides Agency-wide services, policy direction, and coordination with respect to HCFA's management planning and control programs; including workplanning, management analysis, management/productivity improvement functions, Privacy Act responsibilities, internal control program, advisory and assistance services, commercial and industrial activities, administrative issuances system, and memoranda of understanding and interagency agreements. Develops HCFA policy in these areas and assures the implementation of these policies throughout HCFA. Conducts special studies and analyses in Agency-wide and cross-cutting OBA functional areas such as personnel management, financial management, and other broad based administrative issues.

Date: December 12, 1988.

Joseph R. Antos,

Acting Associate Administrator for Management.

[FR Doc. 88–30309 Filed 12–30–88; 8:45 am]

BILLING CODE 4120–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contracting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service Clearance Officer and the OMB Interior Desk Officer, Washington, DC 20503, telephone 202–395–7340.

Title: Marking, Tagging, and Reporting Regulations for Walrus, Polar Bear, and Sea Otter.

OMB Approval Number: 1018–0066.

Abstract: The Marine Mammal Protection Act allows Alaska Natives living along the coast to harvest polar bear, sea otter, and walrus for subsistence and handicraft purposes. Mandatory marking, tagging, and reporting regulations will provide information on the level of harvest and the health of these populations, thus assisting the Service in making management decisions related to these species.

Service Form Number(s): R7–50, R7–51, R7–52.

Frequency: On occasion.

Description of Respondents: Individuals and households and Federal employees.

Estimated Completion Time: The reporting burden is estimated to be 15 minutes per response.

Annual Responses: 6,475.

Annual Burden Hours: 1,619.

Service Clearance Officer: James E. Pinkerton, 202–653–7500, Room 859, Riddell Building, U.S. Fish and Wildlife Service, Washington, DC 20240.

Date: November 18, 1988.

Lynn B. Starnes,

Acting Assistant Director—Fisheries.

[FR Doc. 88–30164 Filed 12–30–88; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Indian Affairs

Fort Hall Indian Irrigation Project, ID

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Proposed operation and maintenance rates.

SUMMARY: The purpose of this notice is to change the assessment rates for operating and maintaiing the Ft. Hall Indian Irrigation Project. The assessment rates are based on a prepared estimate of the cost of normal operations and maintenance of the irrigation project. Normal operations and maintenance is defined as the average per acre cost of all activities involved in delivering irrigation water, including maintaining pumps and other facilities.

EFFECTIVE DATE: February 2, 1989.

FOR FURTHER INFORMATION CONTACT: Portland Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, telephone FTS 429–6702; commercial (503) 231–6702.

SUPPLEMENTARY INFORMATION: This notice of proposed operation and maintenance rates and related information is published under the authority delegated to the Assistant Secretary—Indian Affairs by the Secretary of the Interior in 230 DM 1 and delegated by the Assistant Secretary—Indian Affairs to the Area Director in 10 BIAM 3.

This notice is given in accordance with § 171.1(e) of Part 171, Subchapter H, Chapter I, of Title 25 of the Code of Federal Regulations, which provide for the Area Director to fix and announce the rates for annual operation and maintenance assessments and related information of the Fort Hall Irrigation Project for Calendar Year 1989 and subsequent years. This notice is proposed pursuant to the authority contained in the Acts of March 1, 1907 (34 Stat. 1024), and August 31, 1954 (68 Stat. 1026).

The purpose of this notice is to announce the increase in the Fort Hall Project assessment rates proportionate with actual operation and maintenance costs. The proposed assessment rates for 1987 will amount to an increase of $1.00 per acre for the Michaud Unit due to an increase in power rates. The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views and arguments with respect to the proposed rates and related regulations to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, no later than 30 days after publication of this notice in the **Federal Register**.

Administration

The Fort Hall Irrigation Project, which consists of the Fort Hall Unit including ceded area south of the Fort Hall Indian Reservation, the Michaud Unit and the Minor Units on the Fort Hall Indian Reservation, Idaho, is administered by the Bureau of Indian Affairs. The Superintendent of the Fort Hall Agency is the Officer-in-Charge and is fully authorized to carry out and enforce the regulations, either directly or through employee designated by him. The general regulations are contained in Part

171, Operation and Maintenance, Title 25—Indians, Code of Federal Regulations.

Irrigation System

Water will be available for irrigation purposes from April 15 to September 30 of each year. These dates may be varied by 15 days depending on weather conditions and the necessity for doing maintenance work.

Methods of Irrigation

Where soil, topography, and other physical conditions are unfavorable for surface irrigation, and the project facilities are designed to deliver water to farm units for sprinkler irrigation, the Officer-In-Charge may limit deliveries to this type of irrigation.

Distribution and Apportionment of Water

(a) *Delivery.* Water for irrigation purposes will be delivered throughout the irrigation season by either the continuous flow or rotation method at the discretion of the Officer-in-Charge. If during a time when delivery is by the rotation method, a water user desires to loan his turn to another eligible water user, he shall notify either the watermaster or the ditch rider who may permit such exchange, if feasible.

(b) *Preparation and submission of water schedule.* If the decision of the Officer-in-Charge is to deliver water by the rotation method, the watermaster will assist the water users on each lateral in preparing a rotation schedule should they choose to get together and prepare the schedule. In cases where the water users fail to exercise this right before March 1, the watermaster will prepare the schedule which shall be final for the seasons. Owners of 120 acres or more in one farm unit may elect between the continuous flow and rotation method of delivery, provided such choice does not interfere with delivery to other lands served by the lateral.

(c) *Application for deliveries of irrigation water.* Requests for water changes will be made at least 24 hours in advance. Not more than one change will be made per day. Changes will be made only during the ditch rider's regular tour. Pump shut-down, regardless of duration, without the required notice will result in the delivery being closed and locked. Repeated violations of this rule will result in strict enforcement of rotation schedules. Water users will change their sprinkler lines without shutting off more than one-half of their lines at one time. Sudden and unexpected changes in ditch flow results in operating difficulties and waste of water.

Duty of Water

Dependent upon available supplies of water for each unit of the Project, the duty of water is based on the delivery to the farm unit of 3.5 acre-feet of water per acre per irrigation season. This duty of water may be varied at the discretion of the Officer-in-Charge depending on supplies available, but each irrigable acre shall be entitled to its pro-rata share of the total water supply.

Charges

Bills covering irrigation charges will be issued to the owner of record taken from the Bannock, Bingham or Power County records as of December 31, preceding the due date. In the case of Indian-owned land leased to a non-Indian, when an approved lease contract is on file with the superintendent of the Fort Hall Agency, operation and maintenance charges will be billed to the lessee of record.

Basic and Other Water Charges

(a) The annual basic water charges for the operation and maintenance of the Fort Hall Irrigation Project lands in non-Indian ownership, and assessable Indian-owned lands leased to a non-Indian or a non-member of the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, Idaho, are fixed for the Calendar Year 1989 and subsequent years until futher notice as follows:

(1) Fort Hall Unit basic rate—$17.00 per acre.

(2) Michaud Unit Basic rate—$23.00 per acre.

Additional rate for sprinkler when pressure is supplied by project—$8.50 per acre.

(3) Minor Units basic rate—$14.00 per acre.

(b) In addition to the foregoing charges there shall be collected a minimum charge of $5 for the first acre, or fraction thereof, on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any Area will, therefore, be the basic rate per acre plus $5.

Payments

The water charges become due on April 1 of each year and are payable on or before that date. To all assessments on lands in non-Indian ownership, and lands in Indian ownership which do not qualify for free water, remaining unpaid on or after July 1 following the due date shall be considered delinquent. No water shall be delivered to any farm unit until all irrigation charges have been paid.

Interest and Penalty Fees

Interest and penalty fees will be assessed, where required by law, on all delinquent operation and maintenance assessment charges as prescribed in the Code of Federal Regulations, Title 4, Part 102, Federal Claims Collection Standards; and 42 BIAM Supplement 3, part 3.8 Debt Collection Procedures.

Assessments on Indian Owned Land

When land owned by members of the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation is first leased to non-Indians or non-members of the tribe, and an approved lease is on file at the Fort Hall Agency, the leased land is not subject to operation and maintenance assessments for three years. The three years the land is not subject to assessment need not run consecutively. When land has been leased for a total of three years, the land, when under lease to non-Indians or non-members of the tribe, is subject to operation and maintenance assessments the same as lands in non-Indian ownership and lands owned by non-members of the tribe within the project. (See Solicitor's Opinion M 28701, approved September 24, 1936, and the instructions of September 19, 1938, approved September 24, 1938, and instructions of December 1, 1938, approved December 17, 1938).

Ronald Brown,

Acting Area Director.

[FR Doc. 89-30161 Filed 12-30-89; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[OR-943-09-4214-11; GP9-084; OR-6057]

Termination of Disposal Classification; Oregon; Correction

The acreage and land description in FR Doc. 81-35927, published on pages 61335 and 61336, in the issue of Wednesday, December 16, 1981, are hereby corrected as follows:

On page 61336, in paragraph 1, the land description is hereby corrected to include "T. 5 N., R. 29 E., Sec. 34, NE¼NE¼".

On page 61336, in paragraph 1, the last line reads "aggregate 1,040.00 acres" and

is hereby corrected to read "aggregate 1,080.00 acres."

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

Dated: December 21, 1988.

[FR Doc. 88-30192 Filed 12-30-88; 8:45 am]

BILLING CODE 4310-33-M

[CA-027-09-4050-90]

Susanville, California District; Alturas Resource Area; Availability of Environmental Analysis and Planning Decision

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Environmental Analysis and Planning Decision Creating the Ash Valley Research Natural Area/Area of Critical Environmental Concern (RNA/ACEC).

SUMMARY: The Environmental Analysis that analyzes the affects of the Plan Amendment for the Alturas Resource Management Plan (RMP) signed December 15, 1988 is available for public review. This Plan Amendment changes the designation of the Ash Valley Research Natural Area to the Ash Valley Research Natural Area/Area of Critical Environmental Concern (RNA/ACEC). This notice serves as public notice of this ACEC designation.

This decision is protestable under the provisions of 43 CFR 1610.5.2.

FOR FURTHER INFORMATION CONTACT: For copies of the Plan Amendment or more information on the Ash Valley RNA/ACEC, contact Lynda Roush, BLM Alturas Resources Area Manager, 120 S. Main Street, Alturas, CA 96101 or at (916) 233-4666.

Lynda Roush,

Area Manager.

[FR Doc. 88-30195 Filed 12-30-88; 8:45 am]

BILLING CODE 4310-40-M

[CO-010-09-4320-02]

Craig District Grazing Advisory Board Meeting

Time and Date: February 9, 1989, at 10:00 a.m.

Place: Craig District Office, 455 Emerson Street, Craig, Colorado 81625.

Status: Open to public, interested persons may make oral statements between 10:00 a.m. and 11:00 a.m., or may file written statements.

Matters to be Considered:

1. Service award presentations.
2. Riparian presentation.
3. Status report on FY '88 and FY '89 range improvement projects.
4. Area reports including updates on land use and activity planning.
5. Expenditure of Grazing Advisory Board Funds.

Contact Person For More Information: John Denker, Craig District Office, 455 455 Emerson Street, Craig, Colorado 81625-1129, Phone: (303) 824-8261.

Dated: December 14, 1988.

David Nylander,

Acting District Manager.

[FR Doc. 88-30194 Filed 12-30-88; 8:45 am]

BILLING CODE 4310-JB-M

Realty Action; Clear Creek County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Recreation and Public Purposes Classification, C-48634, C-48635, C-48636, Clear Creek County, Colorado.

SUMMARY: The following described public lands are being examined for classification and disposal under the Recreation and Public Purposes (R & PP) Act of June 14, 1926 (43 U.S.C. 869) and the regulations thereunder (43 CFR Part 2740):

Sixth Principal Meridian

T. 3 S., R. 74 W.,
Sec. 33: Lots 21 and 22.
T. 4 S., R. 74 W.,
Sec. 4: all BLM land;
Sec. 5: all BLM land;
Sec. 8: all BLM land;
Sec. 17: all BLM land except that in W½SW¼;
Sec. 18: all BLM land in S½;
Sec. 19: all BLM land in N½;
Sec. 20: all BLM land except that in W½NW¼.
T. 4 S., R. 75 W.,
Sec. 13: all BLM land in S½;
Sec. 14: all BLM land in S½;
Sec. 23: all BLM land in N½;
Sec. 24: all BLM land in W½NW¼.
Containing approximately 2,960 acres.

The Town of Silver Plume, the Town of Georgetown and Clear Creek County have applied for these lands. The proposed uses include recreation, historic preservation, watershed management and water development. Approximately 2,200 acres lie within the existing Georgetown-Silver Plume National Historic Landmark District.

The proposed classification would be consistent with BLM land use plans for the area. A final BLM decision will be made after survey and title problems involving the land are resolved.

Publication of this notice will segregate these lands from all appropriation, including mineral entry, except applications under the R & PP Act. It will not affect any existing, valid claims.

Segregation will terminate upon rejection of any application, upon publication of a notice of termination, or when lease or patent issues.

Any patent issued for these lands, under the R & PP Act will reserve all minerals to the United States, and will contain a clause which would result in the lands reverting back to the United States if the use of the land is altered or if the land is transferred.

DATES: Interested parties may submit comments on this action for a period of 45 days after publication of this notice. Comments should be directed to the District Manager, P.O. Box 311, Canon City, Colorado 81212. Objections will be reviewed and this realty action may be sustained, vacated, or modified. In the absence of any objection resulting in vacation or modification, this realty action will become final.

FOR FURTHER INFORMATION CONTACT: The Northeast Resource Area Office at (303) 236-4399.

Donnie R. Sparks,

District Manager.

[FR Doc. 88-30196 Filed 12-30-88; 8:45 am]

BILLING CODE 4310-JB-M

[OR-943-09-4214-11; GP9-066; OR-42315]

Conveyance of Public Land; Order Providing for Opening of Lands; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 800.36 acres of public lands out of Federal ownership. With the exception of 57.09 acres proposed for designation as an outstanding natural area, this action will open the reconveyed lands to surface entry and mining. All of the reconveyed lands will be opened to mineral leasing.

EFFECTIVE DATE: February 6, 1989.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that in an exchange of lands made pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, a patent has been issued transferring 800.36 acres of lands in Linn and Lane Counties, Oregon, from federal to private ownership.

2. In the exchange, the following described lands have been reconveyed to the United States:

Willamette Meridian

T. 17 S., R. 2 E.,
Sec. 12, N½NE¼.
T. 17 S., R. 3 E.,
Sec. 10, that portion described as follows: Beginning at the east one quarter corner of said Section 10, thence along the north line of the SE¼ S. 89°16'55" W., 2,592.50 feet to the center of Section 10; thence along the west line of the SE¼ of S. 00°51'27" E., 230.97 feet; thence S. 71°32'28" E., 171.61 feet; thence S. 31°10'49" E., 272.59 feet; thence N. 54°03'58" E., 150.37 feet; thence N. 44°58'06" E., 136.39 feet; thence N. 79°24'46" E., 211.20 feet; thence S. 52°08'02" E., 156.48 feet; thence S. 78°47'26" E., 204.25 feet; thence N. 77°12'21" E., 239.97 feet; thence S. 85°25'02" E., 249.56 feet; thence S. 64°51'38" E., 190.59 feet; thence S. 43°58'08" E., 276.95 feet; thence S. 76°45'59" E., 72.41 feet; thence S. 61°24'24" E., 164.01 feet; thence S. 70°45'40" E., 263.35 feet; thence S. 68°01'23" E., 206.56 feet; thence S. 63°39'19" E., 58.06 feet to the section line; thence along the section line N. 01°10'17" W. 996.84 feet to the point of beginning.
Sec. 11, that portion described as follows: Beginning at the west one quarter corner of said Section 11, thence along the section line S. 01°10'17" E., 996.84 feet; thence S. 63°39'19" E., 111.86 feet; thence N. 69°28'36" E., 208.20 feet; thence N. 39°01'30" E., 199.57 feet; thence N. 82°56'58" E., 175.34 feet; thence S. 72°50'23" E., 265.76 feet; thence N. 66°07'42" E., 298.03 feet; thence N. 79°22'51" E., 94.10 feet; thence N. 47°29'53" E., 124.60 feet to the east line of the NW¼ of the SW¼ of the SW¼ of said Section 11; thence along said east line N. 00°40'06" W., 630.56 feet to the northeast corner of the NW¼ of the SW¼; thence along the north line of the NW¼ of the SW¼ N. 89°01'20" W., 1,318.99 feet to the point of beginning.

Revested Oregon and California Railroad Grant Land

T. 17 S., R. 2 E.,
Sec. 12, S½NE¼ and SE¼.
T. 17 S., R. 3 E.,
Sec. 6, lots 1 to 6, inclusive, SW¼NE¼, and SE¼NW¼;
Sec. 18, that portion of the E½SE¼ lying east of Marten Creek Fork.

The areas described aggregate 740.38 acres in Lane County.

3. The land in Sections 10 and 11, T. 17 S., R. 3 E., will not be opened to operation of the public land laws, including the mining laws because it has been proposed to be designated as an outstanding natural area.

4. At 8:30 a.m., on February 6, 1980, the lands described in paragraph 2, except as provided in paragraph 3, will be open to operation of the public land laws generally or if appropriate, to such Forms of Disposition as may by law be made of Revested Oregon and California Railroad Grant Lands, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on February 6, 1989, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

5. At 8:30 a.m., on February 6, 1989, the lands described in paragraph 2, except as provided in paragraph 3, will be open to location and entry under the United States mining laws. Appropriation of land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

6. At 8:30 a.m., on February 6, 1989, the lands described in paragraph 2, will be open to applications and offers under the mineral leasing laws.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

Dated: December 21, 1988.

[FR Doc. 88-30162 Filed 12-30-88; 8:45 am]
BILLING CODE 4310-33-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations; Arkansas et al.

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 24, 1988. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by January 18, 1989.

Carol D. Shull,

Chief of Registration, National Register.

ARKANSAS

Lawrence County

Ficklin—Imboden House (Powhatan MPS), Address Restricted, Powhatan, 88003206
Powhatan Jail (Powhatan MPS), Address Restricted, Powhatan, 88003205
Telephone Exchange Building (Powhatan MPS), Address Restricted, Powhatan, 88003207

Miller County

Kiblah School, Rt. 1, Doddridge vicinity, 88003210

CALIFORNIA

Marin County

Station KPH, Marconi Wireless Telegraph Company of America, 18500 CA 1, Marshall, 88003223

COLORADO

Pitkin County

Smith—Elisha House (Aspen MRA), 320 W. Main St., Aspen, 87002121

CONNECTICUT

Fairfield County

Norwalk Island Lighthouse, Sheffield Island, Norwalk, 88003222

Litchfield County

Sanford, Frederick S., House, Hat Shop Hill, Bridgewater, 88003230

New Haven County

Howe, John I., House, 213 Caroline St., Derby, 88003229
Whitney Avenue Historic District, Roughly bounded by Burns St., Livingston St., Cold Spring St., Orange St., Bradley St., and Whitney Ave., New Haven, 88003209

New London County

Chelsea Parade Historic District, Roughly bounded by Crescent, Broad, Grove, McKinley, Perkins, Slater, Buckingham, Maple Grove, Washington, and Lincoln, Norwich, 88003215

Tolland County

Connecticut Agricultural School, Roughly CT 195/Storrs Rd. at Eagleville Rd., Mansfield, 88003202

Windham County

Pomfret Town House, Town House Rd., Pomfret, 88003221
Taylor's Corner, Rt. 171, Woodstock, 88003220

FLORIDA

Dade County

Entrance to Central Miami, W of Red Rd. between S.W. 34th and S.W. 35th Sts., Coral Gables, 88003199

GEORGIA

Jackson County

Commerce Commercial Historic District, Roughly bounded by Line, State, Cherry, Sycamore and Broad Sts., Commerce, 88003226

KENTUCKY

Hopkins County

US Post Office—Madisonville (Hopkins County MPS), 56 N. Main St., Madisonville, 88003196

LOUISIANA

De Soto Parish

Bueno Vista, Red Bluff Rd., Stonewall vicinity, 88003197
Kansas City Southern Depot, Polk St. on Kansas City Southern railroad tracks, Mansfield, 88003198
Oaks, The, LA 172, Keachi vicinity, 88003203

Iberville Parish

Schexnayder House, 1681 Pecan Dr., Iberville, 88003224

Madison Parish

Bloom's Arcade, 102 Depot St., Tallulah, 88003214

Rapides Parish

Alexandria Public Library, Old, 503 Washington St., Alexandria, 88003225

MINNESOTA

Wabasha County

Funk, Johanes and Catherine, House, Off Co. Rd. 68, Zumbro Falls vicinity, 88003216
Reads Landing School, Third St. and First Ave., Reads Landing, 88003217

Wadena County

Peterson-Biddick Seed and Feed Company, 102 SE Aldrich Ave., Wadena, 88003227
Wadena Fire and City Hall, 10 SE Bryant Ave., Wadena, 88003228

Wright County

Mountain Grove Bandstand, Main and Second Sts., Mountain Grove, 88003218

SOUTH DAKOTA

Hughes County

Central Block, 321—325 S. Pierre St., Pierre, 88003201

Pennington County

Milwaukee Road Freight House, 306 Seventh St., Rapid City, 88003200

VIRGINIA

Albemarle County

Pine Knot, VA 712, Glendower vicinity, 88003211

King William County

Mount Columbia, Off VA 649, 2.7 mi. W of VA 605, Manquin vicinity, 88003208

Rockbridge County

Rockbridge Alum Springs Historic District, Address Restricted, California vicinity, 88003204

WISCONSIN

Milwaukee County

Kneeland—Walker House, 7406 Hillcrest Dr., Wauwatosa, 88003212

[FR Doc. 88-30243 Filed 12-30-88; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-No. 302X)]

Burlington Northern Railroad—Trackage Rights Termination and Discontinuance of Operations Exemption—In Tulsa, Wagoner, and Muskogee Counties, OK

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, the termination of trackage rights and discontinuance of service by Burlington Northern Railraod Company over a 51.76-mile line of railroad in Tulsa, Wagoner, and Muskogee Counties, OK, subject to standard labor protective conditions.

DATE: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on February 2, 1989. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by January 13, 1989, petitions for reconsideration must be filed by January 30, 1989. Requests for a public use condition must be filed by January 13, 1989.

ADDRESSES: Send pleadings referring to Docket No. AB-6 (Sub-No. 302X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Petitioner's representative: Peter M. Lee, Burlington Northern Railroad Company, 3800 Continental Plaza, Forth Worth, TX 76132.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245. [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, or pick up in person from Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone (202) 289-4357/4359 (DC Metropolitan area). (Assistance for the hearing impaired is available through TDD service (202) 275-1721).

[1] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164, (1987), and final rules published in the Federal Register on December 22, 1987 (52 FR 48440-48446).

Decided: December 21, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Simmons, Lamboley, and Phillips.

Noreta R. McGee,

Secretary.

[FR Doc. 88-30189 Filed 12-30-88; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-290 (Sub-No. 50)]

Southern Railway—Carolina Division and Southern Railway Co.—Abandonment and Discontinuance of Service—in York County, SC

The Commission has issued a certificate and decision authorizing: (1) Southern Railway-Carolina Division (SCD) to abandon its 4.7-mile line of railroad from milepost SB-110.5 near Tirzah, SC, to milepost 115.2 at York, SC; (2) SCD's parent, Southern Railway Company (SOU), to abandon its 3.91-mile connecting line from milepost HG 22.79 to milepost HG 26.70 near York; and (3) SOU to discontinue service over SCD's line. Both lines are located in York County, SC. The abandonment certificate will become effective February 2, 1989, unless within 15 days after publication the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than January 13, 1989. The following notation must be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: December 23, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Simmons, Lamboley, and Phillips.

Commissioners Simmons and Lamboley dissented with separate expressions.

Noreta R. McGee,

Secretary.

[FR Doc. 88-30190 Filed 12-30-88; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organziations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office Management and Budget, Room 3208, Washington, DC 20503 (Telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Occupational Safety and Health Administration

Asbestos General Industry Standard: Excursion Limit Amendment

1218-0133

On occasion

State or local governments; Business or other for-profit; Federal agencies or employees; and Small businesses or organizations

286,607 respondents; 3,725,891 responses; 124,406 total hours; 0 forms

Regulatory Requirements:

1. Exposure Monitoring.	(29 CFR 1910.1001(d)).
(i) Initial Monitoring.	(29 CFR 1910.1001(d)(2)).
(ii) Periodic Monitoring.	(29 CFR 1910.1001(d)(3)).
(iii) Additional Monitoring.	(29 CFR 1910.1001(d)(5)).
(iv) Employee Notification.	(29 CFR 1910.1001(d)(7)).
2. Compliance Program.	(29 CFR 1910.1001(f)(2)).
3. Respiratory Protection.	(29 CFR 1910.1001(g))
(i) Respiratory Program.	(29 CFR 1910.1001(g)(3)).
(ii) Emergency-Use Respirators.	(29 CFR 1910.1001(g)(3)).
(iii) Respirator Fit Testing.	(29 CFR 1910.1001(g)(4)).
4. Notifying the Laundry.	(29 CFR 1910.1001(h)(3)(iv))
5. Warning Signs and Labels.	(29 CFR 1910.1001(j)(1)(2)).
6. Material Safety Data Sheets.	(29 CFR 1910.1001(j)(3)).
7. Employee Information and Training.	(29 CFR 1910.1001(j)(5)).
(i) Training Program.	(29 CFR 1910.1001(j)(5)(i)).
(ii) Access	(29 CFR 1910.1001(j)(5)(iv)).
8. Medical Surveillance.	(29 CFR 1910.1001(1)).
(i) Examinations	(29 CFR 1910.1001(1)(2)(3)(4)(
(ii) Information Provided.	(29 CFR 1910.1001(1)(6)).
(iii) Physician's Written Opinion.	(29 CFR 1910.1001(1)(7)).
(iv) Medical Questionnaire.	(29 CFR 1910.1001(1)(2)(3)).
9. Recordkeeping	(29 CFR 1910.1001(m)).
(i) Exposure Monitoring.	(29 CFR 1910.1001(m)(1)).
(ii) Objective Data Records.	(29 CFR 1910.1001(m)(2)).
(iii) Medical Surveillance.	(29 CFR 1910.1001(m)(3)).
(iv) Employee Training.	(29 CFR 1910.1001(m)(4)).
(v) Record Access	(29 CFR 1910.1001(m)(5)).
(vi) Records Transfer.	(29 CFR 1910.1001(m)(6)).

Let a = State or local governments;
b = Businesses or other for-proft;
c = Federal agencies or employees;
d = Small businesses or organizations;

Req. No.	Affected Public	Respondents	Frequency	Average time per response	Total hours
1(i)	a,b,c,d	286,607	On occasion	1 hour	3,251
1(ii)	a,b,c,d	286,607	do	do	7,429
1(iii)	a,b,c,d	286,607	do	do	75
1(iv)	a,b,c,d	286,607	do	5 minutes	591
2	a,b,c,d	286,607	do	30 minutes	292
3(i)	a,b,c,d	286,607	do	0 minutes	0
3(ii)	a,b,c,d	286,607	do	6 minutes	2,280
3(iii)	a,b,c,d	286,607	do	1 hour	6,716
4	a,b,c,d	286,607	do	0 minutes	0
5	a,b,c,d	286,607	do	do	0
6	a,b,c,d	286,607	do	do	0
7(i)	a,b,c,d	286,607	do	30 minutes	1,373
7(ii)	a,b,c,d	286,607	do	10 minutes	28,808
8(i)	a,b,c,d	286,607	do	50 minutes	43,314
8(ii)	a,b,c,d	286,607	do	5 minutes	4,331
8(iii)	a,b,c,d	286,607	do	do	5,192
8(iv)	a,b,c,d	286,607	do	20 minutes	13,075
9(i)	a,b,c,d	286,607	do	5 minutes	622
9(ii)	a,b,c,d	286,607	do	0 minutes	0

Req. No.	Affected Public	Respondents	Frequency	Average time per response	Total hours
9(iii)	a,b,c,d	286,607	do	5 minutes	5,192
9(iv)	a,b,c,d	286,607	do	15 minutes	610
9(v)	a,b,c,d	286,607	do	10 minutes	1,255
9(vi)	a,b,c,d	286,607	do	0 minutes	0

This regulation requires employers to train employees about the hazards of asbestos, to monitor employee exposure to the Permissible Exposure Limit and the Excursion Limit, to provide medical surveillance and to establish and maintain accurare records of employee exposure to asbestos.

Asbestos Construction Industry Standard: Excursion Limit Amendment

1218–0134

On occasion

State or local governments; Businesses or other for-profit; Federal agencies or employees; and Small businesses or organizations

188,779 respondents; 1,699,011 responses; 397,614 total hours; 0 forms

Regulatory Requirements:

1. Exposure Monitoring.	(29 CFR 1926.58(f)).
(i) Initial Monitoring.	(29 CFR 1926.58(f)(2)).
(ii) Periodic Monitoring.	(29 CFR 1926.58(f)(3)).
(iii) Employee Notification.	(29 CFR 1926.58(f)(6)).
2. Respiratory Protection.	(29 CFR 1926.58(h)).
(i) Respiratory Program.	(29 CFR 1926.58(h)(3)).
(ii) Emergency-Use Respirators.	(29 CFR 1926.58(h)(3)).
(iii) Respirator Fit Testing.	(29 CFR 1926.58(h)(4)).
3. Notifying the Laundry.	(29 CFR 1926.58(i)(2)(ii)).
4. Warning Signs and Labels.	(29 CFR 1926.58(k)(1)–(2)).
5. Employee Information and Training.	(29 CFR 1926.58(k)(3)).
(i) Training Program.	(29 CFR 1926.58(k)(3)(i)–(iii)).
(ii) Access	(29 CFR 1926.58(k)(4)(i)–(ii)).
6. Medical Surveillance.	(29 CFR 1926.58(m)).
(i) Examinations	(29 CFR 1926.58(m)(2)).
(ii) Information Provided.	(29 CFR 1926.58(m)(3)).
(iii) Physician's Written Opinion.	(29 CFR 1926.58(m)(4)).
(iv) Medical Questionnaire.	(29 CFR 1926.58(m)(2)(ii)).
7. Recordkeeping	(29 CFR 1926.58(n)).
(i) Objective Data Records.	(29 CFR 1926.58(n)(1)).
(ii) Exposure Monitoring.	(29 CFR 1926.58(n)(2)).
(iii) Medical Surveillance.	(29 CFR 1926.58(n)(3)).
(iv) Employee Training.	(29 CFR 1926.58(n)(4)).
(v) Record Access	(29 CFR 1926.58(n)(5)).
(vi) Records Transfer.	(29 CFR 1926.58(n)(6)).

Let a = State or local governments; b = Businesses or other for-profit; c = Federal agencies or employees; d = Small businesses or organizations

Req. no.	Affected Public	Respondents	Frequency	Average time per response	Total hours
1(i)	a,b,c,d	188,779	On occasion	0	0
1(ii)	a,b,c,d	188,779	do	0	0
1(iii)	a,b,c,d	188,779	do	0	0
2(i)	a,b,c,d	188,779	do	0	0
2(ii)	a,b,c,d	188,770	do	0	0
2(ii)	a,b,c,d	188,779	do	0	0
3	a,b,c,d	188,779	do	0	0
4	a,b,c,d	188,779	do	0	0
5(i)	a,b,c,d	188,779	do	30 minutes	39,984
5(ii)	a,b,c,d	188,779	do	5 minutes	40,196
6(i)	a,b,c,d	188,779	do	50 minutes	127,899
6(ii)	a,b,c,d	188,779	do	5 minutes	12,790
6(iii)	a,b,c,d	188,779	do	do	15,163
6(iv)	a,b,c,d	188,779	do	20 minutes	42,637
7(i)	a,b,c,d	188,779	do	0 minutes	0
7(ii)	a,b,c,d	188,779	do	do	0
7(iii)	a,b,c,d	188,779	do	5 minutes	15,163
7(iv)	a,b,c,d	188,779	do	15 minutes	88,764
7(v)	a,b,c,d	188,779	do	10 minutes	15,018
7(vi)	a,b,c,d	188,779	do	0 minutes	0

This regulation requires employers to train employees about the hazards of asbestos, to monitor employee exposure to the Permissible Exposure Limit and the Excursion Limit, to provide medical surveillance and to establish and maintain accurate records of employee exposure to asbestos.

Extension

Mine Safety and Health Administration

Program to Prevent Smoking in Hazardous Areas

1219–0041

On occasion

Businesses and other for profit; small businesses or organizations

200 respondents; 30 minutes per response; 100 total burden hours

Requires coal mine operators to develop programs to prevent persons from carrying smoking materials, matches, or lighters underground and to prevent smoking in hazardous areas, such as, in or around oil houses, explosives magazines, etc. Mine operators are further required to submit the programs to MSHA for approval.

Certificate of Training, MSHA Form 5000–23

1219–0070
On occasion
Businesses and other for profit; small businesses or organizations
16,998 respondents; 5 minutes per response; 62,553 total burden hours

Requires MSHA Form 5000–23, Certificate of Training, to be used by mine operators to record mandatory training received by miners. The form provides the mine operator with a recordkeeping form, the miner with a certificate of training, and MSHA a monitoring tool for determining compliance requirement.

Employment and Training Administration

Domestic Agricultural In-Season Wage Report

1205–0017; ETA 232 & 232A
Annually
Individuals or households, State or local governments, Farms
20,294 respondents; 8,528 total hours; 12 hours per State; 2 hours per employer.

State employment agencies need prevailing wage rates in order to process employers' applications for intrastate and interstate workers. The rates cover agricultural and logging jobs. Migrant and local seasonal farmworkers are hired for these jobs.

Signed at Washington, DC this 27th day of December 1988.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 88–30146 Filed 12–30–88; 8:45 am]

BILLING CODE 4510–26–M

NUCLEAR REGULATORY COMMISSION

[Docket No. STN 50–528]

Arizona Public Service Co., et al., Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–41, issued to Arizona Public Service Company, et al., (the licensees),[1] for operation of the Palo Verde Nuclear Generating Station, Unit 1 located in Maricopa County Arizona. The request for amendment was submitted by letter dated December 23, 1988.

The proposed amendment would revise Technical Specification Surveillance Requirement 4.1.3.1.2 to allow continued operation of Unit 1 until the end of the current cycle (approximately three months), without conducting any further exercise tests of Control Element Assembly (CEA) 64. The proposed change will eliminate a potentially challenging operating condition. The plant may be unnecessarily challenged during performance of testing on CEA No. 64 because this CEA has slipped during previous rod motion testing due to an intermittent ground on the CEA's lower gripper coil.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards considerations. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

A discussion of these standards as they relate to this amendment follows:

Criterion 1

The proposed change would not increase the probability or consequences of any accident previously evaluated since the proposed change is still within the bounds of the current safety analyses. The proposed change is intended to reduce the probability of a reactor transient due to a dropped rod. The licensees have provided the following discussion:

> The basis for Surveillance Requirement 4.1.3.1.2 is to demonstrate that all applicable CEAs are capable of being inserted into the core when required. All performances of this test to date conclusively show that CEA #64 can be inserted into the core. Additionally, Unit 1 has experienced six reactor trip events during the current cycle of operation. During each reactor trip, CEA #64 fell into the core as required.
>
> It is unlikely that an obstruction would develop between now and the end of the current cycle that would render CEA #64 untrippable. However, even if CEA #64 would not drop into the core when required, this condition is within the bounds of the safety analyses. All analyses in which shutdown CEA reactivity is critical require that the most reactive CEA be assumed to remain stuck outside the core * * *. In addition, shutdown margin * * * would not be adversely affected by this change because it is determined by considering a single malfunction resulting in the highest worth CEA failing to insert.

Criterion 2

The proposed change would not create the possibility of a new or different kind of accident from any previously analyzed since it would not introduce new systems, modes of operation, failure modes or other plant perturbations. The lower gripper coil for CEA–64 would only be energized during CEA inward or outward motion. The coil is not energized when the reactor is tripped nor during steady state operation. Therefore, the requested Technical Specification change will not create the possibility of an accident or malfunction of a different type than those already evaluated in the FSAR.

Criterion 3

The proposed change would not involve a significant reduction in the margin of safety. The license stated:

> The requested change for CEA #64 will not reduce the margin of safety as defined in the basis for the Technical Specifications. All performances of the CEA exercise testing to date have conclusively shown that CEA #64 can be inserted into the core. CEA #64 has successfully fallen into the core as required during 6 reactor trip events during the current cycle of operation. Additionally, the safety analyses already address the condition where the single most reactive CEA fails to drop into the core during design basis events.

Accordingly, the Commission proposes to determine that this change does not involve significant hazards considerations.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and

[1] The other licensees are the Salt River Project Agricultural Improvement and Power District, El Paso Electric Company, Southern California Edison Company, Public Service Company of New Mexico, Los Angeles Department of Water and Power, and Southern California Public Power Authority.

page number of the **Federal Register** notice.

Written comments may also be delivered to Room P–216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 18, 1989, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a part in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rule of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set fort with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards considerations, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves significant hazards considerations, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to George W. Knighton: petitioner's number and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to: Arthur C. Gehr, Esq., Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85007, Attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated December 23, 1988, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the Local Public Document Room, Phoenix Public Library, Business and Science Division, 12 East McDowell Road, Phoenix, Arizona 85004.

Dated at Rockville, Maryland, this 23rd day of December 1988.

For the Nuclear Regulatory Commission.

George W. Knighton,

Project Directorate V, Division of Reactor Projects III/IV-V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 88–30200 Filed 12–30–88; 8:45 am]

BILLING CODE 7590–01–M

PEACE CORPS

Information Collection Request Under OMB Review

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act [44 U.S.C. 3501 et seq.] this notice announces that the information collection request abstracted below has been forwarded to the Office of Management and Budget for review and is available for public review and comment. A copy of the information collection may be obtained from Mr. Noel McCaman, Office of Recruitment, Peace Corps, 1990 K Street, NW., Washington, DC 20526. Mr. McCaman may be called at 202–254–6480. Comments on this form should be addressed to Ms. Francine Picoult, Desk Officer, Office of Management and Budget, Washington, DC 20503.

Information Collection Abstract:

(1) *Title:* Follow-up and Program Evaluation Guide.

(2) *Need for and Use of the Information:* Follow-up calls will be made to selected scarce-skill individuals who have requested information (and given us permission to follow-up). The call will (1) make sure all materials were received, (2) encourage individuals to apply, and (3) evaluate our communication with the public.

(3) *Respondents:* Citizens who requested and were sent information and an application for Peace Corps service.

(4) *Burden on the public:*

a. Annual reporting burden: 775.5 hours

b. Annual recordkeeping burden: 0 hours

c. Estimated average burden hours per response: .05–.07 hours

d. Frequency of response: on occassion

e. Estimated number of likely respondents: 15,000

This notice is issued in Washington, DC on December 23, 1988.

Margaret H. Thome,

Associate Director for Management.

[FR Doc. 88–30193 Filed 12–30–88; 8:45 am]

BILLING CODE 6051–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–26391; File No. SR–AMEX–88–32]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Proposed Rule Change Relating to Increased Supplemental Listing Fees and Annual Fees Imposed on Listed Company Equity Issues

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 19, 1988, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. is increasing the supplemental listing fee and annual fee imposed on listed company equity issues. The schedule of fee increases is available at the Office of the Secretary, American Stock Exchange and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the statutory Basis for, the Proposed Rule Change

(1) Purpose

The Exchange is increasing two fees imposed on listed companies. The fee for supplemental stock listings is being raised from $.015 to $.02 per share, with the minimum fee increasing from $1,000 to $2,000 and the maximum fee increasing from $12,000 to $17,500. The annual fee for stocks, with separate categories based on the number of outstanding shares, is being increased starting in 1989, the minimum fee increasing from $3,500 to $4,500 and the maximum fee increasing from $10,000 to $12,500, with each category increasing by $500 from the minimum level of $4,500 to the maximum of $12,500.

(2) Basis

The Exchange fee increases are consistent with Section 6(b) of the Act in general and further the objectives of Section 6(b)(4) of the Act in particular in that they are intended to assure the equitable allocation of reasonable dues, fees, and other charges among members, issuers, and other persons using the Exchange's facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange fee increases will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the Exchange fee increases.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that

may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted January 24, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

December 23, 1988.

[FR Doc. 88-30231 Filed 12-30-88; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-26397; File No. SR-DTC-88-20]

Self-Regulatory Organizations; Proposed Rule Change by Depository Trust Company Relating to Securities Clearing Group Filing

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 8, 1988, the Depository Trust Company ("DTC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change being filed by the Depository Trust Company ("DTC") consists of the referenced Agreement [1] underlying the filing, in which the seven registered clearing agencies who are members of the Securities Clearing Group agree to share information about common participants with each other for regulatory purposes.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to formalize DTC's existing practices with regard to information sharing and provide for future developments in this area. The agreement attached to the filing as Exhibit 2 is the first formalization of the efforts of the Securities Clearing Group, which is comprised at the present time of seven registered clearing agency self-regulatory organizations. The goal of the group is to identify and create procedures to minimize risks posed by participants in more than one clearing agency self-regulatory organization. The key method for achieving this goal will be the sharing of appropriate financial, operational and clearing data on common participants among members of the Securities Clearing Group for regulatory purposes.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934, as amended, and the rules and regulations thereunder because it is designed to contribute to the safeguarding of securities and funds in DTC's custody or control for which it is responsible, to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and, in general, to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition.

(c) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have not been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested person are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the self-regulatory organization. All submissions should refer to File No. SR-DTC-88-20 and should be submitted by January 24, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: December 27, 1988.

[FR Doc. 88-30186 Filed 12-30-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-26398; File No. SR-NSCC-88-10]

Self-Regulatory Organizations; Filing of Proposed Rule Change by National Securities Clearing Corporation Regarding its Rule 39 and Qualified Special Representatives

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 18, 1988, NSCC filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the

[1] For a copy of the text of the proposed rule change, *see* Securities Exchange Act Release No. 23600 (November 21, 1988); 53 FR 48353 (November 30, 1988).

proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend NSCC's Rule 39 as follows: *Italics* indicate additions and [Brackets] indicate deletions.

Rule 39. Special Representative

* * * * *

A Special Representative:

(1) Who operates an automated execution system where the Special Representative is always the contra side to each transaction, or

(2) Whose parent corporation or affiliated corporation operates an automated execution system where the Special Representative is always the contra side to each transaction, or

(3) That clears for a broker/dealer who operates an automated execution system where the broker/dealer is always the contra side to each transaction, and the subscribers to the automated execution system enter into an agreement with the broker/dealer and the Special Representative acknowledging the Special Representative's role in the clearance of trades executed on the automated execution system;

[(]hereinafter referred to throughout the Rules as a "Qualified Special Representative"[)], or such other Special Representatives as the corporation may permit in its discretion, may elect to submit in automated form, trade data from such automated execution systems as a locked-in trade which appear on T-contracts.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The purpose of the proposed rule change is to increase the availability to NSCC Members of one-sided trade input for transactions executed on an automated execution system. One-sided trade input results in a compared trade as of the close of business on trade date at a reduced cost. Members who use this process are called Qualified Special Representatives. Currently, NSCC defines Qualified Special Representatives as Members who operate an automated execution system where the Member is always the contra side to each transaction. It has come to NSCC's attention that there are other ways in which automated execution systems are operated, which could benefit from earlier trade comparison at a reduced cost. The changes to the rule will allow for the expanded use of this vehicle by such entities.

(b) NSCC believes the proposed rule change will promote the prompt and accurate clearance and settlement of securities and foster cooperation and coordination with other persons engaged in the clearance and settlement of securities transactions.

Thus, the proposal is consistent with the requirements of the Securities Exchange Act of 1934, as amended ("Act"), and the rules and regulations thereunder applicable to NSCC.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

(c) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the proposed rule change have not been solicited or received. NSCC will notify the Securities and Exchange Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested person are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR–NSCC–88–10 and should be submitted by January 24, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: December 27, 1988.

[FR Doc. 88–30232 Filed 12–30–88; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–26399; File No. SR–OCC–88–08]

Self-Regulatory Organizations; Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change

Pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act"), notice is hereby given that on December 9, 1988, the Options Clearing Corporation ("OCC") filed with the Commission a proposed rule change (File No. SR–OCC–88–08). As described below, the proposal would change in OCC By-laws the location of a provision describing OCC's cross-margining service. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

On October 3, 1988, the Commission approved an OCC proposal permitting the cross-margining of securities options cleared by OCC with futures and commodity options cleared by the Intermarket Clearing Corporation

("ICC").[1] In that proposal, OCC stated that its cross-margining service would be described in Article VI, section 20 of OCC's By-laws. Prior to Commission approval of cross-margining, however, OCC inadvertently placed in Article VI, section 20 a provision concerning the clearance of international transactions. OCC's current proposal would amend OCC's prior reference to Article VI, section 20 as the location of the cross-margining provision and would clarify that the cross-margining service will be described in Article VI, section 23 of OCC's By-laws.

The foregoing change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4, because it constitutes a stated policy, practice, or interpretation with respect to the administration of an existing OCC rule. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views, and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. SR-OCC-88-08.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. Copies of the filing (SR-OCC-88-08) and of any subsequent amendments also will be available for inspection and copying at OCC's principal office.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[1] *See* Securities Exchange Act Release No. 26153 October 3 1988), 53 FR 39567.

Dated: December 27, 1988.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-30233 Filed 12-30-88; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-4397]

Issuer Delisting; Application to Withdraw From Listing and Registration; Matrix Corp.

December 23, 1988.

Matrix Corporation ("Company") has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934, ("Act") and rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities from listing and registration on the American Stock Exchange, Inc. ("Exchange").

The reasons cited by the Company in its applications for withdrawing these securities from listing and registration included the following:

On November 10, 1988, AGI Sub, Inc. ("Sub") was merged with and into the Company. The Company was the surviving corporation in the merger. Sub is a wholly—owned subsidiary of Agfa—Gevaert, Inc. ("AGI"). At the effective time of the merger AGI become the record and beneficial owner of 100% of the issued and outstanding shares of common stock of the Company. Effective on December 31, 1988, AGI presently plans to merge the Company with and into itself, with AGI to be the surviving corporation in the December 31 merger. As part of this December 31 merger, it is contemplated that AGI will assume the obligations of the Company under the 8¼% Debentures and the 7½% Debentures.

The Company has given serious consideration to the question of whether it wishes to continue the listing of the Debenutres on the Exchange after the merger of the Company into AGI. The Company has concluded that (a) there is limited trading activity in the Debentures on the Exchange, (b) the Debentures are no longer convertible into common stock of the Company, but may be converted solely into the amount of cash which each holder of a Debenture would have received if such holder had converted such Debenture into common stock immediately before the effective time of the Merger and (c) the considerable expense and the time of Company personnel required to continue preparing and filing the periodic reports required by the Act is disproportionately high in relation to the number of record holders of each series of Debentures, the principal amount of the Debentures outstanding and the volume of trading activity in the Debentures on the Exchange.[1]

In view of the above factors the Company believes it is no longer appropriate to comply with sections 13, 14 and 15 of its Listing Agreement with the Exchange (*i.e.*, the requirements that it solicit proxies for all meetings of security holders of record, that it maintain at least two independent directors on its Board of Directors and that it not enter into material transactions with officers, directors, principal shareholders, affiliates, or other specified related entities without notifying the Exchange and obtaining approval of a disinterested majority of its Board of Directors) and, accordingly, does not intend to do so. Furthermore, in view of the above factors, after the December 31, 1988, Merger, AGI will not file any substitute listing application with the Exchange for the continued listing of the Debentures on the Exchange.

Any interested person may, on or before January 17, 1989, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-30234 Filed 12-30-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16709; 811-3693]

The Westergaard Fund, Inc.; Application for Deregistration

December 23, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

[1] The Company's November 30, 1988 letter to the Exchange states that the 8¼% Debentures have 59 record holders, with outstanding principal amount of $16,375,000 and the 7½% Debenture have 64 record holders with $12,165,000 outstanding principal amount. (These numbers exclude those debentures owned of record and beneficially by Bayer, USA, Inc., an indirect beneficial owner of the Company.)

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

Applicant: The Westergaard Fund, Inc. ("Applicant").

Relevant 1940 Act Section: Deregistration under section 8(f).

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company subject to the 1940 Act.

Filing Dates: The application on Form N-8F was filed on March 1, 1988, and an amendment was filed on September 7, 1988.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on January 17, 1989. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicant, 540 Madison Avenue, New York, New York 10022.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Regina Hamilton (202) 272-3024, or Special Counsel H.R. Hallock, Jr. (202) 272-3030 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant, organized as a Maryland corporation and open-end diversified management investment company under the 1940 Act, filed a Notification of Registration pursuant to section 8(a) of the 1940 Act on Form N-8A, and a registration statement pursuant to section 8(b) on March 22, 1983. Applicant's registration statement became effective on June 10, 1983.

2. On September 21, 1987, Applicant's Board of Directors adopted its proposed Plan of Liquidation and Dissolution ("Plan") and called a Special Meeting of Shareholders to consider Applicant's dissolution and liquidation. to the minutes of the meeting of the Board of Directors on September 21, 1987, the Applicant's adviser had notified Applicant that it had elected to terminate its position as adviser to the Applicant. The Board of Directors had taken into account the cost to, and the impact on, the Applicant that would be associated with obtaining the services of another investment adviser, merging the Applicant's assets with another mutual fund or liquidating and dissolving the Applicant. The Board determined that the cost and impact associated with liquidation and dissolution would be materially lower than those associated with the other alternatives. On November 19, 1987, at the Special Meeting, the shareholders approved the liquidation and dissolution of Applicant pursuant to the Plan.

3. As of the date of filing its Application, Applicant had distributed $5,046,502.45 in cash to its securityholders in complete redemption of their shares. Each securityholder received an amount per share representing the net asset value per share on the distribution date, November 30, 1987. As of March 1, 1988, 16,452 shares out of a total of 724,942.017 shares of common stock remained outstanding.

4. Applicant has not within the past eighteen months transferred any of its assets to a separate trust, the beneficiaries of which were or are securityholders of the Applicant. Applicant has retained $49,742.80. in cash for the purpose of making distributions to its remaining 26 securityholders, whom it has been unable to locate. Applicant has placed its remaining assets in a bank account out of which liquidation distributions will be paid to such securityholders upon receipt of certificates for a period of three years commencing December 2, 1987. At the end of this period, remaining funds will be paid over to the State of New York under the Abandoned Property Act.

5. As of September 7, 1988, Applicant had no other liabilities or debts outstanding, was not a party to any litigation or administrative proceeding, and was not engaged in, nor intended to engage in, any business activities other than those necessary for the winding up of its affairs. As of that date, Applicant was current on all filings required to be made under the 1940 Act.

6. On January 27, 1988, Articles of Dissolution were filed with the Secretary of State of Maryland pursuant to Maryland general corporate law. Applicant was dissolved effective February 1, 1988.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Security.

[FR Doc. 88-30235 Filed 12-30-88; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of Reporting Requirements Submitted for Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted on or before February 2, 1989. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer:

William Cline, Small Business Administration, 1441 L Street NW., Room 200, Washington, DC 20416, Telephone: (202) 653-8538.

OMB Reviewer:

Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395-7340.

Title: Survey of Commercialization Activities of Awardees.

Frequency: One time.

Description of Respondents: Survey of SBIR awardees to determines the extent of commercial activities undertaken to market the product developed under the program.

Annual Responses: 400.

Annual Burden Hours: 150.

William A. Cline,

Chief, Administrative Information Branch.

[FR Doc. 88-30228 Filed 12-30-88; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Physical Disaster Loan Area #2320; Declaration of Economic Injury Disaster Loan (EIDL) Areas #6664 & #6683); Amdt. 1]

California; Declaration of Disaster Loan Area

The above-numbered physical disaster declaration (53 FR 40161) is hereby amended to reopen the filing period for 30 days. Section 120 of Pub. L. 100–590 (11/88) reduces the interest rate for non-profit organizations without credit available elsewhere to a maximum of 4 percent; Section 121 provides that a physical disaster loan may be increased by up to 20 percent for necessary or appropriate mitigation measures, and Section 122 provides that no physical disaster loan for $10,000 or less shall require collateral. The filing period is reopened to afford an opportunity to those disaster victims who (1) may not have filed because of the high interest rate, (2) may not have requested disaster loans because of the previous requirement for loans over $5,000 of whatever reasonable collateral was available, or (3) may now wish to take advantage of the opportunity for additional funding for mitigation measures. The termination date for filing physical disaster loan applications is January 31, 1989.

Economic Injury Disaster Declaration #6664 is amended to include contiguous counties in the State of California. Section 120 of Pub. L. 100–590 (11/88) provides, *inter alia*, that areas affected by an economic injury disaster include counties contiguous to the counties determined to be disaster areas by the President, Secretary of Agriculture, or the Administrator of the Small Business Administration.

This amendment adds the contiguous counties of Butte, Contra Costa, Lassen, Modoc, Napa, Placer, Plumas, Sacramento, Sierra, Siskiyou, Sonoma, Sutter, Tehama, Trinity, and Yolo, in the State of California, and Washoe County in the State of Nevada to give economic injury disaster victims in those counties the opportunity to request EIDLs. Economic Injury Declaration #6683 is assigned to those contiguous counties in the State of Nevada. The termination date for filing EIDL applications for both States is June 29, 1989.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.

Date: December 22, 1988.

James Abdnor,

Administrator.

[FR Doc. 88–30221 Filed 12–30–88; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Physical Disaster Loan Area #2316; Declaration of Economic Injury Disaster Loan (EIDL) Area #6640; Amdt. 1]

California; Declaration of Disaster Loan Area

The above-numbered physical disaster declaration (53 FR 32135) is hereby amended to reopen the filing period for 30 days. Section 120 of Pub. L. 100–590 (11/88) reduces the interest rate for non-profit organizations without credit available elsewhere to a maximum of 4 percent; Section 121 provides that a physical disaster loan may be increased by up to 20 percent for necessary or appropriate mitigation measures, and Section 122 provides that no physical disaster loan for $10,000 or less shall require collateral. The filing period is reopened to afford an opportunity to those disaster victims who (1) may not have filed because of the high interest rate, (2) may not have requested disaster loans because of the previous requirement for loans over $5,000 of whatever reasonable collateral was available, or (3) may now wish to take advantage of the opportunity for additional funding for mitigation measures. The termination date for filing physical disaster loan applications is January 31, 1989.

The above numbered economic injury declaration is amended to include contiguous counties. Section 120 of Pub. L. 100–590 (11/88) provides, *inter alia*, that areas affected by an economic injury disaster include counties contiguous to the counties determined to be disaster areas by the President, Secretary of Agriculture, or the Administrator of the Small Business Administration. This amendment adds the contiguous counties of Kern, Orange, San Bernardino, and Ventura, in the State of California, to give economic injury disaster victims in those counties the opportunity to request EIDLs. The termination date for filing EIDL applications remains the same.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Date: December 22, 1988.

James Abdnor,

Administrator.

[FR Doc. 88–30222 Filed 12–30–88; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Physical Disaster Loan Area #2319; Declaration of Economic Injury Disaster Loan (EIDL) Area #6660; Amdt. 1]

Florida; Declaration of Disaster Loan Area

The above-numbered physical disaster declaration (53 FR 38826) is hereby amended to reopen the filing period for 30 days. Section 120 of Pub. L. 100–590 (11/88) reduces the interest rate for non-profit organizations without credit available elsewhere to a maximum of 4 percent; Section 121 provides that a physical disaster loan may be increased by up to 20 percent for necessary or appropriate mitigation measures, and Section 122 provides that no physical disaster loan for $10,000 or less shall require collateral. The filing period is reopened to afford an opportunity to those disaster victims who (1) may not have filed because of the high interest rate, (2) may not have requested disaster loans because of the previous requirement for loans over $5,000 of whatever reasonable collateral was available, or (3) may now wish to take advantage of the opportunity for additional funding for mitigation measures. The termination date for filing physical disaster loan applications is January 31, 1989.

The above numbered economic injury declaration is amended to include contiguous counties. Section 120 of Pub. L. 100–590 (11/88) provides, *inter alia*, that areas affected by an economic injury disaster include counties contiguous to the counties determined to be disaster areas by the President, Secretary of Agriculture, or the Administrator of the Small Business Administration. This amendment adds the contiguous county of Hardee, in the State of Florida, to give economic injury disaster victims in that county the opportunity to request EIDLs. The termination date for filing EIDL applications remains the same.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: December 22, 1988.

James Abdnor,

Administrator.

[FR Doc. 88–30223 Filed 12–30–88; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Physical Disaster Loan Area #2318; Declaration of Economic Injury Disaster Loan (EIDL) Area #6659; Amdt. 1]

Minnesota; Declaration of Disaster Loan Area

The above-numbered physical disaster declaration (53 FR 38826) is hereby amended to reopen the filing period for 30 days. Section 120 of Pub. L. 100–590 (11/88) reduces the interest rate for non-profit organizations without credit available elsewhere to a maximum of 4 percent; Section 121 provides that a physical disaster loan may be increased by up to 20 percent for necessary or appropriate mitigation

measures, and Section 122 provides that no physical disaster loan for $10,000 or less shall require collateral. The filing period is reopened to afford an opportunity to those disaster victims who (1) may not have filed because of the high interest rate, (2) may not have requested disaster loans because of the previous requirement for loans over $5,000 of whatever reasonable collateral was available, or (3) may now wish to take advantage of the opportunity for additional funding for mitigation measures. The termination date for filing physical disaster loan applications is January 31, 1989.

The above numbered economic injury declaration is amended to include contiguous counties. Section 120 of Pub. L. 100–590 (11/88) provides, *inter alia*, that areas affected by an economic injury disaster include counties contiguous to the counties determined to be disaster areas by the President, Secretary of Agriculture, or the Administrator of the Small Business Administration. This amendment adds the contiguous counties of Aitkin, Beltrami, Cass, Koochiching, and St. Louis, in the State of Minnesota, to give economic injury disaster victims in those counties the opportunity to request EIDLs. The termination date for filing EIDL applications remains the same.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: December 22, 1988.

James Abdnor,

Administrator.

[FR Doc. 88–30224 Filed 12–30–88; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Physical Disaster Loan Area #2317; Declaration of Economic Injury Disaster Loan (EIDL) Areas #6650 & #6682; Amdt 1]

Pennsylvania and Contiguous Counties in the State of New Jersey; Declaration of Disaster Loan Area

The above-numbered physical disaster declarations (53 FR 34188) is hereby amended to reopen the filing period for 30 days. Section 120 of Pub. L. 100–590 (11/88) reduces the interest rate for non-profit organizations without credit available elsewhere to a maximum of 4 percent; Section 121 provides that a physical disaster loan may be increased by up to 20 percent for necessary or appropriate mitigation measures, and Section 122 provides that no physical disaster loan for $10,000 or less shall require collateral. The filing period is reopened to afford an opportunity to those disaster victims who (1) may not have filed because of the high interest rate, (2) may not have requested disaster loans because of the previous requirement for loans over $5,000 of whatever reasonable collateral was available, or (3) may not wish to take advantage of the opportunity for additional funding for mitigation measures. The termination date for filing physical disaster loan applications is January 31, 1989.

Economic Injury Disaster Declaration #66500 is amended to include contiguous counties in the State of Pennsylvania. Section 120 of Pub. L. 100–590 (11/88) provides, *inter alia*, that areas affected by an economic injury disaster include counties contiguous to the counties determined to be disaster areas by the President, Secretary of Agriculture, or the Administrator of the Small Business Administration.

This amendment adds the contiguous counties of Lehigh, Montgomery, Northampton, and Philadelphia, in the State of Pennsylvania, and Burlington, Hunterdon, and Mercer Counties in the State of New Jersey to give economic injury disaster victims in those counties the opportunity to request EIDLs. Economic Injury Declaration #6682 is assigned to those contiguous counties in the State of New Jersey. The termination date for filing EIDL applications for both states is May 24, 1989.

(Catalog of Federal Assistance Program Nos. 59002 and 59008.)

Date: December 22, 1988

James Abdnor,

Administrator.

[FR Doc. 88–30225 Filed 12–30–88; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2326]

Pennsylvania; Declaration of Disaster Loan Area

The City of Norristown, Pennsylvania, Montgomery County, constitutes a disaster area as a result of damages from a fire which occurred on December 9, 1988, in the Town and Country Apartment Complex. Applications for loans for physical damage as a direct result of this fire may be filed until the close of business on February 21, 1989, and for economic injury as a direct result of this fire until the close of business on September 22, 1989, at the address listed below:

Disaster Area 2 Office, Small Business Administration, 120 Randolph McGil Blvd., 14th Fl. Atlanta, Georgia 30308.

or other locally announced locations. In addition, applications for economic injury from small businesses located in the contiguous counties of Berks, Bucks, Chester, Delaware, Lehigh, and Philadelphia, in the State of Pennsylvania, may be filed until the specified date at this location.

The interest rates are:

	Percent
Homeowners With Credit Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Businesses and Non-Profit Organizations (EIDL) Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	9.125

The number assigned to this disaster for physical damage is 232605 and for economic injury the number is 668400.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Date: December 22, 1988.

James Abdnor,

Administrator.

[FR Doc. 88–30226 Filed 12–30–88; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Physical Disaster Loan Area #2321; Declaration of Economic Injury Disaster Loan (EIDL) Area #6667; Amdt. 1]

Texas; Declaration of Disaster Loan Area

The above-numbered physical disaster declaration (53 FR 40818) is hereby amended to reopen the filing period for 30 days. Section 120 of Pub. L. 100–590 (11/88) reduces the interest rate for non-profit organizations without credit available elsewhere to a maximum of 4 percent; Section 121 provides that a physical disaster loan may be increased by up to 20 percent for necessary or appropriate mitigation measures, and Section 122 provides that no physical disaster loan for $10,000 or less shall require collateral. The filing period is reopened to afford an opportunity to those disaster victims who (1) may not have filed because of the high interest rate, (2) may not have requested disaster loans because of the previous requirement for loans over $5,000 of whatever reasonable collateral was available, or, (3) may now wish to take advantage of the opportunity for

additional funding for mitigation measures. The termination date for filing physical disaster loan applications is January 31, 1989.

The above numbered economic injury declaration is amended to include contiguous counties. Section 120 of Pub. L. 100–590 (11/88) provides, *inter alia*, that areas affected by an economic injury disaster include counties contiguous to the counties determined to be disaster areas by the President, Secretary of Agriculture, or the Administrator of the Small Business Administration. This amendment adds the contiguous counties of Atascosa, Bandera, Brooks, Comal, Guadalupe, Kendall, Kenedy, Medina, Starr, Willacy, and Wilson, in the State of Texas, to give economic injury disaster victims in those counties the opportunity to request EIDLs. The termination date for filing EIDL applications remains the same.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: December 22, 1988.

James Abdnor,

Administrator.

[FR Doc. 88–30227 Filed 12–30–88; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended December 23, 1988

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 46025

Date Filed: December 20, 1988.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 17, 1989.

Description: Joint Application of Federal Express Corporation and The Flying Tiger Line Inc., pursuant to section 401(h) of the Act and Subpart Q of the Regulations, for approval of the transfer to Federal Express of Flying Tigers' certificated route authority contained in various certificates of public convenience and necessity, and/or authorized by various exemption orders.

Docket No. 46029

Date Filed: December 20, 1988.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: January 17, 1989.

Description: Application of Heritage Airlines, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations requests a certificate of public convenience and necessity authorizing it to engage in scheduled interstate and overseas air transportation of persons, mail and property.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 88–30242 Filed 12–30–88; 8:45 am]

BILLING CODE 4910–62–M

Coast Guard

[CGD 88–113]

Towing Safety Advisory Committee; Appointment of Members

AGENCY: Coast Guard, DOT.

ACTION: Notice of appointment of members.

SUMMARY: The Secretary of Transportation has announced the appointment of nine members of the Towing Safety Advisory Committee (TSAC). TSAC advises the Secretary on rulemaking matters related to shallow-draft inland and coastal waterway navigation and towing safety. The notice soliciting applications for the vacancies was published on October 22, 1987 (52 FR 39581).

SUPPLEMENTARY INFORMATION: Persons receiving appointment to the committee are: Lester C. Bedient, Crowley Maritime; Joseph Scott Chotin, Jr., Scott Chotin, Inc.; Richard C. Faust, McDermoltt, Inc.; Douglas R. Halsey, Southern Towing Company; J. Erik Hvide, Hvide Shipping, Inc.; Royal DuBose Joslin, Maritrans GP, Inc.; Edward V. Kelly, Associated Maritime Officers; Jack T. Newbold, Inland Boatmen's Union of the Pacific; Frank T. Stegbauer, Southern Towing Company.

FOR FURTHER INFORMATION CONTACT: Commander R.J. Asaro, Executive Director, Towing Safety Advisory Committee (G–MP–3), Room 2420, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or (202) 267–0449.

Dated: December 20, 1988.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 88–30159 Filed 12–30–88; 8:45 am]

BILLING CODE 4910–14–M

[CGD 88–114]

National Offshore Safety Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Act (Pub. L. 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the National Offshore Safety Advisory Committee (NOSAC). The meeting will be held on 26 January 1989 in Room 4234 of the Department of Transportation Headquarters (NASSIF) Building, 400 7th Street SW., Washington, DC. The meeting is scheduled to begin at 8:30 a.m. and end at 4:00 p.m. Attendance is open to the public. This will be an "Organizational Meeting"; therefore, there will not be any set agenda to follow.

With advance notice and at the discretion of the Sponsor, if time permits, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director of NOSAC no later than the day before the meeting. Written statements or materials may be submitted for presentation to the Committee. To ensure distribution to each member of the Committee, 30 copies of written material should be submitted to the Executive Director no later than 23 January 1989.

FOR FURTHER INFORMATION CONTACT: CDR R.J. Asaro, Executive Director, National Offshore Safety Advisory Committee, U.S. Coast Guard (G–MP–3), 2100 Second Street SW., Washington, DC 20593–0001, (202) 267–0449.

Dated: December 20, 1988.

J. D. Sipes,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security, and Environmental Protection.

[FR Doc. 88–30158 Filed 12–30–88; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: December 27, 1988.

The Department of Treasury has

submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Comptroller of the Currency

OMB Number: 1557–0081.
Form Number: FFIEC 031–034.
Type of Review: Revision.
Title: Reports of Condition and Income (Interagency Call Report).
Description: Reports are filed pursuant to 12 U.S.C. 161 and 164. Data are used to monitor the financial condition and earnings performance of individual banks as well as the entire banking industry. Data are also used for research, program planning, and OCC publications.
Respondents: Businesses or other for-profit, Small businesses or organizations.
Estimated Number of Respondents: 5,000.
Estimated Burden Hours Per Response: 32 hours.
Frequency of Response: Quarterly.
Estimated Total Reporting Burden: 640,801 hours.
Clearance Officer: John Ference, (202) 447–1177, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219.
OMB Reviewer: Gary Waxman, (202) 395–7340, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,
Department Reports Management Officer.

[FR Doc. 88–30163 Filed 12–30–88; 8:45 am]
BILLING CODE 4810–25–M

Internal Revenue Service

Commissioner's Advisory Group; Open Meeting

The first meeting of the 1989 Commissioner's Advisory Group will be held on January 18 and 19, 1989 at the IRS Atlanta Service Center. The Service Center is located at 4800 Buford Highway, Atlanta, Georgia. The meeting will begin at 8:00 a.m. on Wednesday, January 18 and 8:00 a.m. on Thursday, January 19. The agenda will include the following topics:

Wednesday, January 18, 1989

Meeting Objectives
Overview of Service Center Operations and Tour of Facility
Discussion of Service Priorities
Commissioner Advisory Group (CAG) Process

Thursday, January 19, 1989

Commissioner Advisory Group (CAG) Process (continued)
Open Discussion and Questions

Due to the Service Center's security requirements and limited conference space, notification of intent to attend the meeting must be made with Robert F. Hilgen, Assistant to the Senior Deputy Commissioner, no later than January 10, 1989. Mr. Hilgen may be reached on (202) 566–4143 (not toll-free).

If you would like to have the Advisory Group consider a written statement, please call or write Robert Hilgen, Assistant to the Senior Deputy Commissioner, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224. Attn: C:SD, Room 3014.

FOR FURTHER INFORMATION CONTACT: Robert Hilgen, Assistant to the Senior Deputy Commissioner, (202) 566–4143 (not toll-free).

Lawrence B. Gibbs,
Commissioner.

[FR Doc. 88–30211 Filed 12–30–88; 8:45 am]
BILLING CODE 4830–01–M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 1
Tuesday, January 3, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of January 2, 9, 16, and 23, 1989.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of January 2

Thursday, January 5

2:00 p.m.
Briefing on Regulatory Responsibilities and Schedules for the HLW Repository Program (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, January 6

10:00 a.m.
Briefing on Tech Spec Improvements Including Reduction of Testing at Power (Public Meeting)

Week of January 9—Tentative

Thursday, January 12

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of January 16—Tentative

Thursday, January 19

10:00 a.m.
Briefing on Medical Use of By-Product Materials (Public Meeting)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of January 23 (Tentative)

Monday, January 23

2:00 p.m.
Briefing on Accident Management Program (Public Meeting)

Tuesday, January 24

2:30 p.m.
Briefing on the Progress of GE Advanced BWR Standard Plant Review (Public Meeting)

Wednesday, January 25

10:00 a.m.
Briefing by Executive Branch (Closed—Ex. 1)

Thursday, January 26

10:00 a.m.
Briefing on Final Report on BWR MARK I Containment Issues (Public Meeting)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (301) 492-0292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 492-1661.

Jack Guttmann,
Office of the Secretary.
December 28, 1988.

[FR Doc. 88-30258 Filed 12-29-88; 3:19 pm]
BILLING CODE 7590-01-M

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1412]

TIME AND DATE: 10 a.m. (e.s.t.), Wednesday, January 4, 1989.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

AGENDA

Approval of minutes of meeting held on November 30, 1988.

Action Items

Old Business

1. Proposed Industrial Service Policy Revisions.

New Business

A—Budget and Financing

A1. Modication of the Capital Budget Financed from Power Proceeds and Borrowings for Fiscal Year 1989—Complete Modifications to the Makeup Water Treatment Plant.

B—Purchase Awards

B1. Request for Proposal 1S-12246A—Indefinite Quantity Term Agreements to Provide Labor and Equipment for Repair, Modification, and New or Maintenance Construction Work at the National Fertilizer Development Center.

B2. Requisition 68—Long Term Spot Coal For Allen, Colbert, Cumberland, Kingston, and Shawnee Steam Plants.

B3. Contract 79P65-19219-7—Uranium Concentrates—IMC Fertilizer (IMCF), Inc.

B4. Negotiation GB-02045A—Indefinite Quantity Term Agreement for Repair Services of Turbine and Generator Service Engineers, Mechanics, Brazers, Fitters, Balance and Welding Specialists, Generator Winders, and Rental of Necessary Equipment for Any TVA Fossil Plant and Power Service Shop.

C—Power Items

C1. Renewal Power Contract with Tri-State Electric Membership Corporation.

E—Real Property Transactions

[1] E1. Proposed 19-Year Lease Agreement Affecting Approximately 40 Acres of Norris Reservoir Land in Claiborne County, Tennessee.

E2. Request by Big Bear Resort for Deed Modification Affecting Approximately 19.5 Acres of Former Kentucky Reservoir Land in Marshall County, Kentucky.

E3. Sale of Permanent Highway Easement to the State of Tennessee Department of Transportation Affecting 0.25 Acres of TVA's Chandler Substation in Blount County, Tennessee.

F—Unclassified

[1] F1. Award of an Exclusive License to Pursell Industries of Sylacauga, Alabama, for a Period of Eight Years Under TVA's U.S. Patent No. 4,676,821.

[1] F2. Supplement No. 1 to Contract No. TV-75614A with Harza Engineering Company to Perform Tasks for the "Utility Options for Meeting Dissolved Oxygen Limits for Hydroelectric Power Plant Discharges" Report.

F3. Supplement No. 2 to Contract No. TV-74449A with the U.S. Department of the Army, Corps of Engineers, Memphis district, to Perform Laboratory Analysis of Water and Sediment Samples.

F4. Delegation of Approval Authority to Vice President of River Basin Operations to Approve Fiscal Year Commitments Under Contract No. TV-73618A Between TVA and U.S. Department of Commerce, National Oceanic and Atmospheric Administration.

F5. Contract No. TV-75181A Between TVA and Beech River Watershed Development Authority for an Area-wide Comprehensive Resource Development Program.

F6. Supplement No. 3 to Contract No. TV-60000A with Tellico Reservoir Development Agency.

F7. Supplement No. 5 to Contract No. TV-63720A with Bicentennial Volunteers (BVI), Inc., for the TVA Retired Volunteer Assistance Program.

F8. Memorandum of Agreement with the U.S. Army's Toxic and Hazardous Materials Agency and TVA's National Fertilizer Development Center.

[1] Items approved by individual Board members. This would give formal ratification to the Board's action.

F9. Modification No. A002 to TVA/DOE Agreement No. DE–AI01–87CE79010 to Provide Technical Assistance in DOE's Alcohol Fuel Plant Loan Guarantee Program.

F10. Supplement No. 1 to Contract No. TV–73595A Between the Hawaiian Sugar Planters' Association (HSPA) and TVA.

F11. Recommendation for an Increase in the TVA Contribution to the Medical/Dental Insurance Plan for Annual Trades and Labor Employees.

F12. Proposed Revision to TVA Code III LEAVE—Family Leave Policy.

F13. Proposed Designated Agency Ethics Official.

F14. Changes in Certifying Officers.

F15. Supplement No. 19 to Contract No. TV–38655A with NUS Corporation.

F16. Supplement No. 4 to Personal Services Contract No. TV–72125A with Teledyne Engineering Services.

CONTACT PERSON FOR MORE INFORMATION: Alan Carmichael, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632–8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 479–4412.

Dated: December 28, 1988.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 88–30251 Filed 12–29–88; 11:29 am]

BILLING CODE 8120–01–M

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Meeting Notice

TIME AND DATE: 8:00 a.m., January 9, 1989.

PLACE: Uniformed Services University of the Health Sciences, Room D3–001, 4301 Jones Bridge Road, Bethesda, Maryland 20814–4799.

STATUS: Open—under "Government in the Sunshine Act" (5 U.S.C. 552b(e)(3)).

MATTERS TO BE CONSIDERED:

8:00 a.m. Meeting—Board of Regents

(1) Approval of Minutes—October 17, 1988; (2) Faculty Matters; (3) Report—Admissions; (4) Report—Associate Dean for Operations; (5) Report—President, USUHS. (a) Second Reading and Amendment to the Procedures and Delegations of the Board of Regents; (6) Report—Dean, Military Medical Education Institute; (7) Comments—Members, Board of Regents; (8) Comments—Chairman, Board of Regents

New Business

SCHEDULED MEETINGS: April 10, 1989.

CONTACT PERSON FOR MORE INFORMATION: Donald L. Hagengruber, Executive Secretary of the Board of Regents, 202/295–3028.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 28, 1988.

[FR Doc. 88–30247 Filed 12–28–88; 4:54 pm]

BILLING CODE 3810–01–M

Corrections

Federal Register
Vol. 54, No. 1
Tuesday, January 3, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1210

[WRPA Docket No. 1; FV-88-063]

Procedures for the Conduct of Referenda in Connection With the Watermelon Research and Promotion Plan and for Rules of Practice Governing Proceedings on Petitions to Modify or To Be Exempted From Such Plan

Correction

In rule document 88-29203 beginning on page 51089, in the issue of Tuesday, December 20, 1988, make the following correction:

On page 51091, in the first column, the **Note.** should read "These sections will appear in the Code of Federal Regulations.".

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Special Research Grants Program for Fiscal Year 1989; Solicitation of Applications

Correction

In notice document 88-28888 beginning on page 50500 in the issue of Thursday, December 15, 1988, make the following corrections:

1. On page 50500, in the 2nd column, in the 22nd line, "awarded" should read "evaluated".

2. On the same page, in the same column, in the 5th complete paragraph, in the 19th line from the bottom, "or" should read "on".

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 68

United States Standards for Whole Dry Peas

Correction

In rule document 88-29030 appearing on page 50914 in the issue of Monday, December 19, 1988, make the following correction:

In the first column, under **EFFECTIVE DATE**, "January 14, 1989" should read "January 18, 1989".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 430

[Docket No. CE-RM-87-102]

Energy Conservation Program for Consumer Products; Proposed Rulemaking and Public Hearing Regarding Energy Conservation Standards for 3 Types of Consumer Products

Correction

In proposed rule document 88-27595 beginning on page 48798 in the issue of Friday, December 2, 1988, make the following correction:

On page 48809, under the table, in the second column, the last three lines should have appeared at the end of the first column, resulting in the following sequence of text:

* * * defrost and evacuated panel efficiencies. For most classes, standard level 3 corresponds to the most stringent energy conservation standard level at which the additional expense of * * *.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Clinical Studies of Safety and Effectiveness of Orphan Products; Availability of Grants; Request for Applications

Correction

In notice document 88-25663 beginning on page 44951 in the issue of Monday, November 7, 1988, make the following corrections:

1. On page 44951, in the third column, in the third line, "allowed" should read "allocated".

2. On page 44952, in the second column, under *C. Elements of Informed Consent*, in the third line, "36.116" should read "46.116".

3. On page 44954, in the first column, under *B. Format for Application*, the fifth line should read "number, RFA-FDA-OP-89-1. Data included".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 88D-0306]

Salt-Cured, Air-Dried, Uneviscerated Fish; Compliance Policy Guide; Availability

Correction

In notice document 88-25665 beginning on page 44949 in the issue of Monday, November 7, 1988, make the following correction:

On page 44949, in the third column, under **SUMMARY**, in the fourth line, "7108/17" should read "7108.17".

BILLING CODE 1505-01-D

federal register

Tuesday
January 3, 1989

Part II

Department of the Interior

Minerals Management Service

Outer Continental Shelf Central California Lease Sale 119; Notice

4310-MR

Minerals Management Service
Outer Continental Shelf Central California
Lease Sale 119

On November 16, 1988, at 53 FR 46422-26, the Call for Information and Nominations for Central California Sale 119 was published in the Federal Register.

The Call stated that,

> Nominations and comments must be received no later than 45 days following publication of this document in the Federal Register in envelopes labeled "Nominations for Proposed Central California OCS Lease Sale 119," or "Comments on Proposed Central California OCS Lease Sale 119," as appropriate. The original Call map showing indications of interest and/or comments must be submitted to the Regional Supervisor, Office of Leasing and Environment, MMS, Pacific OCS Region, [1340 West 6th Street, Los Angeles, California 90017, telephone (213) 894-7107] and a copy of the Call map showing indications of interest and a copy of any comments are to be sent to the Chief, Offshore Leasing Management Division, Department of the Interior, Minerals Management Service, Room 4230, 18th and C Streets, NW., Washington, D.C. 20240.

In response to a request from the Governor of California, the Department of the Interior has decided that the public comment period on the Call should be extended by 30 days. This Notice extends the closing of the comment period for the Call for Central California Sale 119 from January 3, 1989, to February 2, 1989. Comments on the Call should be addressed to the Regional Supervisor, Office of Leasing and Environment, MMS, Pacific OCS Region, 1340 West 6th Street, Los Angeles, California 90017, telephone (213) 894-7107.

Wm D Bettenberg

Associate Director for Offshore Minerals Management

12/28/88

Date

[FR Doc. 88-30248 Filed 12-29-88; 11:51 am]
BILLING CODE 4310-MR-C

Federal Register

Tuesday
January 3, 1989

Part III

Committee for the Implementation of Textile Agreements

Textile and Apparel Categories With Harmonized Tariff Schedule of the United States Annotated; Changes to the 1989 Correlation; Notice

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Textile and Apparel Categories With Harmonized Tariff Schedule of the United States Annotated; Changes to the 1989 Correlation

December 30, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Changes to the 1989 correlation.

EFFECTIVE DATE: January 1, 1989.

FOR FURTHER INFORMATION CONTACT: Lori Goldberg, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-3400.

The Correlation

Textile and Apparel Categories with Harmonized Tariff Schedules of the United States Annotated (1989) presents the harmonized tariff numbers under each of the cotton, wool, man-made fiber, silk blend and other vegetable fiber categories used by the United States in monitoring imports of these textile products and in the administration of the bilateral agreements program. The attached list includes some Harmonized Tariff Schedule numbers that will be published in the third supplement of the Harmonized Tariff Schedule of the United States. This Correlation should be amended to reflect the changes indicated below:

Category	Changes in the 1989 correlation
200	Add 5509.22.00.10—multiple (folded) or cabled yarn with a final "z" twist.
201	Delete 5605.00.00.00.
	Add 5605.00.00.90—other metalized yarn, etc.
218	Add 5210.49.40.10—woven fabrics of cotton, containing less than 85 percent by weight of cotton, of yarns of different colors, of number 42 or lower number, oxford cloth.
220	Delete 5210.49.40.10.
	Add 5208.49.60.30—woven fabrics of cotton, containing 85 percent, or more by weight of cotton, weighing not more than 200 g/m² of yarns of different color, jacquard woven, of numbers 43 to 68.
226	Delete 5212.15.60.80.
227	Add 5212.15.60.80.
229	Delete 5810.10.00.00.
	Add 5810.10.00.90—other embroidery in the piece, in strips or in motifs.
	Delete 5810.92.00.10.
	Add 5810.92.00.90—embroidery of man-made fibers, labels and badges other than on a ground fabric weighing less than 100 g/m² and of width of more than 225 cm.
237	Delete 6103.42.10.30.
	Delete 6103.42.10.70.
	Add 6203.42.20.25—boys' size range 2-7 bib and brace overalls of cotton, imported as parts of playsuits.
	Delete 6203.42.20.30.
	Add 6203.42.20.50—boys' size range 2-7 cotton bib and brace overalls.
	Add 6203.43.20.25—bib and brace overalls boys' size range 2-7, imported as parts of playsuits, of synthetic fibers.
	Delete 6203.43.20.30.
	Delete 6203.43.20.40.
	Add 6203.43.20.50—bib and brace overalls, boys' size range 2-7, of synthetic fibers.
	Add 6203.49.10.25—bib and brace overalls of artificial fibers, boys' size range 2-7, imported as parts of playsuits.
	Delete 6203.49.10.30.
	Delete 6203.49.10.40.
	Add 6203.49.10.50—bib and brace overalls of artificial fibers, boys' sizes range 2-7.
	Add 6204.62.20.25—girls' bib and brace overalls of cotton, imported as parts of playsuits.
	Delete 6204.62.20.30.
	Delete 6204.62.20.40.
	Add 6204.62.20.50—girls' bib and brace overalls, of cotton.
	Add 6204.63.15.25—girls' bib and brace overalls, of synthetic fibers, imported as parts of playsuits.
	Delete 6204.63.15.30.
	Delete 6204.63.15.40.
	Add 6204.63.15.50—girls' bib and brace overalls of synthetic fibers.
	Delete 6204.69.10.30.
	Delete 6204.69.10.40.
	Add 6204.69.10.25—girls' bib and brace overalls of artificial fibers, imported as parts of playsuits.
	Add 6204.69.10.50—girls' bib and brace overalls of artificial fibers.
	Add 6211.32.00.15—boys' size range 2-7 coveralls, jumpsuits and similar apparel, of cotton.
	Delete 6211.32.00.20.
	Add 6211.33.00.15—boys' size range 2-7 coveralls, jumpsuits and similar apparel, of man-made fibers.
	Delete 6211.33.00.20.
239	Add 6111.30.50.15—babies' blanket sleepers of synthetic fibers, knitted or crocheted.
331	Delete 6116.10.20.10.
	Delete 6116.10.20.50.
	Add 6116.10.15.20—knitted or crocheted, of vegetable fiber, gloves, mittens and mitts impregnated, coated or covered with plastics or rubber, subject to cotton restraints, without fourchettes.
	Add 6116.10.25.20—gloves, mittens and mitts subject to cotton restraints, without fourchettes, coated with plastic or rubber, cut and sewn from pre-existing machine fabric.
	Add 6116.10.35.10—gloves, mittens and mitts subject to cotton restraints, without fourchettes, coated with plastic or rubber.
	Add 6116.10.45.10—gloves, mittens and mitts with fourchettes, impregnated, coated or covered with plastics or rubber, subject to cotton restraints.
	Add 6216.00.15.20—gloves, mittens and mitts, impregnated, coated or covered with plastics or rubber, without fourchettes, cut and sewn from pre-existing machine-woven fabric that is impregnated, coated or covered with plastics or rubber, or vegetable fibers, subject to cotton restraints.
	Add 6216.00.20.20—gloves, mittens and mitts, impregnated, coated or covered with plastics or rubber without fourchettes, cut and sewn from pre-existing machine-woven fabric that is impregnated, coated or covered with plastics or rubber, other than vegetable fibers, subject to cotton restraints.
	Delete 6216.00.25.50.
	Add 6216.00.30.10—gloves, mittens and mitts impregnated, coated or covered with plastics or rubber, with fourchettes, subject to cotton restraints, containing 50 percent or more by weight of cotton, man-made fibers, or any combination thereof.
333	Add 6203.22.30.15—men's or boys' jackets and blazers described in 6203, of cotton.
347	Add 6103.42.10.70—boys' trousers, breeches and shorts of cotton.
359	Delete 6103.43.20.15.
	Delete 6117.10.30.10.
	Add 6117.10.60.10—shawls, scarves and mufflers, knitted or crocheted, of cotton.
	Delete 6203.42.20.15.
	Add 6203.42.20.90—other boys' bib and brace overalls of cotton, not insulated for cold weather protection.
	Add 6204.62.20.05—Other bib and brace overalls insulated for cold weather protection, of cotton.
	Add 6204.62.20.10—other women's bib and brace overalls, of cotton.
	Add 6211.32.00.25—other boys' coveralls, jumpsuits and similar apparel, of cotton.
369	Add 4202.92.30.15—travel, sports and similar bags, of cotton.
	Delete 5701.90.20.10.
	Add 5701.90.20.20—carpets and other textile floor coverings of cotton.
	Delete 5702.49.10.00.
	Add 5702.49.10.10—carpets of cotton, hand-loomed, chenille.
	Add 5702.49.10.90—carpets and other textile floor coverings, of other textile materials, of cotton other than hand-loomed.
	Delete 5702.99.10.00.
	Add 5702.99.10.10—carpets of cotton, woven, but not made on a power driven loom.
	Add 5702.99.10.90—carpets and other textile floor coverings, of cotton.
	Add 6307.10.20.05—shop towels dedicated for use in garages, filling stations and machine shops, of cotton.
	Delete 6307.10.20.10.
	Delete 6307.10.20.25.
	Add 6307.10.20.27—dishcloths of cotton.
	Add 6307.90.90.10—surgical towels.
	Delete 6406.10.75.00.
	Add 6406.10.75.60—parts of footwear, of textile materials, of cotton.
433	Add 6103.21.00.20—men's or boys' jackets and blazers described in heading 6103, of wool or fine animal hair.

Category	Changes in the 1989 correlation
	Add 6103.23.00.07—men's or boys' suits, ensembles, suit type jackets etc. as described in heading 6103, of synthetic fibers containing 23 percent or more by weight of wool or fine animal hair.
	Add 6203.21.00.15—men's or boys' jackets and blazers described in heading 6203, of wool or fine animal hair.
465	Delete 5701.10.20.00.
	Add 5701.10.20.10—carpets and other textile floor coverings, knotted, whether or not madeup, hand-hooked, that is, in which the tufts were inserted and knotted by hand or by means of a hand tool, of wool or fine animal hair.
	Add 5701.10.20.90—carpets and other textile floor coverings, knotted, whether or not made up of wool or fine animal hair.
604	Delete 5509.22.00.00.
	Add 5509.22.00.90—yarn other than sewing thread of synthetic staple fibers not put up for retail sale, containing 85 percent or more by weight of polyester staple fibers.
606	Add 5402.10.30.40—synthetic filament yarn, not put up for retail sale, multifilament with twist of 5 turns or more per meter, high tenacity yarn of nylon or other polyamides.
	Delete 5402.10.30.60.
	Add 5402.10.30.40—high tenacity yarn of polyesters, multifilament with twist of 5 turns or more per meter.
	Delete 5402.20.30.60.
	Add 5402.20.30.40—high tenacity yarn of polyesters, multifilament with twist of 5 turns or more per meter.
	Add 5402.41.00.40—synthetic filament yarn, multifilament, with twist of 5 turns or more per meter.
	Delete 5402.41.00.60.
	Add 5402.43.00.40—synthetic filament yarn of polyesters, multifilament, with twist of 5 turns or more per meter.
	Delete 5402.43.00.60.
	Add 5402.49.00.40—synthetic filament yarn, not put up for retail sale, multifilament, with twist of 5 turns or more per meter.
	Delete 5402.49.00.60.
	Add 5403.10.30.40—artificial filament yarn, other than sewing thread, not put up for retail sale, high tenacity yarn of viscose rayon, multifilament, with twist of 5 turns or more per meter.
	Delete 5403.10.30.60.
	Add 5403.31.00.40—other single yarn of viscose rayon, untwisted or with a twist not exceeding 120 turns per meter, multifilament, with twist of 5 turns or more per meter.
	Delete 5403.31.00.60.
	Add 5403.33.00.40—other single yarn of cellulose acetate, multifilament, with twist of 5 turns or more per meter.
	Delete 5403.33.00.60.
	Add 5403.39.00.40—other single yarn, multifilament, with twist of 5 turns or more per meter.
	Delete 5403.39.00.60.
631	Add 6116.10.15.30—gloves, mittens and mitts, knitted or crocheted without fourchettes, subject to man-made fiber restraints cut or sewn from pre-existing machine-knit fabric that is impregnated, coated or covered with plastics or rubber, of vegetable fiber.
	Deleted 6116.10.20.20.
	Deleted 6116.10.20.60.
	Add 6116.10.25.30—gloves, mittens and mitts, knitted or crocheted, impregnated, coated or covered with plastics or rubber without fourchettes, subject to man-made fiber restraints cut and sewn from pre-existing machine-knit fabric that is covered with plastics or rubber.
	Add 6116.10.35.20—gloves, mittens and mitts, knitted or crocheted, impregnated, coated or covered with plastics or rubber, containing 50 percent or more by weight of cotton, man-made fiber, subject to man-made fiber restraints without fourchettes.
	Add 6116.10.45.20—gloves, mittens and mitts, knitted or crocheted, impregnated, coated or covered with plastics, with fourchettes, containing 50 percent or more by weight of cotton, man-made fiber, subject to man-made fiber restraints.
	Add 6216.00.15.30—gloves, mittens and mitts, impregnated, coated or covered with plastics or rubber, without fourchettes, cut and sewn from pre-existing machine-woven fabric that is impregnated, coated or covered with plastics or rubber, of vegetable fibers, subject to man-made fiber restraints.
	Add 6216.00.20.30—gloves, mittens and mitts, impregnated, coated or covered with plastics or rubber without fourchettes cut and sewn from pre-existing machine-woven fabric that is impregnated, coated or covered with plastics or rubber, other than vegetable fibers, subject to man-made fiber restraints.
	Delete 6216.00.25.60.
	Add 6216.00.30.20—gloves, mittens and mitts, impregnated, coated or covered with plastics or rubber, with fourchettes, containing 50 percent or more by weight of cotton, man-made fiber or any combination, subject to man-made fiber restraints.
651	Add 6107.22.00.15—boys' blanket sleepers of man-made fiber.
	Delete 6107.22.00.20.
	Add 6107.22.00.25—other boys' nightshirts and pajamas.
	Add 6108.32.00.15—girls' blanket sleepers of man-made fibers.
	Delete 6108.32.00.20.
	Add 6108.32.00.25—other girls' nightdresses and pajamas.
659	Add 6103.43.20.15—men's or boys' bib and brace overalls of synthetic fibers, insulated for cold weather protection.
	Add 6203.42.20.05—men's or boys' bib and brace overalls of cotton fibers, insulated for cold weather protection.
	Add 6203.43.20.05—men's or boys' bib and brace overalls of synthetic fibers, insulated for cold weather protection.
	Delete 6203.43.20.15.
	Add 6203.43.20.90—other boys' bib and brace overalls of synthetic fibers.
	Add 6203.49.10.05—men's and boys' bib and brace overalls of artificial fibers, insulated for cold weather protection.
	Delete 6203.49.10.15.
	Add 6203.49.10.90—men's or boys' bib and brace overalls of artificial fibers, insulated for cold weather protection.
	Delete 6204.62.20.15.
	Add 6204.63.15.05—women's or girls' bib and brace overalls of synthetic fibers, insulated for cold weather protection.
	Delete 6204.63.15.15.
	Add 6204.69.10.05—women's or girls' bib and brace overalls of artificial fibers insulated for cold weather protection.
	Delete 6204.69.10.15.
	Add 6211.33.00.17—boys' coveralls, jumpsuits and similar apparel of man-made fibers, other than size range 2–7.
665	Delete 5701.90.20.20.
	Add 5701.90.20.30—carpets and other textile floor coverings, hand hooked of man-made fibers.
	Delete 5702.42.20.00.
	Add 5702.42.20.10—carpets and other textile floor coverings, woven, not tufted or flocked, of man-made textile materials, of hand loomed chenille.
	Add 5702.42.20.90—carpets and other textile floor coverings, woven, not tufted or flocked, of man-made textile materials, other than hand-loomed chenille.
	Delete 5702.92.00.00.
	Add 5702.92.00.10—carpets and other textile floor coverings, woven, not tufted or flocked, not of pile construction, of man-made textile materials, woven but not made on a power-driven loom.
	Add 5702.92.00.90—carpets of other textile floor coverings, woven, not tufted or flocked, not a pile construction, of man-made textile materials.
669	Add 5810.10.00.10—embroidery in the piece, in strips or in motifs, labels and badges.
	Add 5810.92.00.10—embroidery in the piece, in strips or in motifs, or man-made fibers.
810	Delete 6002.20.90.00.
	Delete 6002.49.00.00.
	Delete 6002.99.00.00.
831	Add 6116.10.15.40—gloves, mittens and mitts, knitted or crocheted, impregnated, coated or covered with plastics or rubber, without fourchettes, of vegetable fibers cut or sewn from pre-existing machine-knit fabric that is impregnated, coated with plastics or rubber.
	Delete 6116.10.20.30.
	Delete 6116.10.20.70.
	Add 6116.10.25.40—gloves, mittens and mitts, knitted or crocheted, impregnated, coated or covered with plastics or rubber, without fourchettes, cut or sewn from pre-existing machines, knit fabric that is impregnated, coated or covered with plastics or rubber.

Category	Changes in the 1989 correlation
	Add 6116.10.35.30—gloves, mittens, and mitts, knitted or crocheted, impregnated, coated or covered with plastics or rubber, without fourchettes, containing 50 percent or more by weight of cotton, man-made fibers or other textile fibers, or any combination thereof.
	Add 6116.10.45.30—gloves, mittens and mitts, knitted or crocheted, impregnated, coated or covered with plastics, with fourchettes containing 50 percent or more by weight of cotton, man-made fibers or other textile fibers.
	6216.00.15.40—gloves, mittens and mitts, impregnated, coated or covered with plastics or rubber, without fourchettes, cut and sewn from pre-existing machine-woven fabric that is impregnated, coated or covered with plastics or rubber, of vegetable fibers.
	6216.00.20.40—gloves, mittens and mitts, impregnated, coated or covered with plastics or rubber, without fourchettes, cut and sewn from pre-existing machine-woven fabric that is impregnated, coated or covered with plastics or rubber, other than vegetable fibers.
	Delete 6216.00.25.70.
	Add 6216.00.30.30—gloves, mittens and mitts, impregnated, coated or covered with plastics or rubber, with fourchettes, containing 50 percent or more by weight of cotton, man-made fiber or any combination.
833	Add 6203.29.30.28—men's or boys' jackets and blazers described in heading 6203.
859	Delete 6117.10.30.30.
	Add 6117.10.60.20—shawls, scarves and mufflers, knitted or crocheted.
863	Add 6307.10.20.15—shop towels, dedicated for use in garages, filling stations and machine shops, other than cotton.
	Add 6307.10.20.28—dish cloths other than cotton.
899	Add 6002.20.90.00.
	Add 6002.49.00.00.
	Add 6002.99.00.00.

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-30264 Filed 12-30-88; 12:13 pm]

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Reader Aids

Federal Register

Vol. 54, No. 1

Tuesday, January 3, 1989

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FEDERAL REGISTER PAGES AND DATES, JANUARY

LIST OF PUBLIC LAWS

Note: The list of public laws enacted during the second session of the 100th Congress has been completed.

Last List November 30, 1988

The list will be resumed when bills are enacted into public law during the first session of the 101st Congress, which convenes on January 3, 1989. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $620.00 domestic, $155.00 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at **(202) 783-3238** from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$10.00	Jan. 1, 1988
3 (1987 Compilation and Parts 100 and 101)	11.00	[1] Jan. 1, 1988
4	14.00	Jan. 1, 1988
5 Parts:		
1–699	14.00	Jan. 1, 1988
700–1199	15.00	Jan. 1, 1988
1200–End, 6 (6 Reserved)	11.00	Jan. 1, 1988
7 Parts:		
0–26	15.00	Jan. 1, 1988
27–45	11.00	Jan. 1, 1988
46–51	16.00	Jan. 1, 1988
52	23.00	Jan. 1, 1988
53–209	18.00	Jan. 1, 1988
210–299	22.00	Jan. 1, 1988
300–399	11.00	Jan. 1, 1988
400–699	17.00	Jan. 1, 1988
700–899	22.00	Jan. 1, 1988
900–999	26.00	Jan. 1, 1988
1000–1059	15.00	Jan. 1, 1988
1060–1119	12.00	Jan. 1, 1988
1120–1199	11.00	Jan. 1, 1988
1200–1499	17.00	Jan. 1, 1988
1500–1899	9.50	Jan. 1, 1988
1900–1939	11.00	Jan. 1, 1988
1940–1949	21.00	Jan. 1, 1988
1950–1999	18.00	Jan. 1, 1988
2000–End	6.50	Jan. 1, 1988
8	11.00	Jan. 1, 1988
9 Parts:		
1–199	19.00	Jan. 1, 1988
200–End	17.00	Jan. 1, 1988
10 Parts:		
0–50	18.00	Jan. 1, 1988
51–199	14.00	Jan. 1, 1988
200–399	13.00	[2] Jan. 1, 1987
400–499	13.00	Jan. 1, 1988
500–End	24.00	Jan. 1, 1988
11	10.00	July 1, 1988
12 Parts:		
1–199	11.00	Jan. 1, 1988
200–219	10.00	Jan. 1, 1988
220–299	14.00	Jan. 1, 1988
300–499	13.00	Jan. 1, 1988
500–599	18.00	Jan. 1, 1988
600–End	12.00	Jan. 1, 1988
13	20.00	Jan. 1, 1988
14 Parts:		
1–59	21.00	Jan. 1, 1988
60–139	19.00	Jan. 1, 1988
140–199	9.50	Jan. 1, 1988
200–1199	20.00	Jan. 1, 1988
1200–End	12.00	Jan. 1, 1988
15 Parts:		
0–299	10.00	Jan. 1, 1988
300–399	20.00	Jan. 1, 1988
400–End	14.00	Jan. 1, 1988
16 Parts:		
0–149	12.00	Jan. 1, 1988
150–999	13.00	Jan. 1, 1988
1000–End	19.00	Jan. 1, 1988
17 Parts:		
1–199	14.00	Apr. 1, 1988
200–239	14.00	Apr. 1, 1988
240–End	21.00	Apr. 1, 1988
18 Parts:		
1–149	15.00	Apr. 1, 1988
150–279	12.00	Apr. 1, 1988
280–399	13.00	Apr. 1, 1988
400–End	9.00	Apr. 1, 1988
19 Parts:		
1–199	27.00	Apr. 1, 1988
200–End	5.50	Apr. 1, 1988
20 Parts:		
1–399	12.00	Apr. 1, 1988
400–499	23.00	Apr. 1, 1988
500–End	25.00	Apr. 1, 1988
21 Parts:		
1–99	12.00	Apr. 1, 1988
100–169	14.00	Apr. 1, 1988
170–199	16.00	Apr. 1, 1988
200–299	5.00	Apr. 1, 1988
300–499	26.00	Apr. 1, 1988
500–599	20.00	Apr. 1, 1988
600–799	7.50	Apr. 1, 1988
800–1299	16.00	Apr. 1, 1988
1300–End	6.00	Apr. 1, 1988
22 Parts:		
1–299	20.00	Apr. 1, 1988
300–End	13.00	Apr. 1, 1988
23	16.00	Apr. 1, 1988
24 Parts:		
0–199	15.00	Apr. 1, 1988
200–499	26.00	Apr. 1, 1988
500–699	9.50	Apr. 1, 1988
700–1699	19.00	Apr. 1, 1988
1700–End	15.00	Apr. 1, 1988
25	24.00	Apr. 1, 1988
26 Parts:		
§§ 1.0-1–1.60	13.00	Apr. 1, 1988
§§ 1.61–1.169	23.00	Apr. 1, 1988
§§ 1.170–1.300	17.00	Apr. 1, 1988
§§ 1.301–1.400	14.00	Apr. 1, 1988
§§ 1.401–1.500	24.00	Apr. 1, 1988
§§ 1.501–1.640	15.00	Apr. 1, 1988
§§ 1.641–1.850	17.00	Apr. 1, 1988
§§ 1.851–1.1000	28.00	Apr. 1, 1988
§§ 1.1001–1.1400	16.00	Apr. 1, 1988
§§ 1.1401–End	21.00	Apr. 1, 1988
2–29	19.00	Apr. 1, 1988
30–39	14.00	Apr. 1, 1988
40–49	13.00	Apr. 1, 1988
50–299	15.00	Apr. 1, 1988
300–499	15.00	Apr. 1, 1988
500–599	8.00	[3] Apr. 1, 1980
600–End	6.00	Apr. 1, 1988
27 Parts:		
1–199	23.00	Apr. 1, 1988
200–End	13.00	Apr. 1, 1988
28	25.00	July 1, 1988

Title	Price	Revision Date
29 Parts:		
0–99	17.00	July 1, 1988
100–499	6.50	July 1, 1988
500–899	24.00	July 1, 1987
900–1899	11.00	July 1, 1988
1900–1910	29.00	July 1, 1988
1911–1925	8.50	July 1, 1988
1926	10.00	July 1, 1988
1927–End	23.00	July 1, 1987
30 Parts:		
0–199	20.00	July 1, 1988
200–699	12.00	July 1, 1988
700–End	18.00	July 1, 1988
31 Parts:		
0–199	13.00	July 1, 1988
200–End	16.00	July 1, 1987
32 Parts:		
1–39, Vol. I	15.00	[4] July 1, 1984
1–39, Vol. II	19.00	[4] July 1, 1984
1–39, Vol. III	18.00	[4] July 1, 1984
1–189	20.00	July 1, 1987
190–399	23.00	July 1, 1987
400–629	21.00	July 1, 1987
630–699	13.00	[5] July 1, 1986
700–799	15.00	July 1, 1988
*800–End	16.00	July 1, 1988
33 Parts:		
1–199	27.00	July 1, 1988
200–End	19.00	July 1, 1987
34 Parts:		
1–299	20.00	July 1, 1987
300–399	11.00	July 1, 1987
400–End	23.00	July 1, 1987
35	9.50	July 1, 1988
36 Parts:		
1–199	12.00	July 1, 1988
200–End	20.00	July 1, 1988
37	13.00	July 1, 1988
38 Parts:		
0–17	21.00	July 1, 1987
18–End	19.00	July 1, 1988
39	13.00	July 1, 1988
40 Parts:		
1–51	21.00	July 1, 1987
52	26.00	July 1, 1987
53–60	24.00	July 1, 1987
61–80	12.00	July 1, 1988
81–99	25.00	July 1, 1987
100–149	23.00	July 1, 1987
150–189	18.00	July 1, 1987
190–299	24.00	July 1, 1988
300–399	8.50	July 1,1988
*400–424	21.00	July 1, 1988
425–699	21.00	July 1, 1988
700–End	27.00	July 1, 1987
41 Chapters:		
1, 1–1 to 1–10	13.00	[6] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[6] July 1, 1984
3–6	14.00	[6] July 1, 1984
7	6.00	[6] July 1, 1984
8	4.50	[6] July 1, 1984
9	13.00	[6] July 1, 1984
10–17	9.50	[6] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[6] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[6] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[6] July 1, 1984
19–100	13.00	[6] July 1, 1984
1–100	10.00	July 1, 1988
101	23.00	July 1, 1987
102–200	12.00	July 1, 1988
201–End	8.50	July 1, 1987

Title	Price	Revision Date
42 Parts:		
1–60	15.00	Oct. 1, 1987
61–399	5.50	Oct. 1, 1987
400–429	21.00	Oct. 1, 1987
430–End	14.00	Oct. 1, 1987
43 Parts:		
1–999	15.00	Oct. 1, 1987
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4000–End	11.00	Oct. 1, 1987
44	18.00	Oct. 1, 1987
45 Parts:		
1–199	14.00	Oct. 1, 1987
200–499	9.00	Oct. 1, 1987
500–1199	18.00	Oct. 1, 1987
1200–End	14.00	Oct. 1, 1987
46 Parts:		
1–40	13.00	Oct. 1, 1987
41–69	13.00	Oct. 1, 1987
70–89	7.00	Oct. 1, 1987
90–139	12.00	Oct. 1, 1987
140–155	12.00	Oct. 1, 1987
156–165	14.00	Oct. 1, 1987
166–199	13.00	Oct. 1, 1987
200–499	19.00	Oct. 1, 1987
500–End	10.00	Oct. 1, 1987
47 Parts:		
0–19	17.00	Oct. 1, 1987
20–39	21.00	Oct. 1, 1987
40–69	10.00	Oct. 1, 1987
70–79	17.00	Oct. 1, 1987
80–End	20.00	Oct. 1, 1987
48 Chapters:		
1 (Parts 1–51)	26.00	Oct. 1, 1987
1 (Parts 52–99)	16.00	Oct. 1, 1987
2 (Parts 201–251)	17.00	Oct. 1, 1987
2 (Parts 252–299)	15.00	Oct. 1, 1987
3–6	17.00	Oct. 1, 1987
7–14	24.00	Oct. 1, 1987
15–End	23.00	Oct. 1, 1987
49 Parts:		
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100–177	25.00	Oct. 1, 1987
178–199	19.00	Oct. 1, 1987
200–399	17.00	Oct. 1, 1987
400–999	22.00	Oct. 1, 1987
1000–1199	17.00	Oct. 1, 1987
1200–End	18.00	Oct. 1, 1987
50 Parts:		
1–199	16.00	Oct. 1, 1987
200–599	12.00	Oct. 1, 1987
600–End	14.00	Oct. 1, 1987
CFR Index and Findings Aids	28.00	Jan. 1, 1988
Complete 1989 CFR set	620.00	1989
Microfiche CFR Edition:		
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Subscription (mailed as issued)	185.00	1987
Subscription (mailed as issued)	185.00	1988
Subscription (mailed as issued)	188.00	1988–1988
Individual copies	3.75	1988

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1987. The CFR volume issued January 1, 1987, should be retained.

[3] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1988. The CFR volume issued as of Apr. 1, 1980, should be retained.

[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] No amendments to this volume were promulgated during the period July 1, 1986 to June 30, 1988. The CFR volume issued as of July 1, 1986, should be retained.

[6] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

CFR ISSUANCES 1989
Complete Listing of 1988 Editions and Projected January, 1989 Editions

This list sets out the CFR issuances for the 1988 editions and projects the publication plans for the **January, 1989** quarter. A projected schedule that will include the **April, 1989** quarter will appear in the first **Federal Register** issue of April.

For pricing information on available 1988–1989 volumes consult the CFR checklist which appears every Monday in the Federal Register.

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The weekly CFR checklist or the monthly List of CFR Sections Affected will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1–16—January 1
Titles 17–27—April 1
Titles 28–41—July 1
Titles 42–50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

*Indicates volume is still in production.

Titles revised as of January 1, 1988:

Title	
CFR Index	1–199
	200–End
1–2	
	10 Parts:
3 (Compilation)	0–199
	200–399 (Cover only)
4	400–499
	500–End
5 Parts:	
1–1199	**11**
1200–End	
	12 Parts:
6 [Reserved]	1–199
	200–299
7 Parts:	300–499
0–45	500–End
46–51	
52	**13**
53–209	
210–299	**14 Parts:**
300–399	1–59
400–699	60–139
700–899	140–199
900–999	200–1199
1000–1059	1200–End
1060–1119	
1120–1199	**15 Parts:**
1200–1499	0–299
1500–1899	300–399
1900–1944	400–End
1945–End	
	16 Parts:
8	0–149
	150–999
9 Parts:	1000–End

Titles revised as of April 1, 1988:

Title	
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	18 Parts:
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	19 Parts:
1–199	**25**
200–End	
	26 Parts:
	1 (§§ 1.0–1–1.60)
20 Parts:	1 (§§ 1.61–1.169)
1–399	1 (§§ 1.170–1.300)
400–499	1 (§§ 1.301–1.400)
500–End	1 (§§ 1.401–1.500)
	1 (§§ 1.501–1.640)
21 Parts:	1 (§§ 1.641–1.850)
1–99	1 (§§ 1.851–1.1000)
100–169	1 (§§ 1.1001–1.1400)
170–199	1 (§ 1.1401–End)
200–299	2–29
300–499	30–39
500–599	40–49
600–799	50–299
800–1299	300–499
1300–End	500–599 (Cover only)
	600–End
22 Parts:	
1–299	**27 Parts:**
300–End	1–199
	200–End
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Titles revised as of July 1, 1988:

Title	
28	400–End*
	35
29 Parts:	
0–99	**36 Parts:**
100–499	1–199
500–899	200–End
900–1899	
1900–1910	**37**
1911–1925	
1926	**38 Parts:**
1927–End*	0–17*
	18–End
30 Parts:	
0–199	**39**
200–699	
700–End	**40 Parts:**
	1–51
31 Parts:	52
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200–End	61–80
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32 Parts:	100–149*
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190–399*	190–299
400–629	300–399
630–699 (Cover only)	400–424
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800–End	700–End*
33 Parts:	
1–199	**41 Parts:**
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	Ch. 101*
34 Parts:	Chs. 102–200
1–299*	Ch. 201–End*
300–399	

Titles revised as of October 1, 1988:

Title

42 Parts:
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1–999*
1000–3999*
4000–End*

44*

45 Parts:
1–199*
200–499*
500–1199*
1200–End*

46 Parts:
1–40*
41–69*
70–89*
90–139
140–155*
156–165*
166–199*
200–499*
500–End

47 Parts:
0–19*
20–39*
40–69*
70–79*
80–End*

48 Parts:
Ch. 1 (1–51)*
Ch. 1 (52–99)*
Ch. 2 (201–251)*
Ch. 2 (252–299)*
Chs. 3–6*
Chs. 7–14*
Ch. 15–End*

49 Parts:
1–99*
100–177*
178–199*
200–399*
400–999*
1000–1199*
1200–End*

50 Parts:
1–199*
200–599*
600–End*

Projected January 1, 1989 editions:

Title

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1–2 (Revised as of February 1, 1989) 1–199
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3 (Compilation)

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5 Parts:
1–699
700–1199
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6 [Reserved]

7 Parts:
0–26
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700–899
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9 Parts:

10 Parts:
0–50
51–199
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400–499
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12 Parts:
1–199
200–219
220–299
300–499
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600–End

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14 Parts:
1–59
60–139
140–199
200–1199
1200–End

15 Parts:
0–299
300–399
400–End

16 Parts:
0–149
150–999
1000–End

TABLE OF EFFECTIVE DATES AND TIME PERIODS—JANUARY 1989

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
January 3	January 18	February 2	February 17	March 6	April 3
January 4	January 19	February 3	February 21	March 6	April 4
January 5	January 23	February 6	February 21	March 6	April 5
January 6	January 23	February 6	February 21	March 7	April 6
January 9	January 24	February 8	February 23	March 10	April 10
January 10	January 25	February 9	February 24	March 13	April 10
January 11	January 26	February 10	February 27	March 13	April 11
January 12	January 27	February 13	February 27	March 13	April 12
January 13	January 30	February 13	February 27	March 14	April 13
January 17	February 1	February 16	March 3	March 20	April 17
January 18	February 2	February 17	March 6	March 20	April 18
January 19	February 3	February 21	March 6	March 20	April 19
January 23	February 7	February 22	March 9	March 24	April 24
January 24	February 8	February 23	March 10	March 27	April 24
January 25	February 9	February 24	March 13	March 27	April 25
January 26	February 10	February 27	March 13	March 27	April 26
January 27	February 13	February 27	March 13	March 28	April 27
January 30	February 14	March 1	March 16	March 31	May 1
January 31	February 15	March 2	March 17	April 3	May 1