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Contents

Federal Register

Vol. 54, No. 50

Thursday, March 16, 1989

Administrative Conference of the United States
NOTICES
Meetings:
Ethics in Government Special Committee, 11022
Rulemaking Committee, 11022

Agency for International Development
NOTICES
Housing guaranty programs:
Jamaica, 11088

Agricultural Marketing Service
RULES
Onions (Vidalia) grown in Georgia, 10972
Oranges (navel) grown in Arizona and California, 10971
PROPOSED RULES
Grapes grown in California, 11004

Agricultural Stabilization and Conservation Service
PROPOSED RULES
Marketing quotas and acreage allotments:
Flue-cured and barley tobacco, 11001

Agriculture Department
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service

Animal and Plant Health Inspection Service
PROPOSED RULES
Plant-related quarantine, domestic:
Varroa mite (honeybee parasite), 10992

Army Department
NOTICES
Meetings:
Coastal Engineering Research Board, 11030
Patent licenses, exclusive:
Great Lakes IPM, 11030

Census Bureau
NOTICES
Committees; establishment, renewal, termination, etc.:
American Economic Association Advisory Committees et al., 11023

Centers for Disease Control
NOTICES
Committees; establishment, renewal, termination, etc.:
Minority Health Grant Review Committee, 11077

Civil Rights Commission
NOTICES
Meetings; Sunshine Act, 11107

Commerce Department
See also Census Bureau; Export Administration Bureau; International Trade Administration; National Oceanic and Atmospheric Administration; Patent and Trademark Office
NOTICES
Organization, functions, and authority delegations:
Assistant Secretary for Administration et al., 11022

Defense Department
See Army Department; Navy Department

Drug Enforcement Administration
PROPOSED RULES
Prescriptions:
Issuance of Schedule II prescriptions, 11006

Economic Regulatory Administration
NOTICES
Consent orders:
Howell Corp., 11036

Education Department
NOTICES
Agency information collection activities under OMB review, 11032
Meetings:
International Education Programs National Advisory Board, 11033

Employment Standards Administration
See Wage and Hour Division

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department
NOTICES
Electricity export and import authorizations, permits, etc.:
Imperial Irrigation District, CA, 11033
Natural gas exportation and importation:
Chevron Natural Gas Services, Inc., 11034
Powerplant and industrial fuel use; new electric powerplant coal capability; compliance certifications:
Empire Energy Niagara Limited Partnership et al., 11035

Environmental Protection Agency
RULES
Air programs; State authority delegations:
Colorado, 10985
Air quality implementation plans; approval and promulgation; various States:
Kentucky, 10982
North Carolina, 10983
Hazardous waste program authorizations:
Kentucky, 10986
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Connecticut, 11016
Rhode Island, 11018
NOTICES
Toxic and hazardous substances control:
Premanufacture notices; monthly status reports, 11110

Executive Office of the President
See Trade Representative, Office of United States

Export Administration Bureau
NOTICES
Export privileges, actions affecting:
Shehadeh, Nabila Mango, et al., 11023

Meetings:
Telecommunications Equipment Technical Advisory Committee, 11023, 11024 (2 documents)

Family Support Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Low income home energy assistance, 1990 FY State median income, 11078

Federal Aviation Administration
RULES
Air carrier certification and operations:
Foreign air carriers and operators written security program, 11116
PROPOSED RULES
Transition area, 11005
NOTICES
Grants and cooperative agreements; availability, etc.:
Airport improvement program, 11105

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 11107

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 11107

Federal Energy Regulatory Commission
NOTICES
Electric rate, small power production, and interlocking directorate filings, etc.:
Northern State Power Co. et al., 11041
Natural gas certificate filings:
Panhandle Eastern Pipe Line Co. et al., 11043
Natural Gas Policy Act:
Self-implementing transactions, 11049
Applications, hearings, determinations, etc.:
Algonquin Gas Transmission Co., 11058
Bangor-Pacific Hydro Associates, 11058
Blandin Paper Co., 11058
Columbia Gulf Transmission Co., 11058
Gasdel Pipeline System, Inc., 11059
Georgia Power Co., 11059
Granite State Gas Transmission, Inc., 11059
LIDO-Atlantic Trading Co. et al., 11060
Natural Gas Pipeline Co. of America, 11060
Niagara Mohawk Power Corp., 11060
Rochester Gas & Electric Corp., 11061
Texas Gas Transmission Corp., 11061
TXG Gas Marketing Co. et al., 11061
UtiliCorp United Inc., 11062
West Texas Utilities Co., 11062
Williams Natural Gas Co., 11062

Federal Highway Administration
PROPOSED RULES
Motor vehicles; commercial; inspection, repair and maintenance, 11020
NOTICES
Environmental statements; availability, etc.:
Etowah County, AL, 11105

Federal Home Loan Bank Board
NOTICES
Conservator appointments:
American Federal Savings & Loan Association, 11069
American Savings & Loan Association of Brazoria County, 11069
BancPlus Savings Association, 11070
Bankers Savings & Loan Association, 11070
Bayshore Savings Association, 11070
Benjamin Franklin Savings Association, 11070
Century Savings & Loan Association, 11070
Citizens of Texas Savings & Loan Association, 11070
City Savings Association, 11070
Colorado Savings & Loan Association, 11070
Commerce Savings Association, 11070
Commonwealth Savings & Loan Association, 11071
Commonwealth Savings Association, 11071
Concord-Liberty Savings & Loan Association, 11071
Continental Savings & Loan Association, 11071
Elmwood Federal Savings & Loan Association, 11071
First Capital Savings & Association of Texas, 11071
First Equity Savings Association, 11071
First Federal Bank of Alaska, SB, 11071
First Federal Savings & Loan Association, 11072 (2 documents)
Fontainebleau Federal Savings Bank, 11072
Gilbraltar Federal Savings Bank, 11072
Hill Financial Savings Association, 11072
Humble Savings & Loan Association, 11072
Landmark Savings Bank, FSB, 11072
Liberty Bell Savings Association, 11072
Liberty County Federal Savings & Loan Association, 11072
Lincoln Federal Savings & Loan Association, 11072
Midwest Federal Savings & Loan Association, 11073
Mission Savings Association, 11073
Otero Savings, a Federal Savings & Loan Association, 11073
Padre Federal Savings & Loan Association, 11073
Peoples Savings & Loan Association, 11073
Phenix Federal Savings & Loan Association, F.A., 11073
Rocky Mountain Savings, a Federal Savings Bank, 11073
Shawnee Federal Savings & Loan Association, 11073
Southeastern Savings Association, 11074
Spring Branch Savings & Loan Association, 11074
Sun Country Savings Bank of New Mexico Federal Savings Bank, 11074
Sun Savings & Loan Association, 11074
Trinity Valley Savings & Loan Associatino, 11074
Valley Federal Savings & Loan Association, 11074
Valley Federal Savings Bank, 11074
Village Savings Bank, F.S.B., 11074
Western Gulf Savings & Loan Association, 11074
Receiver appointments:
Carver Savings & Loan Association, 11075
Manhattan Beach Savings & Loan Association, 11075
Mid-State Savings & Loan Associatino, 11075

Federal Reserve System
NOTICES
Meetings:
Consumer Advisory Council, 11075
Applications, hearings, determinations, etc.:
Ashley, J.G., Jr., et al., 11075
BT Financial Corp. et al., 11076
Community Financial Corp., 11076
Midlantic Corp. et al., 11077

Fish and Wildlife Service
NOTICES
Agency information collection activities under OMB review, 11086

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
Tylosin, 10979
NOTICES
Meetings:
Advisory committees, panels, etc., 11078

Health and Human Services Department
See Centers for Disease Control; Family Support Administration; Food and Drug Administration; Health Resources and Services Administration; Public Health Service

Health Resources and Services Administration
See also Public Health Service
NOTICES
Meetings; advisory committees:
May, 11079

Hearings and Appeals Office, Energy Department
NOTICES
Cases filed, 11062, 11064
(2 documents)
Decisions and orders, 11065

Housing and Urban Development Department
NOTICES
Organization, functions, and authority delegations:
Regional offices, etc.; order of succession—
Atlanta; correction, 11108

Immigration and Naturalization Service
RULES
Nonimmigrant classes:
Admission, extension, and maintenance of status; definition of trade, 10978

Indian Affairs Bureau
NOTICES
Irrigation projects; operation and maintenance charges:
Crow Agency, MT, 11081

Interior Department
See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Minerals Management Service; National Park Service
RULES
Acquisition regulations:
Aircraft and general liability insurance, 10988

Internal Revenue Service
RULES
Income taxes:
Subsidiary stock; after sale distributions; consolidated return, 10980
PROPOSED RULES
Income taxes:
Subsidiary stock; after sale distributions; consolidated return, 11007

International Development Cooperation Agency
See Agency for International Development

International Trade Administration
NOTICES
Countervailing duties:
Fresh, chilled, and frozen pork, from Canada, 11024
Export trade certificates of review, 11024
(2 documents)

Justice Department
See Drug Enforcement Administration; Immigration and Naturalization Service; Juvenile Justice and Delinquency Prevention Office

Juvenile Justice and Delinquency Prevention Office
NOTICES
Meetings:
Coordinating Council; correction, 11108

Labor Department
See also Wage and Hour Division; Workers' Compensation Programs Office
NOTICES
Workforce Quality and Labor Market Efficiency Commission; hearings, 11154

Land Management Bureau
RULES
Public land orders:
Arizona, 10988
NOTICES
Closure of public lands:
Arizona, 11082
Meetings:
Burley District Grazing Advisory Board, 11082
Realty actions; sales, leases, etc.:
Arizona, 11082
California, 11083
Idaho, 11084
Survey plat filings:
Colorado, 11084
Wyoming, 11084
Withdrawal and reservation of lands:
Wyoming, 11085

Minerals Management Service
NOTICES
Meetings:
Outer Continental Shelf Advisory Board Policy Committee, 11086

National Aeronautics and Space Administration
NOTICES
Environmental statements; availability, etc.:
Space Shuttle Advanced Solid Rocket Motor (ASRM) program, 11089

National Archives and Records Administration
NOTICES
Meetings:
Presidential Libraries Advisory Committee, 11090

National Institute for Occupational Safety and Health
See Centers for Disease Control

National Oceanic and Atmospheric Administration
RULES
Pacific Salmon Commission:
Fraser River sockeye and pink salmon, 10989
NOTICES
Coastal zone management programs and estuarine sanctuaries:
Consistency appeals—
Copenhagen, Paul, 11028

Thompson, Cynthia B., 11029
Environmental statements; availability, etc.:
Western Pacific precious corals, 11029
Meetings:
Mid-Atlantic Fishery Management Council, 11029

National Park Service
NOTICES
Management plans; availability, etc.:
Canyon de Chelly National Monument, AZ, 11086
Meetings:
Acadia National Park Advisory Commission, 11087
Delta Region Preservation Commission, 11087
Farmington River Study Committee, 11087

National Science Foundation
NOTICES
Meetings:
Advanced Scientific Computing Advisory Panel, 11090
Developmental Biology Advisory Panel, 11090
Developmental Neuroscience Advisory Panel, 11090
Mathmatical Sciences Advisory Committee, 11091
Population Biology and Physiological Ecology Advisory Panel, 11091

Navy Department
NOTICES
Inventions, Government-owned; availability for licensing, 11030
Meetings:
Chief of Naval Operations Executive Panel Advisory Committee, 11032
Naval Research Advisory Committee, 11032

Nuclear Regulatory Commission
NOTICES
Agency information collection activities under OMB review, 11091, 11092
(2 documents)
Environmental statements; availability, etc.:
Georgia Power Co. et al., 11093
System Energy Resources, Inc., et al., 11092
Meetings:
Nuclear Waste Advisory Committee, 11094
Operating licenses, amendments; no signifiant hazards considerations; biweekly notices; correction, 11094
Applications, hearings, determinations, etc.:
Duquesne Light Co. et al., 11094
Wisconsin Electric Power Co., 11095

Office of United States Trade Representative
See Trade Representative, Office of United States

Patent and Trademark Office
PROPOSED RULES
Patent and trademark cases:
Judicial review of Board of Patent Appeals and Interferences and Trademark Trial and Appeal Board decisions, 11009

Personnel Management Office
NOTICES
Senior Executive Service:
Career reserved positions; list, 11124

Public Health Service
See also Centers for Disease Control; Food and Drug Administration; Health Resources and Services Administration
NOTICES
National Vaccine Injury Compensation Program; list of petitions received, 11080
Organization, functions, and authority delegations:
Scientific Integrity Office, 11080

Railroad Retirement Board
NOTICES
Agency information collection activities under OMB review, 11096
Supplemental annuity program; determination of quarterly rate of excise tax, 11096

Securities and Exchange Commission
NOTICES
Applications, hearings, determinations, etc.:
DLJ Acceptance Corp. et al., 11096
Southwestern Life Insurance Co. et al., 11100
Western Capital Specialty Managers Trust et al., 11102

State Department
NOTICES
Meetings:
Fine Arts Committee, 11104
Inter-American Tropical Tuna Commission, United States National Section Advisory Committee, 11104
International Telegraph and Telephone Consultative Committee, 11104

State Justice Institute
NOTICES
Meetings; Sunshine Act, 11107

Tennessee Valley Authority
NOTICES
Meetings; Sunshine Act, 11107

Trade Representative, Office of United States
NOTICES
Unfair trade practices, petitions, etc.:
European Community oilseeds case and Korean bovine meat; investigation deadlines, 11105

Transportation Department
See Federal Aviation Administration; Federal Highway Administration

Treasury Department
See Internal Revenue Service

Wage and Hour Division
PROPOSED RULES
Homeworkers; employment in industries:
Women's apparel industry, 11008

Workers' Compensation Programs Office
NOTICES
Computer matching project involving beneficiaries and subscribers:
Federal Employees' Compensation Act; California Employment Development Department; report, 11088

Separate Parts in This Issue

Part II
Environmental Protection Agency, 11110

Part III
Department of Transportation, Federal Aviation Administration, 11116

Part IV
Office of Personnel Management, 11124

Part V
Department of Labor, 11154

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

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.

7 CFR
907.....10971
955.....10972
Proposed Rules:
301.....10992
725.....11001
726.....11001
925.....11004

8 CFR
214.....10978

14 CFR
129.....11116
Proposed Rules:
71.....11005

21 CFR
558.....10979
Proposed Rules:
1306.....11006

26 CFR
1.....10980
Proposed Rules:
1.....11007

29 CFR
Proposed Rules:
530.....11008

37 CFR
Proposed Rules:
1.....11009
2.....11009

40 CFR
52 (2 documents).....10982, 10983
61.....10985
271.....10986
Proposed Rules:
52 (2 documents).....11016, 11108

43 CFR
Public Land Order:
6711.....10988

48 CFR
1428.....10988
1452.....10988

49 CFR
Proposed Rules:
396.....11020

50 CFR
371.....10989

Rules and Regulations

Federal Register
Vol. 54, No. 50
Thursday, March 16, 1989

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 691, Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 691, Amendment 1, increases the quantity of California-Arizona navel oranges that may be shipped to market during the period March 10 through March 16, 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 691, Amendment 1, (§ 907.991) is effective for the period March 10 through March 16, 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 amendment 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 conducted a telephone vote on March 10, 1989, to consider the current and prospective conditions of supply and demand and recommended, by an eight to three vote, an increase in the quantity of navel oranges deemed advisable to be handled in District 1 during the specified week. The Committee reports that demand for navel oranges has increased and the market is stronger.

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, 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. 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 907.991 is revised to read as follows:

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

§ 907.991 Navel Orange Regulation 691, Amendment 1.

The quantity of navel oranges grown in California and Arizona which may be handled during the period March 10, 1989, through March 16, 1989, is established as follows:

(a) District 1: 1,628,000 cartons;
(b) District 2: 222,000 cartons;
(c) District 3: unlimited cartons;
(d) District 4: unlimited cartons.

Dated: March 10, 1989.

Robert C. Keeney,
Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89–6217 Filed 3–15–89; 8:45 am]
BILLING CODE 3410–02–M

7 CFR Part 955

[Docket No. FV-AO-88-3; FV-88-108]

Vidalia Onions Grown in Georgia; Interim Order

AGENCY: Agricultural Marketing Service (AMS), USDA.

ACTION: Interim final rule.

SUMMARY: This rule establishes, on an interim basis, a Federal marketing order for Vidalia onions grown in a designated part of Georgia. The order provides for a nine member committee for local administration consisting of eight growers, of whom at least four must also be handlers, and a public member. The order authorizes production and marketing research and promotion projects including paid advertising for Vidalia onions. The program will be financed by assessments levied on Vidalia onion handlers. A primary objective of this program is to improve grower returns by strengthening consumer demand through various promotion activities and by reducing costs through production and marketing research. Vidalia onion producers approved the interim marketing order in a referendum held March 1–3, 1989.

DATES: The interim final order is effective on March 16, 1989. Written exceptions to the tentative decision must be received by June 30, 1989.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Johnson, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone 202–447–5331.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued August 19, 1988, and published in the **Federal Register** on August 23, 1988 (53 FR 32054); and Tentative Decision and Referendum Order—issued February 21, 1989, and published in the **Federal Register** on February 24, 1989 (54 FR 8160).

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code, and therefore is excluded from the requirements of Executive Order 12291.

Preliminary statement

This interim final rule was formulated on the record of a public hearing held at the Toombs County Courthouse in Lyons, Georgia, on September 20–21, 1988. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), hereinafter referred to as the "Act," and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900). The Notice of Hearing contained an order proposal submitted by a group of Georgia Vidalia onion producers and handlers known as FAVOR (Farmers Allied for the Vidalia Onion Referendum). The principal feature of the proposal was the authority to collect assessments from handlers of Vidalia onions grown in a designated part of Georgia to fund research and promotion projects.

Upon the basis of evidence introduced at the hearing and the record thereof, the Deputy Assistant Secretary for Marketing and Inspection Services on February 21, 1989, filed with the Hearing Clerk, U.S. Department of Agriculture, a Tentative Decision and Referendum Order, directing that a referendum be conducted during the period March 1–3, 1989, among producers of Vidalia onions grown in a designated part of Georgia to determine whether they favored issuance of the proposed interim marketing order. In the referendum, the marketing order was favored by more than two-thirds of the producers voting in the referendum. Also, producers of more than two-thirds of the production represented in the referendum favored the interim order. The tentative marketing agreement was signed by handlers who, during the representative period, handled not less than 50 percent of the volume of Vidalia onions covered by this interim order.

The interim order will be effective on an interim basis for the 1989 season which begins in April. Finalizing the proposed marketing order and agreement will depend upon consideration of the written exceptions received by June 30, 1989, in response to the Tentative Decision and upon a favorable vote by growers in a subsequent referendum.

Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), 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. As stated in the Notice of Hearing, interested persons were invited to present evidence at the hearing on the probable impact of the regulatory and informational requirements of the proposed order on small business for purposes of the RFA. In that regard, such evidence was considered in arriving at the findings and conclusions contained in the Tentative Decision. Those findings and conclusions are incorporated herein.

There are approximately 160 handlers and 260 producers of Vidalia onions in that portion of Georgia covered by the interim order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having average gross annual revenues for the last three fiscal years of less than $500,000. The majority of Georgia Vidalia onion producers would be classified as small entities. Small agricultural service firms, which would include handlers under this order, are defined as those with gross annual revenues of less than $3.5 million. Almost all of the handlers of Vidalia onions would be classified as small agricultural service firms.

In compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements contained in this interim order have been approved by the Office of Management and Budget and have been assigned OMB No. 0581–0160.

Findings and Determinations

(a) Findings Upon the Basis of the Hearing Record

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order, regulating the handling of Vidalia onions grown in a designated area of Georgia.

Upon the basis of the evidence introduced at the hearing and the record thereof, it is found that:

(1) The tentative marketing agreement and interim order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The tentative marketing agreement and interim order regulate the handling of Vidalia onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The tentative marketing agreement and interim order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area

would not effectively carry out the declared policy of the Act;

(4) There are no differences in the production and marketing of Vidalia onions grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of Vidalia onions grown in the production area is in the current of interstate commerce or directly burdens, obstructs, or affects such commerce.

(b) Additional Findings

It is necessary and in the public interest to make this interim order effective March 16, 1989. Any delay beyond that date would interfere with accomplishing the objectives of the order and the Act.

The provisions of this interim order are known to handlers. The tentative decision of the Deputy Assistant Secretary contained all provisions of this interim order and was issued on February 21, 1989 (54 FR 8160). The tentative decision concluded that it is necessary for the interim order to be implemented during the 1989 season, which begins in April. To accomplish this objective, it is necessary to make this interim order effective as soon as possible to provide adequate time to appoint a committee, approve a budget, and establish an assessment rate prior to the date shipments of the 1988–89 crop begin.

In view of the foregoing, it is hereby found and determined that good cause exists for making this interim order effective March 16, 1989, and that it would be contrary to the public interest to delay the effective date of this interim order for 30 days after its publication in the **Federal Register** [Section 553(d) Administrative Procedure Act, 5 U.S.C. 551–559].

(c) Determinations

It is hereby determined that: (1) The "Tentative Marketing Agreement Regulating the Handling of Vidalia Onions Grown in Georgia," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Vidalia onions covered by the order) who during the period September 1, 1987 through August 31, 1988, handled not less than 50 percent of the volume of Vidalia onions covered by this interim order, and

(2) The issuance of this interim order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the period September 1, 1987 through August 31, 1988 (which has been deemed to be a representative period), have been engaged within the designated area in Georgia in the production of Vidalia onions for market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

List of Subjects in 7 CFR Part 955

Marketing agreements and orders, Vidalia onions, Georgia.

Interim Order Relative to Handling of Vidalia Onions Produced in Georgia

It is therefore ordered, That on and after the effective date hereof, the handling of Vidalia onions grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said interim order, as follows:

The provisions of the interim order are set forth in full herein. Sections 955.90, 955.91, and 955.92 apply to the tentative marketing agreement.

Therefore, Title 7, Chapter IX is amended by adding Part 955 to read as follows:

Note: This part will appear in the annual Code of Federal Regulations.

PART 955—VIDALIA ONIONS GROWN IN GEORGIA

Definitions

Sec.

955.1 Secretary.
955.2 Act.
955.3 Person.
955.4 Production area.
955.5 Vidalia onion.
955.6 Handler.
955.7 Handle.
955.9 Producer.
955.10 Producer-Handler.
955.12 Committee.
955.13 Fiscal period.

Committee

955.20 Establishment and membership.
955.21 Term of office.
955.22 Nominations.
955.23 Selection.
955.24 Acceptance.
955.25 Alternates.
955.26 Vacancies.
955.27 Failure to nominate.
955.28 Procedure.
955.29 Expenses.
955.30 Powers.
955.31 Duties.

Expenses and Assessments

955.40 Expenses.
955.41 Budget.
955.42 Assessments.
955.43 Accounting.
955.44 Excess funds.

Sec.
955.45 Contributions.

Research and Development

955.50 Research and development.

Reports and Recordkeeping

955.60 Reports and recordkeeping.

Miscellaneous Provisions

955.71 Termination or suspension.
955.72 Proceedings after termination.
955.73 Effect of termination or amendment.
955.80 Compliance.
955.81 Right of the Secretary.
955.82 Duration of immunities.
955.83 Agents.
955.84 Derogation.
955.85 Personal liability.
955.86 Separability.
955.87 Amendments.

Marketing Agreement

955.90 Counterparts.
955.91 Additional parties.
955.92 Order with marketing agreement.

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

Definitions

§ 955.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department of Agriculture who has been delegated, or who may hereafter be delegated, the authority to act for the Secretary.

§ 955.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended [Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 *et seq.*].

§ 955.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 955.4 Production area.

"Production area" means that part of the State of Georgia enclosed by the following boundaries: Beginning at a point in Laurens County where U.S. Highway 441 intersects Highway 16; thence continue southerly along U.S. Highway 441 to a point where it intersects the southern boundary of Laurens County; thence southwesterly along the border of Laurens County to a point where it intersects the county road known as Jay Bird Springs Road; thence southeasterly along Jay Bird Springs Road to a point where it intersects U.S. Highway 23; thence easterly to a point where U.S. Highway 23 intersects the western border of Telfair County; thence southwesterly following the western and southern border of Telfair County to a

point where it intersects with Jeff Davis County; thence following the southern border of Jeff Davis County to a point where it intersects with the western border of Bacon County; thence southerly and easterly along the border of Bacon County to a point where it intersects Georgia State Road 32; thence easterly along Georgia State Road 32 to Seaboard Coastline Railroad; thence northeasterly along the tracks of Seaboard Coastline Railroad to a point where they intersect Long County and Liberty County; thence northwesterly and northerly along the southwestern border of Liberty County to a point where the border of Liberty County intersects the southern border of Evans County; thence northeasterly along the eastern border of Evans County to the intersection of the Bulloch County border; thence northeasterly along the Bulloch County border to a point where it intersects with the Ogeechee River; thence northerly along the main channel of the Ogeechee River to a point where it intersects with the southeastern border of Screven County; thence northeasterly along the southeasterly border of Screven County to the main channel of the Savannah River; thence northerly along the main channel of the Savannah River to a point where the northwestern boundary of Hampton County, South Carolina intersects the Savannah River; thence due west to a point where State Road 24 intersects Brannen Bridge Road; thence westerly along Brannen Bridge Road to a point where it intersects with State Road 21; thence westerly along State Road 21 to the intersection of State Road 17; thence westerly along State Road 17 to the intersection of State Road 56 and southerly to the northern border of Emanuel County; thence westerly and southerly along the border of Emanuel County to a point where it intersects the Treutlen County border; thence southerly to a point where the Treutlen County border intersects Interstate Highway 16; thence westerly to the point of beginning in Laurens County.

§ 955.5 Vidalia onion.

"Vidalia onion" means all varieties of *Allium cepa* of the hybrid yellow granex, granex parentage or any other similar variety recommended by the committee and approved by the Secretary, that are grown in the production area.

§ 955.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of Vidalia onions owned by another person) who handles Vidalia onions, or causes Vidalia onions to be handled.

§ 955.7 Handle.

"Handle" or "ship" means to package, load, sell, transport, or in any other way to place Vidalia onions, or cause Vidalia onions to be placed, in the current of commerce within the production area or between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery of field-run Vidalia onions to a person within the production area for the purpose of having such Vidalia onions prepared for market.

§ 955.9 Producer.

"Producer" is synonymous with "grower" and means any person engaged in a proprietary capacity in the production of Vidalia onions for market.

§ 955.10 Producer-Handler.

"Producer-Handler" means a producer who handles Vidalia onions.

§ 955.12 Committee.

"Committee" means the Vidalia Onion Committee, established pursuant to § 955.20.

§ 955.13 Fiscal period.

"Fiscal period" means the 12-month period beginning on September 16 and ending on September 15 of the next year or such other period that may be recommended by the committee and approved by the Secretary.

Committee

§ 955.20 Establishment and membership.

(a) There is hereby established a Vidalia Onion Committee, consisting of nine members, to administer the terms and provisions of this part. Eight members shall be producers, and one shall be a public member. At least four of the producer members shall be producer-handlers. Each member shall have an alternate who shall have the same qualifications as the member.

(b) Each member, other than the public member, shall be an individual who is, prior to selection and during such member's term of office, a resident of the production area and a grower or an officer or employee of a grower.

(c) The public member shall be a resident of the production area and shall have no direct financial interest in the commercial production, financing, buying, packing or marketing of Vidalia onions, except as a consumer, nor shall such person be a director, officer or employee of any firm so engaged.

§ 955.21 Term of office.

(a) Except as otherwise provided in paragraph (b) of this section, the term of office of committee members and their respective alternates shall be for two years and shall begin as of September 16 or for such other period as the committee may recommend and the Secretary approve. The terms shall be determined so that approximately one-half of the total committee membership shall terminate each year. Members and alternates shall serve in such capacity during the term of office or portion thereof for which they are selected and until their respective successors are selected.

(b) The term of office of the initial members and alternates shall begin as soon as possible after the effective date of this part. As determined by lot drawn at the initial nomination meeting, one-fourth of the initial grower members and alternates shall serve for a one-year term, one-fourth shall serve for a two-year term, one-fourth shall serve for a three-year term, and one-fourth shall serve for a four-year term. The term of office for the initial public member and alternate shall be for two years.

(c) The consecutive terms of office of members shall be limited to three 2-year terms.

§ 955.22 Nominations.

(a) Initial members. For nominations to the initial committee, a meeting of producers shall be held by the Secretary.

(b) Successor members. (1) The committee shall hold or cause to be held not later than August 1 of each year, or such other date as may be specified by the Secretary, a meeting or meetings of growers for the purpose of designating one nominee for each position as member and for each position as alternate member of the committee which is vacant, or which is about to become vacant.

(2) Nominations for members and alternates shall be supplied to the Secretary in such manner and form as the Secretary may prescribe, not later than August 15 of each year, or by such other date as may be specified by the Secretary.

(3) The Secretary may, upon recommendation of the committee, divide the production area into districts for the purpose of nominating committee members and their alternates.

(c) Only producers may participate in designating nominees to serve as committee members. Each producer is entitled to cast only one vote on behalf of such producer and such producer's agents, subsidiaries, affiliates, and

representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote shall be construed to permit a voter to cast one vote for each position to be filled.

(d) The producer members shall nominate the public member and alternate member at the first meeting following the selection of members for a new term of office. Nominations for the public member and alternate member shall be supplied to the Secretary in such manner and form as the Secretary may prescribe, not later than November 1, or such other date as may be specified by the Secretary.

§ 955.23 Selection.

From the nominations made pursuant to § 955.22 or from other qualified persons, the Secretary shall select members and alternate members of the committee.

§ 955.24 Acceptance.

Any person nominated to serve as a member or alternate member of the committee shall, prior to selection by the Secretary, qualify by filing a written acceptance indicating such person's willingness to serve in the position for which nominated.

§ 955.25 Alternates.

An alternate member of the committee shall act in the place and stead of the member for whom such person is an alternate during such member's absence or when designated to do so by such member. In the event both a member of the committee and that member's alternate are unable to attend a committee meeting, the member, the alternate, or the committee, in that order, may designate another alternate from the same district (if applicable) and the same group (producer or producer-handler) to serve in such member's stead. Only the public member's alternate is authorized to serve in the place and stead of the public member. In the event of the death, removal, resignation or disqualification of a member, that member's alternate shall serve until a successor to such member is selected.

§ 955.26 Vacancies.

To fill any vacancy occasioned by the failure of any person nominated as a member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of a member or alternate, a successor for the unexpired term may be selected by the Secretary from nominations made pursuant to § 955.22, or from other eligible persons.

§ 955.27 Failure to nominate.

If nominations are not made within the time and manner prescribed in § 955.22, the Secretary may, without regard to nominations, select members and alternates on the basis of the representation provided for in § 955.20.

§ 955.28 Procedure.

(a) Five members of the committee shall constitute a quorum, and five concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meetings by telephone, telegraph, or other means of communication, and any vote cast orally at such meetings shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

§ 955.29 Expenses.

Members and alternates shall serve without compensation but shall be reimbursed for such expenses authorized by the committee and necessarily incurred by them in attending committee meetings and in the performance of their duties under this part.

§ 955.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 955.31 Duties.

The committee shall have, among others, the following duties:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members or alternates, and to adopt such rules and regulations for the conduct of its business as it deems necessary;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as may be requested;

(d) To appoint such employees, agents, and representatives as it may deem necessary, to determine the compensation and define the duties of each such person, and to protect the handling of committee funds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to Vidalia onions;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee. Such minutes, books, and records shall be subject to examination at any time by the Secretary or the Secretary's authorized agent or representative. Minutes of each committee meeting shall be furnished promptly to the Secretary;

(g) Prior to the beginning of each fiscal period, to prepare and submit to the Secretary a budget of its projected income and expenses for such fiscal period, together with a report thereon and a recommendation as to the rate of assessment for such period;

(h) To cause its books to be audited by a Certified Public Accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each report shall be furnished to the Secretary. A copy shall also be made available at the principal office of the committee for inspection by producers and handlers provided that confidential information shall be removed;

(i) To give the Secretary the same notice of meetings of the committee and its subcommittees as is given to its members.

Expenses and Assessments

§ 955.40 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by the committee for its maintenance and functioning, and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part. The funds to cover such expenses shall be acquired in the manner prescribed in §§ 955.42 and 955.45.

§ 955.41 Budget.

At least 60 days prior to each fiscal period, or such other date as may be specified by the Secretary, and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide

adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 955.42 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each person who first handles Vidalia onions shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the assessment rate. Such increase shall be applicable to all Vidalia onions which were handled during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions of this part are suspended or become inoperative.

(e) To provide funds for the administration of the provisions of this part during the initial fiscal period or the first part of a fiscal period when neither sufficient operating reserve funds nor sufficient revenue from assessments on the current season's shipments are available, the committee may accept payment of assessments in advance or may borrow money for such purposes.

(f) The committee may impose a late payment charge or an interest charge or both, on any handler who fails to pay any assessment in a timely manner. Such time and the rates shall be recommended by the committee and approved by the Secretary.

§ 955.43 Accounting.

(a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee, such person shall account for all receipts and disbursements and deliver all property and funds in such member's possession to the committee, pertaining to the committee's activities for which such person was responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations are not in effect and, upon determining such action is appropriate, the Secretary may direct that such person or persons shall act as trustee or trustees for the committee.

§ 955.44 Excess funds.

If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(a) The committee, with the approval of the Secretary, may establish an operating reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established, except funds in the reserve shall not exceed the equivalent of approximately three fiscal periods' budgeted expenses. Such reserve funds may be used:

(1) To defray any expenses authorized under this part,

(2) To defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses,

(3) To cover deficits incurred during any fiscal period when assessment income is less than expenses,

(4) To defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and

(5) To cover necessary expenses of liquidation in the event of termination of this part.

Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate except that to the extent practicable, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) If such excess is not retained in a reserve as provided in paragraph (a) of this section, each handler entitled to a proportionate refund of the excess assessments collected shall be credited at the end of a fiscal period with such refund against the operations of the following fiscal period unless such handler demands payment thereof, in which event such proportionate refund shall be paid.

§ 955.45 Contributions.

The committee may accept voluntary contributions but these shall only be used to pay expenses incurred pursuant to § 955.50. Such contributions shall be free from any encumbrances by the donor, and the committee shall retain complete control of their use.

Research and Development

§ 955.50 Research and development.

(a) The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development and marketing promotion projects, including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption, or efficient production of Vidalia onions. Any such project for the promotion and advertising of Vidalia onions may utilize an identifying mark which shall be made available for use by all handlers in accordance with such terms and conditions as the committee, with the approval of the Secretary, may prescribe. The expense of such projects shall be paid from funds collected pursuant to § 955.42 or 955.45.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following:

(1) The expected supply of Vidalia onions in relation to market requirements;

(2) The supply situation among competing areas and commodities;

(3) The anticipated benefits from such projects in relation to their costs;

(4) The need for marketing research with respect to any market development activity; and

(5) Other relevant factors.

(c) If the committee should conclude that a program of research and development should be undertaken, or continued, in any fiscal period, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to the funds to be obtained pursuant to § 955.42 or 955.45;

(2) Its recommendation as to any research projects; and

(3) Its recommendations as to promotion activity and paid advertising.

(d) Upon conclusion of each activity, but at least annually, the committee shall summarize and report the results of such activity to the Secretary.

(e) All marketing promotion activity engaged in by the committee, including paid advertising, shall be subject to the following terms and conditions:

(1) No marketing promotion, including paid advertising, shall refer to any private brand, private trademark or private trade name;

(2) No promotion or advertising shall disparage the quality, use, value or sale of like or any other agricultural commodity or product, and no false or unwarranted claims shall be made in connection with the product; and

(3) No promotion or advertising shall be undertaken without reason to believe that returns to producers will be improved by such activity.

Reports and Recordkeeping

§ 955.60 Reports and recordkeeping.

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not limited to, the following:

(1) The quantities of Vidalia onions received by a handler;

(2) The quantities disposed of by the handler;

(3) The date of each such disposition; and

(4) The identification of the carrier transporting such Vidalia onions.

(b) All such reports shall be held under appropriate protective classification and custody by duly appointed employees of the committee, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of an individual handler's identity or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the Vidalia onions received and disposed of by such handler as may be necessary to verify reports submitted to the committee pursuant to this section.

Miscellaneous Provisions

§ 955.71 Termination or suspension.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which the Secretary may determine.

(b) The Secretary shall terminate or suspend the operations of any or all of the provisions of this part whenever it is found that such provisions do not tend to effectuate the declared policy of the Act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever it is found that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of Vidalia onions: *Provided,* That such majority has, during such representative period, produced for market more than 50 percent of the volume of such Vidalia onions produced for market, but such termination shall be effective only if announced on or before June 15 of the then current fiscal period.

(d) Within six years of the effective date of this part, the Secretary shall conduct a continuance referendum to ascertain whether continuance of this part is favored by producers. Subsequent referenda to ascertain continuance shall be conducted every six years thereafter.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ 955.72 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all funds and property then in the possession, or under control, of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of said committee and of the trustees, to such person as the Secretary may direct; and shall upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in said committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 955.73 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart;

(b) Release or extinguish any violation of this subpart or of any regulations issued under this subpart; or

(c) Affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 955.80 Compliance.

No handler shall handle Vidalia onions except in conformity with the provisions of this part.

§ 955.81 Right of the Secretary.

The members of the committee (including successors and alternates) and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 955.82 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ 955.83 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as the Secretary's agent or representative in

connection with any of the provisions of this part.

§ 955.84 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the Act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 955.85 Personal liability.

No member or alternate of the committee or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 955.86 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 955.87 Amendments.

Amendments to this part may be proposed, from time to time, by the committee or by the Secretary.

Marketing Agreement

§ 955.90 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 955.91 Additional parties.

After the effective date thereof, any handler may become a party to this agreement if a counterpart is executed by such handler and delivered to the Secretary. This agreement shall take effect as to such new contracting part at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 955.92 Order with marketing agreement.

Each signatory hereby requests the Secretary to issue, pursuant to the Act, an order providing for regulating the handling of Vidalia onions in the same manner as is provided for in this agreement.

Signed at Washington, DC, on March 10, 1989 to become effective March 16, 1989.

Kenneth A. Gilles,

Assistant Secretary of Agriculture, Marketing and Inspection Services.

[FR Doc. 89-6085 Filed 3-13-89; 3:27 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

[INS Number 1126-89]

Nonimmigrant Classes

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds paragraph (e)(2) to 8 CFR 214.2, defining the term "trade" as it relates to treaty traders. The purpose of this rule is to define a term which has never been defined in this Service's regulations and which has new meaning in the international business community.

EFFECTIVE DATE: March 16, 1989.

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

SUPPLEMENTARY INFORMATION: On December 5, 1988, the Immigration and Naturalization Service published a proposed rule in the **Federal Register** at 53 FR 48914 to give interested persons the opportunity to comment on the rule to define the term "trade" as it relates to treaty traders. This term has never been defined in this Service's regulations, and it has new meaning in the international business community. Traditionally, the Service has held that the term "trade" includes only the exchange of goods and some quasi-services. This rule proposes that the definition shall now include trade in goods and services.

The treaty trader provision appeared first in the Immigration Act of 1924 and was revised by the Act of July 6, 1932, and by the Immigration and Nationality Act of 1952. On none of these occasions was the term "trade" defined. As previously noted, the Service has traditionally held that the term includes only the exchange of goods and some quasi-services. A listing of these quasi-services is found in the Department of State's note 4.1 to 22 CFR 41.51. They "include international banking, insurance, transportation, tourism, communications, and newsgathering activities." All these activities, with the exception of tourism, were noted as being acceptable activities under the treaty trader provision in *The Report of the Committee on the Judiciary* prior to enactment of the 1952 Act. Including the aforementioned quasi-services as acceptable activities under the treaty trader provision and the evolution of the concept of trade itself make it necessary at this time to clearly define the term "trade." The evolution of the term is most recently and most clearly seen in the Trade and Tariff Act of 1984 wherein the term "international trade" is described as including trade in goods and services.

During the 30-day comment period, the Service received four comments on the proposed rule. All of the commenters applauded the Service's intention to define "trade" as it relates to treaty traders. Three of the comments were rather brief; one was quite lengthy. The comments will be discussed, followed by the Service's response.

Discussion of Comments

The commenter who responded at great length noted that in the preamble to the proposed rule the Service referenced the Trade and Tariff Act (TTA) of 1984 in illustrating the evolution of the term "trade." However, the commenter felt that the proposed rule omitted concepts found in the TTA. Furthermore, the writer felt that the rule was in conflict with other trade-related legislation, most notably the United States-Canada Free-Trade Agreement (FTA).

The commenter analyzed both the TTA and the FTA at length. In the TTA, the commenter observed that the term "services" is given a broad definition which is not exhaustive, that transfers of information are considered trade, that agricultural commodities are included as goods, and that intellectual property is considered to fall within both goods and services. The commenter felt that all services included in the TTA's definition of trade should be included in the Service's definition. The writer also felt that the 54 service activities found in the Schedule to Annex 1408 of the FTA should be included in the definition.

As far as the proposed rule itself was concerned, the commenter found the definition restrictive. By describing goods as being tangible, the commenter felt that the Service failed to follow the TTA recognition of intellectual property as being both goods and services.

Furthermore, the exclusion of money, securities, and negotiable instruments was viewed as conflicting with the TTA. Finally, the commenter felt that the description of services was ambiguous and unnecessary, and called for a broader definition of trade.

The other commenters had fewer observations or suggestions. One stressed that many international companies these days are engaged in marketing and selling technology and technology processes. These are not tangible goods, nor did the commenter feel that they were necessarily services.

Finally, one other writer felt that the list of qualifying services should be clarified to show that it is not limiting and should include any activity now considered to be professional under section 101(a)(32) of the Immigration and Nationality Act. The commenter also suggested additional language for the description of services to enable broader interpretation.

Service Response

The Service does not find the definition to be restrictive. The term "trade" is defined as "the exchange, purchase, or sale of goods and/or services." This construction may be interpreted in several ways. First of all, the trader may be involved with either goods or services. Secondly, the enterprise may include both goods and services, and finally, the enterprise may include services from which goods result.

The Service has traditionally held that goods should be tangible, and will continue to do so. However, in previously acknowledging the existence of quasi-services, such as international banking and insurance, as qualifying trade activities, the Service in consultation with the Department of State has held that these activities involved the exchange of assets which had sufficient tangible qualities. In banking, for instance, the exchange of money has been endorsed by letters of credit, indebtedness, etc., while in insurance, the policy itself is a document or series of documents. Consequently, in the final rule, the Service will hold to the concept of tangibility, but will remove the exclusion of money, securities, and negotiable instruments.

Finally, the description of services clearly indicates that the accompanying list is purely exemplar. The wording is clear. The qualifying activities "include, but are not limited to" a list of services. The Service sees no point in expanding the list to include all services indicated in the TTA or the FTA. The list provides guidance and allows for case-by-case judgment. This is a new area of concern, and at this time the list should be manageable. In deference to the advance of technology, however, the Service will add technology transfer to the list of services. Because technology is highly theoretical, the Service sees this activity to be more in the area of service rather than in the area of goods.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant impact on a substantial number of small entities. This rule 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.

List of Subjects in 8 CFR Part 214

Administrative practice and procedures, Aliens, Authority delegation, Employment, Organization and functions, Passports and visas.

Accordingly, Part 214 of Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 214—NONIMMIGRANT CLASSES

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

Authority: 8 U.S.C. 1103, 1184, 8 CFR Part 2.

2. In § 214.2, paragraph (e) is redesignated (e)(1), and (e)(1) heading and (e)(2) are added to read as follows:

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

* * * * *

(e) *Traders and Investors*—(1) *General.* * * *

(2) *Definition of the term "trade."* The term "trade," as used in this section, means the exchange, purchase, or sale of goods and/or services. Goods are tangible commodities or merchandise having intrinsic value. Services are economic activities whose outputs are other than tangible goods. Such service activities include, but are not limited to, banking, insurance, transportation, communications and data processing, advertising, accounting, design and engineering, management consulting, tourism, and technology transfer.

* * * * *

Dated: February 2, 1989.

Richard E. Norton,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 89-6118 Filed 3-15-89; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food And Drug Administration

21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Wayne Feed Division, Continental Grain Co., providing for the manufacture of a 100-gram-per-pound tylosin Type A medicated article used to make Type C medicated feeds for swine, beef cattle, and chickens.

EFFECTIVE DATE: March 16, 1989.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Wayne Feed Division, Continental Grain Co., P.O. Box 459, Libertyville, IL 60048, is the sponsor of a supplement to NADA 99-468 submitted on its behalf by Elanco Products Co. The supplement provides for the manufacture of a 100-gram-per-pound tylosin Type A medicated article intended for use in making Type C medicated feeds for swine, beef cattle, and chickens (21 CFR 558.625(f)(1) (i), (ii), (iii), (iv), and (vi)). The sponsor also holds current approvals for the use of 0.8-, 2-, 4-, 8-, 10-, and 40-gram-per-pound tylosin Type A medicated articles for use in making feeds for the same species. The supplement is approved and 21 CFR 558.625(b)(33) is revised to reflect the approval. The basis for approval is discussed in the freedom of information summary.

Additionally, the regulations are being amended by removing the outdated, causative organism *"Sphaerophorus necrophorus"* from 21 CFR 558.625(f)(1)(i)(*b*) and replacing it with *"Fusobacterium necrophorum"* which is the currently recognized scientific name

for this bacterium (*The Merck Veterinary Manual*, 6th Ed., Merck & Co., Inc., Rahway, NJ, p. 161, 1986).

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558.

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

2. Section 558.625 is amended by revising paragraph (b)(33) and in paragraph (f)(1)(i)(*b*) by removing *"Sphaerophorus necrophorus"* and adding in its place *"Fusobacterium necrophorum"* to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(33) To 034936: 0.8 and 2 grams per pound, paragraph (f)(1)(vi)(*a*) of this section; 4, 8, and 10 grams per pound, paragraphs (f)(1)(i), (iii), (iv), and (vi) of this section; 40 grams per pound, paragraphs (f)(1) (i) through (vi) of this section; 100 grams per pound, paragraphs (f)(1) (i), (ii), (iii), (iv), and (vi) of this section.

* * * * *

Dated: March 8, 1989.

Robert C. Livingston,

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

[FR Doc. 89–6103 Filed 3–15–89; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8245]

Consolidated Return Regulations—Distributions After the Sale of Stock of a Subsidiary

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary and final regulations.

SUMMARY: This document contains temporary and final regulations that provide rules under section 1502 relating to a dividend or other distribution subject to section 301 that is declared with respect to stock of a subsidiary member of an affiliated group filing consolidated federal income tax returns if the stock of that subsidiary member is disposed of before the distribution is made, but after the selling member becomes entitled to the distribution. The effect of these regulations is to ensure that the appropriate adjustments to the basis of stock in a subsidiary are made before the sale of the stock of the subsidiary. The text of the temporary regulations set forth in this document also serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the proposed rules section of this issue of the **Federal Register**.

EFFECTIVE DATE: These regulations are effective for distributions subject to section 301 that are declared in taxable years for which the due date (without extensions) of the Federal income tax return is after March 14, 1989.

FOR FURTHER INFORMATION CONTACT: Richard M. Marsh, (202) 566–4324 (not a toll-free number).

SUPPLEMENTARY INFORMATION: This document amends temporary regulation § 1.1502–32T and adds cross-references to §§ 1.1502–14(a) and 1.1502–32 (b) and (c). The temporary and final regulations added by this document will remain in effect until superseded by later temporary or final regulations relating to these matters.

Background

A principal purpose of the investment adjustment rules under § 1.1502–32 is to ensure that the income and losses of members are taken into account only once in computing taxable income of a group. Accordingly, § 1.1502–32(b)(1)(i) provides for a positive adjustment to increase a member's basis in the stock of a subsidiary member to reflect that subsidiary's allocable part of the undistributed earnings and profits arising during a consolidated return year as determined under § 1.1502–33. In general, § 1.1502–32(b)(2)(iii) provides for a negative adjustment to decrease a member's basis in the stock of a subsidiary member to reflect distributions of these earnings and profits.

For similar reasons, to avoid the double counting of income in computing the taxable income of a group, § 1.1502–14(a)(1) provides that a dividend, described in section 301(c)(1), distributed by one member to another member during a consolidated return year is eliminated. Likewise, § 1.1502–14(a)(2) provides that no gain shall be recognized to the distributee on a nondividend distribution, described in section 301(c) (2) or (3), with respect to stock from one member to another member during a consolidated return year. Section 1.1502–14(a)(2) requires the distributee to take account of a nondividend distribution by reducing its basis in the stock of the distributing corporation or increasing its excess loss account for such stock.

One purpose of the negative adjustment under § 1.1502–32(b)(2)(iii) is to ensure that taxable gain is not reduced or taxable loss increased on a member's sale of the stock of its subsidiary solely on account of the reduction in the stock's value because of a declared dividend. For example, assume that in 1987, corporation P forms subsidiary S with $1,000 capital. For 1987, P and S file a consolidated return and S has undistributed earnings and profits of $50. As of the end of the 1987 consolidated return year, P's basis in the stock of S is increased by $50 to $1,050 due to the investment adjustment rules of § 1.1502–32. In 1988, S has zero earnings and profits and declares and pays a dividend to P of $50. Under § 1.1502–14(a)(1), the dividend is eliminated. Under § 1.1502–32(b)(2)(iii)(*a*), P reduces its basis in the stock of S by $50. The negative adjustment to the basis of the S stock equals the reduction in value of S as a result of the $50 dividend distribution. Without the negative adjustment P could sell the stock of S for $1,000 (S's fair market value) and recognize a $50 loss. This loss would be unwarranted because no economic loss was realized by P on its investment in the S stock.

Assume, however, that in 1988 P sells the stock of S after the shareholder record date, but before S pays the dividend. The distribution would then occur in a separate return year of S. The fair market value of S is reduced by $50 before the sale of the stock of S as a

result of S's obligation to pay the dividend. Some commentators contend that the basis adjustment rules do not apply, and P would recognize a $50 loss on the sale of S. While under this view the dividend distribution would not be eliminated under § 1.1502–14(a)(1), P would claim a dividends received deduction on the amount distributed under section 243(a). Again, if P were to recognize a loss on the sale of the S stock, the result would be unwarranted because no economic loss is realized by P on its investment in the S stock.

This regulation is not intended to affect the principles of existing case law under which certain pre-sale dividends are recharacterized as part of the purchase price of the distributing subsidiary. *See, e.g., Waterman Steamship Corporation v. Comm'r*, 430 F.2d 1185 (5th Cir. 1970), *rev'g* 50 T.C. 650 (1968), *cert. denied* 401 U.S. 939 (1971).

Explanation of Provisions

The temporary regulations provide that, if a member of an affiliated group during a consolidated return year declares a distribution described in section 301 on a share of its stock owned by another member, and the share is disposed of before the distribution, but after the disposing member becomes entitled to the distribution, then for all Federal tax purposes the distribution is deemed to be made immediately before the disposition of that share. To the extent the distribution is a dividend, it is eliminated under § 1.1502–14(a)(1), and the distributee makes any negative basis adjustment applicable under § 1.1502–32(b)(2)(iii) in the stock of the distributor immediately before the disposition. To the extent the distribution is not a dividend, § 1.1502–14(a)(2) applies so that no gain or loss is recognized by the distributee, and the distributee reduces its basis (or increases its excess loss account) in the distributor by the amount of the nondividend distribution.

Special Analyses

These rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. These rules, if issued, will not have a significant economic impact on a substantial number of small entities. These rules apply only to affiliated groups of corporations that have elected to file consolidated returns, which tend to be larger businesses. These rules would not significantly alter the reporting or record keeping duties of small entities. Therefore, an initial Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. Chapter 6) is not required.

Drafting Information

The principal author of these temporary and final regulations is Richard M. Marsh of the Office of Assistant Chief Counsel (Corporate), Internal Revenue Service. However, other personnel of the Service and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Controlled group of corporations, Consolidated returns.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1986

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

Authority: 26 U.S.C. 7805; * * * § 1.1502–32T also issued under 26 U.S.C. 1502.

Par. 2. Section 1.1502–14 is amended by adding new paragraph (a)(5) to read as follows:

§ 1.1502–14 Stock, bonds, and other obligations of members.

(a) * * *

(5) *Distributions after the disposition of stock of a member.* For rules relating to certain distributions subject to section 301, declared before but paid after the disposition of stock of a member, see § 1.1502–32T (b).

* * * * *

Par. 3. Section 1.1502–32 is amended by adding new paragraphs (b)(3) and (c)(4) to read as follows:

§ 1.1502–32 Investment adjustment.

* * * * *

(b) * * *

(3) *Distributions after the disposition of stock of a member.* For rules relating to adjustments for certain distributions subject to section 301, declared before but paid after the disposition of stock of a member, see § 1.1502–32T(b).

(c) * * *

(4) *Distributions after the disposition of stock of a member.* For rules relating to adjustments for certain distributions subject to section 301, declared before but paid after the disposition of stock of a member, see § 1.1502–32T(b).

* * * * *

Par. 4. Section 1.1502–32T is amended by redesignating paragraph (b) as paragraph (a)(6) and redesignating the subparagraphs (b)(1) and (b)(2) as paragraphs (a)(6)(i) and (a)(6)(ii), respectively; by changing in the newly redesignated paragraph (a)(6)(ii) the reference to "this paragraph (b)(2)" to "this paragraph (a)(6)(ii)"; and by adding a new paragraph (b) to read as follows:

* * * * *

§ 1.1502–32T Investment adjustments (temporary).

(b) *Distributions after the disposition of stock of a member*—(1) *General rule.* If a member disposes of a share of stock of another member after a distribution subject to section 301 has been declared on that share and after the date the disposing member becomes entitled to the distribution, but before the distribution has been made, the distribution is deemed to be made for all Federal tax purposes immediately before the disposition. For example, the year of realization of the distribution by the shareholder under section 301 and by the distributing member under section 311 is the year of the disposition of the share. The taxable status of the distribution and its effect on earnings and profits of the distributing member is determined with respect to the earnings and profits of the distributing member accrued to the date of the disposition.

(2) *Example.* Paragraph (b)(1) of this section may be illustrated by the following example:

Example. (i) Corporation P forms subsidiary S in 1987 With a capital contribution of $5,000 in exchange for all of S's stock. P and S file consolidated returns. For calendar year 1987, S has undistributed earnings and profits of $100. Under § 1.1502–32(b)(1)(i), P increases its basis in its S stock by $100 to $5,100. For 1988, S has $80 of earnings and profits. On December 1, 1988, S declares a cash distribution of $200 to be paid on January 10, 1989, to shareholders of record on December 20, 1988. On December 31, 1988, P sells all of its S stock to Z, an unrelated corporation, for $4,980 (S's fair market value, reduced as a result of S's obligation to pay $200). On January 10, 1989, S pays P the declared distribution of $200. For 1989, S has $90 of earnings and profits.

(ii) On December 31, 1988, when P sells its S stock, P is entitled to the $200 distribution on the S stock which was declared but not paid. Therefore, the distribution is deemed made on December 31, 1988, immediately before the sale. As of December 31, 1988, S has $180 of current and accumulated earnings and profits; therefore, $180 of the distribution is a dividend under section 301(c)(1) and is eliminated under § 1.1502–14(a)(1). Under § 1.1502–14(a)(2), P recognizes no gain or loss on the remaining $20 of the distribution.

(iii) P's basis of $5,100 in the S stock is reduced by $120 to $4,980 (by $100 under § 1.1502–32(b)(2)(iii)(a) and by $20 under § 1.1502–14(a)(2)). Since S's 1988 current earnings and profits of $80 are distributed,

neither those earnings and profits nor the deemed distribution thereof gives rise to a basis adjustment under § 1.1502-32. Accordingly, P recognizes no gain or loss on the sale of the S stock. Immediately after the sale, S has zero earnings and profits. Because the distribution is deemed made on December 31, 1988, S's 1989 earnings and profits are not affected by the distribution. Thus, S has $90 of undistributed earnings and profits for 1989.

(3) *Effective date.* This paragraph (b) applies to distributions described in section 301 that are declared in taxable years for which the due date (without extensions) of the Federal income tax return is after March 14, 1989.

* * * * *

The provisions contained in this Treasury decision are needed to provide appropriate adjustments to the basis of stock of a subsidiary member to reflect the subsidiary's fair market value when the subsidiary's stock is sold and a distribution under section 301, declared but unpaid, has reduced the value of the subsidiary. These basis adjustments prevent the unwarranted reduction in taxable gain or increase in taxable loss which would otherwise result. The amendments are needed immediately to respond to recent transactions in which taxpayers have attempted to create these unwarranted reductions in gain or increases in losses. It is therefore found impracticable and contrary to the public interest to issue this Treasury decision with notice and public procedure under section 553 (b) of Title 5 of the United States Code or subject to the effective date limitations of section 553 (d) of Title 5, United States Code.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Approved: March 8, 1989.

Dennis Earl Ross,

Acting Assistant Secretary to the Treasury.

[FR Doc. 89-6114 Filed 3-14-89; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3536-5; KY-031]

Approval and Promulgation of Implementation plans; Kentucky: Alcan Foil Products Bubble

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is disapproving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Kentucky for the Air Pollution Control District of Jefferson County (District). The SIP revision, which would provide for the Alcan Foil Products (Alcan) facility in Louisville, Kentucky, (Jefferson County) to achieve compliance with the applicable volatile organic compound (VOC) reasonably available control technology (RACT) regulations by averaging or "bubbling" emissions within the facility, is not consistent with current Agency policy. The source must comply with District Regulation 6.29 on a line-by-line basis.

DATES: This action will become effective on April 17, 1989.

ADDRESSES: Copies of the materials submitted by Kentucky may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Division of Air Quality, Natural Resources and Environmental Protection Cabinet Frankfort Office Park 18 Reilly Road, Frankfort, Kentucky 40601.

Jefferson County Air Pollution, Control District 914 East Broadway, Louisville, Kentucky 40204.

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW. Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Kay T. Prince, Air Programs Branch, EPA Region IV, at the above address and telephone number (404) 347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: The Alcan facility in Louisville contains eight laminators and two coaters which are capable of performing either coating or rotogravure printing on aluminum foil. Such operations are generally covered by the paper coating and the graphic arts control technology guideline (CTG) documents, respectively. EPA policy mandates, however, that where both coating and printing are performed on the same machine, the graphic arts CTG shall apply. Therefore, each unit was determined to be subject to District Regulation 6.29, "Standard of Performance for Existing Graphic Arts Facilities Using Rotogravure and Flexography." The graphic arts RACT regulation required a 65 weight percent reduction in VOC emissions for each rotogravure printing line. Water-borne inks with a volatile portion of 75 volume percent water and 25 volume percent organic solvent (or lower VOC content) are exempt from the provisions of Regulation 6.29.

On March 3, 1986, the Commonwealth of Kentucky, through the Natural Resources and Environmental Protection Cabinet, officially submitted a source-specific SIP revision prepared by the District for the Alcan facility. The SIP revision would allow Alcan to average or "bubble" VOC emissions from the eight laminators and two coaters in lieu of achieving compliance with the graphic arts RACT regulation on a line-by-line basis. Specifically, the proposed bubble provided for demonstration of compliance by: (1) Utilizing a monthly averaging period with a daily cap of 6.0 tons per day; (2) taking credit for reductions in emissions due to incineration and water based coatings; and (3) purchasing approximately 50 tons of emission reduction credits.

EPA generally does not allow monthly averaging of VOC emissions. Appendix D of EPA's Emissions Trading Policy Statement (ETPS) expressly prohibits averaging periods from exceeding 24 hours. The policy further states that "where the source operations are such that daily VOC emissions cannot be determined or where the application of RACT for each emission point (line, machine, etc.) is not economically or technically feasible on a daily basis, longer averaging times (greater than 24-hours) can be permitted under certain conditions." No such demonstration was submitted by the District.

The ETPS also states that only reductions which are surplus, enforceable, permanent, and quantifiable can qualify as emission reduction credits to be used in a trade (51 FR 43831). Surplus emission reductions are defined as those reductions which are not required by current regulations in the SIP, not already relied on for SIP planning purposes, and not used by the source to meet any other regulatory requirement. The Alcan bubble claims credit for reductions in VOC emissions achieved as the result of incinereation. An incinerator was installed on laminator #12 in 1974 while the base year for the 1982 SIP was 1980. Generally, there can be no credit for reductions in emissions prior to the base year. An exception to the rule would be if it could be established that the emission reductions resulting from the incinerator were not accounted for nor relied upon in the SIP's attainment demonstration. The county was unable to provide any data which would support such a claim, therefore, the emission reductions resulting from the installation of the incinerator on line #12 are not surplus to the demonstration and cannot be used as credit in a trade.

In addition to the deficiencies listed above, this SIP revision fails to meet several other requirements of the Clean

Air Act, EPA's ETPS, and other EPA policy or regulations. These include the emission limits not being expressed in an enforceable form and the baseline not being calculated consistent with the requirements of the ETPS.

These two deficiencies in themselves provide enough reason to propose disapproval of the action. Furthermore, on May 26, 1988, EPA issued an ozone SIP call for the Louisville Metropolitan Statistical Area (MSA). Therefore, any future revision of the bubble package will require application of lowest of actual, SIP-allowable, or RACT-allowable emissions as a baseline and at least a 20% emissions reduction from that baseline as well as State assurances required by the ETPS for bubbles in areas lacking an approved attainment demonstration. In order for Louisville to demonstrate attainment with the ozone standard, additional reductions required may directly impact this source.

The District was advised on May 22, 1986, and again on July 7, 1986, that the proposed SIP revision was deficient and that upon publication of EPA's final emissions trading policy the Alcan bubble should be revised. On December 4, 1986, (51 FR 43814), EPA published the final ETPS. However, the District neither revised nor withdrew the proposed SIP revision. The Alcan bubble has been determined to be inconsistent with current Agency policy.

For a more detailed discussion, please refer to the Technical Support Document which is available for inspection at the EPA Region IV Office.

On October 18, 1988 (53 FR 40745), EPA proposed to disapprove the bubble for the Alcan Foil Products facility in Louisville, Kentucky. The public was invited to submit written comments on the proposed action. However, no comments were received.

Final Action

EPA is disapproving the revision to the Air Pollution Control District of Jefferson County's portion of the Kentucky SIP. The Alcan bubble is inconsistent with EPA's Emissions Trading Policy Statement. The source must meet the requirements of District Regulation 6.29 on a line-by-line basis.

The Office of Management and Budget has waived review of this rule, normally required under Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 15, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone.

Date: March 1, 1989.

Joe R. Franzmathes,

Acting Regional Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart S—Kentucky

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.930 is amended by adding a new paragraph (a) to read as follows:

§ 52.930 Control strategy: Ozone.

(a) The VOC bubble for Alcan Foil Products in Louisville submitted as a SIP revision on March 3, 1986, is disapproved. The source must continue to meet all the requirements of Jefferson County Regulation 6.29.

* * * * *

[FR Doc. 89–5976 Filed 3–15–89; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[FRL–3536–7; NC–008]

Approval and Promulgation of Implementation Plans; North Carolina: SO_2 and Particulate Revision for Appalachian State University

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a source-specific revision to the North Carolina State Implementation Plan (SIP) for sulfur dioxide (SO_2) and particulate matter (PM) which was proposed on November 3, 1988 (53 FR 44486). No comments were received. The four boilers at Appalachian State University (ASU) were originally subject to the federally-approved sulfur dioxide limit of 1.6 pounds per million Btu (lb SO_2/MBtu) of heat input. This revision approves new emission limits of 1.55 lb SO_2/MBtu for the three oil-fired boilers and 1.7 lb SO_2/MBtu for the coal/wood-fired boiler. The State has demonstrated that the National Ambient Air Quality Standards (NAAQS) for SO_2 will be protected if this change is approved. New particulate emission limits have also been set for the four boilers at the school. Total particulate emissions from the boilers will not increase as a result of the new permit conditions, and the NAAQS for total suspended particulate (TSP) and PM_{10} will also be protected.

DATE: This action is effective April 17, 1989.

ADDRESSES: Copies of the State's submittals are available for review during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, 401 M Street, SW., Washington, DC 20460

Air Quality Section, Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, Archdale Building, 512 N. Salisbury Building, Raleigh, North Carolina 27611

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Rosalyn Hughes of the Region IV EPA Air Programs Branch, at the above address and the following phone number: (404) 347–2864 or FTS 257–2864.

SUPPLEMENTARY INFORMATION: On July 26, 1985, the North Carolina Division of Environmental Management submitted a sulfur dioxide (SO_2) SIP revision and an alternate particulate emission reduction plan for Appalachian State University (ASU) in Boone (Watauga County). The University's physical plant operates four boilers to produce steam for the campus' heating needs. Three of those boilers (Nos. 1, 2, and 3) are designed to burn No. 6 fuel oil and the fourth (No. 4) has been converted to burn coal or wood.

The State's submittal contained certification that the revisions were preceded by adequate notice and a public hearing. EPA proposed to approve the new emission limits for ASU on November 3, 1988 (53 FR 44486), and no comments were received.

A discussion of these two revisions and the basis for EPA action now follows.

Sulfur Dioxide SIP Revision

On December 7, 1982 (47 FR 54934), EPA approved for all but 24 sources a revision to North Carolina SIP regulation 2D.0516 which relaxed the SO_2 limit for fuel-burning sources from 1.6 lb/mBtu to 2.3 lb/mBtu. ASU is one of the 24 sources excluded from that approval action. EPA indicated in the **Federal Register** notice that if dispersion modeling analyses could demonstrate

that an alternate emissions limitation was adequate to protect the National Ambient Air Quality Standard (NAAQS), then the federally-approved limit of 1.6 lb SO_2/mBtu of heat input could be changed.

On July 19, 1985, operating permit No. 3990R4 was issued to ASU by the State of North Carolina. This permit limits operations and emissions as necessary to protect the NAAQS for SO_2. This permit was submitted to EPA on July 26, 1985, for approval as part of the North Carolina SIP. Also included in the submittal was an air quality modeling analysis which demonstrates the validity of the permit conditions.

Permit No. 3990R4 contains 22 operating limitations which must be met by ASU. Six of the 22 pertain directly to SO_2 emissions. These restrictions are as follows:

- Sulfur dioxide emissions from the three (3) No. 6 oil-fired boilers (Nos. 1, 2, and 3) shall not exceed 1.55 pounds per million Btu heat input.
- Sulfur dioxide emissions from the coal/wood-fired boiler (No. 4) shall not exceed 1.7 pounds per million Btu heat input.
- No more than two boilers shall operate at the same time, including startup and shutdown.
- The sulfur content of the No. 6 oil burned shall not exceed 1.4% by weight.
- The sulfur content of the coal burned shall not exceed 1.1% by weight.
- The maximum heat inputs to boilers 1, 2, 3, and 4 shall not exceed 100, 60, 37.5 and 35 million Btu per hour, respectively.

The permit also contains the reporting and recordkeeping requirements necessary to monitor compliance with the above operating conditions. The test methods for testing compliance with SO_2 emission limits are found in regulation 2D.0501(c)(4) of the North Carolina Administrative Code. This section has been amended by the State to assure that when a source chooses to use fuel analysis as their method of compliance determination, the short-term standards will be protected. The revised regulation is State-effective and was approved by EPA on June 9, 1988 (53 FR 21638). Thus, this regulation supersedes ASU's permit condition #15 which allowed a monthly average fuel analysis rather than a short-term analysis.

The technical information submitted included computer dispersion modeling analyses which are based on EPA's VALLEY dispersion model and are consistent with EPA's modeling guidelines. This type of model was used because ASU is located in an area with complex terrain in all directions. The modeling analyses predict the maximum possible ambient SO_2 impact of all allowable boiler combinations to be 364.5 micrograms per cubic meter ($\mu g/m^3$) (24-hour average), 49 $\mu g/m^3$ (annual average), and 1144.6 $\mu g/m^3$ (3-hour average). Since the NAAQS for SO_2 is 365 $\mu g/m^3$ on a 24-hour average, 80 $\mu g/m^3$ on an annual average and 1300 $\mu g/m^3$ on a 3-hour average, the modeling shows that the emission limitations and permit conditions are adequate to protect the standards for SO_2. It should be noted that the predicted maximum 24-hour concentration is only 0.5 $\mu g/m^3$ less than the standard.

The modeling techniques used in the demonstration supporting this revision are, for the most part, based on modeling guidance in place at the time that the analysis was performed, i.e., the EPA "Guideline on Air Quality models (1978)." Since that time, revisions have been promulgated by EPA (51 FR 32176, September 9, 1986 and 53 FR 392, January 6, 1988). Since the modeling analysis was under way prior to the publication of the revised guidance, EPA accepts the analysis.

EPA's stack height regulations published in the Federal Register on July 8, 1985, do not apply to this SIP revision. All four of the stacks at ASU are below 65 meters. Also, there are no merged plume issues associated with this revision as all four furnaces at ASU have individual stacks.

EPA has also reviewed the SO_2 revision for consistency with section 110(a)(2)(E) of the Clean Air Act. Due to present limitations on modeling, the modeling was limited to a 50 km radius around the Appalachian State University boilers. As shown in the technical support for this revision, the applicable EPA reference model demonstrated that ambient SO_2 concentrations resulting from these boilers' emissions would decrease markedly within a short distance from the plant and fall well below the ambient standards. Therefore, in EPA's judgment, the revision would not contribute significantly to SO_2 nonattainment in Tennessee, Virginia, Kentucky, or more distant states.

According to emissions data supplied by North Carolina, the revision will not result in an increase in actual SO_2 emissions above the actual emissions levels of the past several years. Consequently, the revision will not consume PSD increment in any areas in which the PSD baseline has already been triggered. In areas in which the PSD baseline has not yet been triggered, emissions under this revision will be reflected in the baseline concentration established in the future, and therefore will not consume PSD increment above those eventual baselines. ASU is located in Watauga County, where the SO_2 baseline has not been triggered. For these reasons, EPA has concluded that this revision will not interfere with PSD measures within North Carolina or in any other states.

Particulate SIP Revision

EPA revised the particulate matter standard on July 1, 1987 (52 FR 24634), and eliminated the TSP ambient air quality standard. The revised standard is expressed in terms of particulate matter with a nominal diameter of 10 micrometers or less (PM_{10}). However, at the State's option, EPA continued to process this TSP SIP revision which was in process at the time the new PM_{10} standard was promulgated. In the policy published on July 1, 1987 (52 FR 24679, column 2), EPA stated that it would regard existing TSP SIP's as necessary interim particulate matter plans during the period preceding the approval of state plans specifically aimed at PM_{10}.

ASU's alternate emission reduction plan for particulates prescribes new particulate limits for each of their four boilers. This plan was submitted prior to the issuance of the PM_{10} regulations. As a result all the modeling and demonstrations were done only for TSP. However, the predicted concentrations can be used to show compliance with the PM_{10} NAAQS. This demonstration is accomplished using the results of a national study that showed there is a 95 percent probability that 63 percent of the TSP background is PM_{10}. This is explained further in the Technical Support Document for this action.

ASU operates a coal/wood-fired boiler (No. 4) and three oil-fired boilers. The SIP revision will allow boiler No. 4 to achieve compliance by increasing its allowable emission rate. At the same time the allowable limits for particulate from boilers Nos. 1, 2 and 3 will be reduced. Thus, the net allowable emissions change will be negligible, less than 25 tons per year, and there will be little environmental impact. As a result of the negligible increase in emissions, a PSD review is unnecessary.

The new emission rates are specified in the permits, which restrict boilers 1 through 4 to 0.18, 0.18, 0.18, 0.52 lbs of particulate per mBTU. These limits assure that the particulate standards are not violated. The old limit for boilers 1 through 4 was 0.292 lbs of particulate per mBTU. Another permit condition is that ASU can operate only 2 boilers at a time. The maximum combined impact of any two of the boilers is 133.3 $\mu g/m^3$ for a 24-hour period and 50.3 $\mu g/m^3$ on an annual basis. These TSP concentrations

are well below the TSP NAAQS and once converted to PM_{10} values fall below the PM_{10} NAAQS as well.

Further details supporting this SIP revision are contained in the Technical Support Document which is available for inspection at EPA's Region IV office.

Final Action

EPA is approving the new SO_2 and particulate emission limits applicable to Appalachian State University. These limits are contained in Permit No. 3990R4, which was issued by the State of North Carolina on July 19, 1985, and submitted to EPA on July 26, 1985. As a result of this action, ASU will no longer be subject to the original federally approved SO_2 SIP limit of 1.6 lb/MBTU.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 15, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

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

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Note.—Incorporation by reference of the State Implementation Plan for the State of North Carolina was approved by the Director of the Federal Register on July 1, 1982.

Date: March 2, 1989.

Lee A. DeHihns, III,

Acting Regional Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart II—North Carolina

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1770 is amended by adding paragraph (c)(46) to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(46) SO_2 and particulate revision for Appalachian State University which was submitted by the North Carolina Department of Natural Resources and Community Development on July 26, 1985, and June 7, 1988.

(i) Incorporation by reference.

(A) Letters of July 26, 1985 and June 7, 1988 from the North Carolina Department of Natural Resources and Community Development.

(B) Permit for Appalachian State University (No. 3990R4) which was issued by the Environmental Management Commission on July 19, 1985, and amended on June 7, 1988.

(ii) Additional material—none.

[FR Doc. 89–5974 Filed 3–15–89; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 61

[FRL–3535–9]

National Emission Standards for Hazardous Air Pollutants; Colorado; Delegation of Authority

AGENCY: Environmental Protection Agency (EPA).

ACTION: Delegation of Authority.

SUMMARY: EPA is today providing notice that it granted delegation of authority to Colorado on January 20, 1989, to enforce and implement the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for equipment leaks (fugitive emission sources) of benzene promulgated in 40 CFR Part 61 Subpart J.

EFFECTIVE DATE: January 20, 1989.

ADDRESS: Copies of the revisions are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following office: Environmental Protection Agency, Region VIII, Air Programs Branch, 999 18th Street, Suite 500, Denver, CO 80202–2404.

FOR FURTHER INFORMATION CONTACT: Laurie Ostrand, Environmental Protection Agency, Region VIII, Air Programs Branch, Suite 500, Denver, CO 80202–2405, (303) 293–1814, (FTS) 564–1814.

SUPPLEMENTARY INFORMATION: Section 112(d) of the Clean Air Act permits EPA to delegate to the staes the authority to implement and enforce standards set forth in 40 CFR Part 61, NESHAP.

Colorado

On November 10, 1986, the State of Colorado submitted revisions to its NESHAP regulations. Such revisions included the addition of the following NESHAP: equipment leaks (fugitive emission sources) of benzene. Pursuant to such submittal, on January 20, 1989, delegation was given with the following letter:

Hon. Roy Romer,

Governor of Colorado, Executive Chambers, 136 State Capitol, Denver, CO 80203–1792

Dear Governor Romer: On November 10, 1986, Governor Richard D. Lamm submitted Colorado's Revised Regulation No. 8, the Control of Hazardous Air Pollutants. Regulation No. 8 is equivalent to the Environmental Protection Agency's (EPA's) National Emission Standards for Hazardous Air Pollutants (NESHAPs). This submittal included the addition of one new NESHAP, Subpart J—Benzene, to Colorado's regulations. Subsequent to states adopting NESHAP regulations, the EPA delegates the authority for the implementation and enforcement of those NESHAPs. It has come to our attention that EPA did not officially delegate its authority for the one new NESHAP in November 10, 1986, submittal. Therefore, EPA is acting on the delegation of authority to Colorado for the implementation and enforcement of the one NESHAP at this time.

EPA has reviewed the pertinent statutes and regulations of the State of Colorado and determined that they provide an adequate and effective procedure for the implementation and enforcement of the NESHAPs by the State of Colorado. Therefore, pursuant to Section 112(d) of the Clean Air Act (CAA), as amended, and 40 CFR Part 61, the EPA hereby delegates its authority for implementation and enforcement of the NESHAPs to the State of Colorado as follows:

A. Responsibility for all sources located, or to be located, in the State of Colorado subject to the emission standards for hazardous air pollutants promulgated in 40 CFR Part 61 as follows: Equipment Leaks (Fugitive Emission Sources) of Benzene, Subpart J.

B. Not all authorities of the NESHAPs can be delegated to states under Section 112(d) of the CAA. The EPA Administrator retains the authority to implement those sections of the NESHAPs that require: (1) approving equivalency determinations and alternative test methods; (2) decision making to ensure national consistency; and (3) EPA rulemaking to implement. Therefore, EPA cannot delegate to the State of Colorado the authority for the following:

(i) 40 CFR Part 61.112(c) (Section VIII.B.2 in Colorado Regulation No. 8) pertains to an equivalency determination in equipment leaks (fugitive emission sources) of benzene; and

(ii) 40 CFR Parts 61.242–1(c)(2) and 61.244 (Sections VIII.B.3(ii) and VIII.D. in Colorado Regulation No. 8) pertains to equivalency determinations in equipment leaks (fugitive emission sources).

C. As 40 CFR Part 61 is updated by the EPA, Colorado must revise its rules and regulations accordingly, and in a timely manner, or such delegation will be revoked. Inconsistencies and incorrect references were noted in the State's regulation. The Colorado Department of Health has been notified of such inconsistencies and incorrect references. Although none of these were considered fatal with regard to this delegation, the State must

make the necessary changes with the next regulation revision.

This delegation is based upon, and is a continuation of, the same conditions as those dated in EPA's original delegation letter of August 27, 1975, except that condition 3, relating to federal facilities, has been voided by the Clean Air Act Amendments of 1977. It is also important to note that EPA retains concurrent enforcement authority as stated in condition 2 of the August 27 letter. If at any time, there is a conflict between the State's regulations and the federal regulations, the federal regulations must be applied if they are more stringent than that of the State. (See condition 10 of EPA's August 27, 1975 letter.) This is particularly important because several inconsistencies and incorrect references were noted with the November 10, 1986, submittal.

A copy of the August 27, 1975, letter was published in the notices section of the Federal Register on October 31, 1975 (40 FR 59748), along with the associated rulemaking notifying the public that certain reports and applications required from operators of new or modified sources shall be submitted to the State of Colorado (40 FR 50719). Copies of these Federal Registers are enclosed for your convenience.

Since this delegation is effective immediately, there is no need for the State to notify EPA of its acceptance. Unless we receive written notice of objections from you within ten days of the date on which you receive this letter, the State of Colorado will be deemed to have accepted all the terms of this delegation.

An information notice will be published in the Federal Register in the near future informing the public of this delegation. This letter will appear in such notice in its entirety.

Sincerely,
Jack W. McGraw,
Acting Regional Administrator.

List of Subjects in 40 CFR Part 61

Air pollution control, benzene, equipment leaks (fugitive emission sources).

Date: March 3, 1989.

Jack W. McGraw,

Acting Regional Administrator.

Part 61 of Chapter I, Title 40 of the *Code of Federal Regulations* is amended as follows:

PART 61—[AMENDED]

Subpart A—General Provisions

1. The authority citation for Part 61 continues to read as follows:

Authority: 42 U.S.C. 7412.

§ 61.04 [Amended]

2. Section 61.04(c) is amended by revising the table to read as follows:

(c) * * *

DELEGATION STATUS OF NATIONAL EMISSION STANDARD FOR HAZARDOUS AIR POLLUTANTS

[(NESHAPS) for Region VIII]

Subpart	State					
	CO	MT	ND	SD	UT	WY
A General Provisions	(*)	(*)	(*)	(*)	(*)	
C Beryllium	(*)	(*)	(*)		(*)	
D Beryllium Rocket Motor Firing	(*)	(*)	(*)		(*)	
E Mercury	(*)	(*)	(*)		(*)	
F Vinyl Chloride	(*)	(*)	(*)		(*)	
J Equipment Leaks (Fugitive Emission Sources) of Benzene	(*)	(*)	(*)		(*)	
M Asbestos	(*)	(*)	(*)	(*)	(*)	(*) 1
N Inorganic Arsenic Emissions from Glass Manufacturing Plants		(*)			(*)	
O Inorganic Arsenic Emissions from Primary Copper Smelters		(*)			(*)	
P Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities		(*)			(*)	
V Equipment Leaks (Fugitive Emission Sources)		(*)	(*)		(*)	

(*) Indicates delegation.
(1) Delegation for asbestos demolition, renovation and spraying operations, and waste disposal for demolition, renovation and spraying operations only.

[FR Doc. 89-6109 Filed 3-15-89; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 271

[FRL-3537-7]

Kentucky; Final Authorization of State Hazardous Waste Management Program for Requirements Prior to Non-HSWA Cluster I, Non-HSWA Cluster II, Non-HSWA Cluster III, and Availability of Information

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Kentucky has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (hereinafter "RCRA" or the "Act") as amended by the Hazardous and Solid Waste Amendments (hereinafter "HSWA"). EPA has reviewed Kentucky's application and has made a decision, subject to public review and comment, that Kentucky's hazardous waste program revisions for requirements prior to non-HSWA Cluster I, non-HSWA Cluster II, non-HSWA Cluster III, and Availability of Information (AOI) satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Kentucky's hazardous waste program revision for the foregoing new authorities. Kentucky's applications for program revision are available for public review and comment.

DATES: Final authorization for Kentucky shall be effective May 15, 1989, unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Kentucky's program revision application must be received by the close of business, April 17, 1989.

ADDRESSES: Copies of Kentucky's program revision applications are available during normal business hours Monday through Friday, at the following addresses for inspection and copying: Division of Waste Management, Kentucky Department for Environmental Protection, Fort Boone Plaza, Building #2, 18 Reilly Road, Frankfort, Kentucky 40601, Phone 502/562-6716; U.S. EPA Headquarters Library, PM 211A, 401 M Street SW., Washington, DC 20460, Phone: 202/382-5926; U.S. EPA Region IV Library, 345 Courtland Street NE., Atlanta, Georgia 30365, Phone 401/347-4216.

FOR FURTHER INFORMATION CONTACT: Otis Johnson at (404) 347-0076 .

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the RCRA, 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260–266 and 124 and 270.

B. Kentucky

Kentucky initially received final authorization for the RCRA base program on January 31, 1985 (50 FR 2550). Kentucky received final authorization for Radioactive Mixed Waste equivalence on December 19, 1988 (53 FR 41164) and for non-HSWA Cluster II equivalence on January 18, 1989 (54 FR 1940).

On November 15, 1988, Kentucky submitted a complete, final program revision application for approval for federal regulations promulgated between January 1, 1983 and June 30, 1985, known as requirements prior to non-HSWA Cluster I and non-HSWA Cluster II. This application included Kentucky's demonstration of Availability of Information equivalence with RCRA section 3006(f) Freedom of Information requirements. On November 23, 1988 Kentucky submitted a complete final program revision application for approval for federal regulations promulgated between July 1, 1986 and June 30, 1987, known as non-HSWA Cluster III. Today, Kentucky is seeking approval of its program revisions for the following authorities in accordance with 40 CFR 271.21(b)(3).

Federal requirement	State authority
• 3006(f) Availability of Information: 40 CFR Part 2, Subpart A 5 U.S.C. 552	KRS 61.870, 61.872, 61.874, 61.878, 61.880, 61.882, 224.036, 224.081, 200 KAR 1:020, 401 KAR 1:060. Commissioner of Law's Statement dated November 14, 1988. Memorandum of Agreement dated November 9, 1987. Opinion of Attorney General 83–23, 80–641, 81–345, 82–234, 82–394, 83–42, 84–93, 85–120, 85–89, 84–300, 76–478, 79–275.
• Biennial Report: 48 *FR* 3981–3983, January 28, 1983	KRS Chapter 13A, 210, 224.017, 224.033, 224.864, 224.866, 401 KAR 32:040, 34:050, 35:050, 35:060, 38:030.
• Permit Rules: Settlement Agreement: 48 *FR* 39622, September 1, 1983	KRS 13A, 224.033, 224.866, 401 KAR 38:030, 38:070.
• Interim Status Standards Applicability: 48 *FR* 52718, November 22, 1983	KRS 13A, 224.033, 224.866, 401 KAR 35:010.
• Chlorinated Aliphatic Hydrocarbon Listing (F024): 49 *FR* 5312, February 10, 1984.	KRS 13A, 224.033, 224.864(3), 401 KAR 31:040, 31:160, 31:170.
• National Uniform Manifest: 49 *FR* 10500, March 20, 1984	KRS 13A, 224.017, 224.033, 224.864, 224.866, 401 KAR 30:010, 32:020, 32:050, 32:100, 38:020.
• Listing of Warfarin and Zinc Phosphide: 49 *FR* 19923, May 10, 1984	KRS 13A, 224.033, 224.864, 401 KAR 31:010, 31:040.
• Lime Stabilized Pickle Liquor Sludge: 49 *FR* 23284, June 5, 1984	KRS 13A, 224.033, 224.864, 401 KAR 31:010.
• Settlement Agreement: Permit Rules: 49 *FR* 17718, April 24, 1984	KRS 13A, 224.033, 224.866, 401 KAR 31:020.
• Exclusion of Household waste: 49 *FR* 44980, November 13, 1984	KRS 13A, 224.033, 224.864, 401 KAR 31:010.
• Interim Status Standards Applicability: 49 *FR* 46095, November 21, 1984	KRS 13A, 224.033, 224.866, 401 KAR 35:010.
• Corrections to Test Methods Manual: 49 *FR* 47391, December 4, 1984	KRS 13A, 224.033, 401 KAR 30:010, 30:060.
• Satellite Accumulation: 49 *FR* 49571, December 20, 1984	KRS 13A, 224.033, 224.864, 401 KAR 32:030.
• Interim Status Standards for Treatment Storage and Disposal Facilities: 50 *FR* 16044, April 23, 1985.	KRS 13A, 224.033, 224.866, 401 KAR 35:020, 35:220, 35:230.
• Definition of Solid Waste: 50 *FR* 614, January 4, 1985	KRS 13A, 224.033, 224.864, 224.081, 224.855, 224.867, 224.866, 401 KAR 30:010, 30:080, 31:010, 31:040, 34:010, 34:240, 35:010, 35:240, 35:250, 36:030, 36:040, 36:060, 37:070.
• Standards for Hazardous Waste Storage and Treatment Tank Systems: 51 *FR* 25470, July 14, 1986.	KRS 13A, 224.033, 224.864, 224.862, 224.866, 224.017, 224.867, 401 KAR 30:010, 31:010, 32:030, 34:020, 34:050, 34:070, 34:080, 34:190, 35:020, 35:050, 35:070, 35:190, 35:080, 38:090, 38:160, 38:020.
• Corrections to Listings of Commercial Chemical Products and Appendix VIII Constituents: 51 *FR* 28296, August 6, 1986.	KRS 13A, 224.033, 224.864, 224.867, 401 KAR 31:040, 31:170.
• Revisions to Manual SW-846: 52 *FR* 8072, March 16, 1987	KRS 13A, 224.033, 401 KAR 30:010.
• Closure/Post-Closure Care for Interim Status Surface Impoundments: 52 *FR* 8704, March 19, 1987.	KRS 13A, 224.033, 224.864, 224.867, 401 KAR 35:200.
• Definition of Solid Waste, Technical Corrections: 52 *FR* 21306, June 5, 1987	KRS 13A, 224.033, 224.864, 224.867, 224.866, 401 KAR 31:040, 36:030.
• Amendment to Part B Information Requirements for Disposal Facilities: 52 *FR* 23447, June 22, 1987.	KRS 13A, 224.033, 224.866, 401 KAR 38:100.

EPA has reviewed Kentucky's applications, and has made an immediate final decision that Kentucky's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization to Kentucky for the additional program modifications. The public may submit written comments on EPA's immediate final decision until the close of business April 17, 1989. Copies of Kentucky's application for program revision are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

Approval of Kentucky's program revision for requirements prior to Non-HSWA Cluster I, non-HSWA Cluster II, non-HSWA Cluster III and AOI shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

C. Decision

I conclude that Kentucky's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Kentucky is granted final authorization to operate its hazardous waste program as revised. Kentucky now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA-program, subject to the limitation of its revised program

application and previously approved authorities. Kentucky also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of the RCRA.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Kentucky's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Don Guinyard,

Acting Regional Administrator.

[FR Doc. 89-6108 Filed 3-15-89; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6711

[AZ-920-09-4214-10: AR-032636]

Modification of Public Land Order No. 3305, Dated January 13, 1964; Transfer of Jurisdiction and Change of Use; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order modifies Public Land Order No. 3305 as to the remaining 86.35 acres by changing the use from a Federal training facility to a Federal corrections facility. Jurisdiction of the land will be transferred from the Federal Bureau of Investigation to the Bureau of Prisons. The land has been and remains closed to surface entry, mining, and mineral leasing.

EFFECTIVE DATE: March 16, 1989.

FOR FURTHER INFORMATION CONTACT: John Mezes, BLM, Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011, 602-241-5534.

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

1. Public Land Order No. 3305, which withdrew the land for use by the Federal Bureau of Investigation for a law enforcement training facility, is hereby modified as to the remaining 86.35 acres, to change the purpose to a Federal corrections facility under the administrative jurisdiction of the Bureau of Prisons. The land is described as follows:

Gila and Salt River Meridian

T. 6 N., R. 2 E.,

Sec. 28, a parcel of land located in the W½ described as follows:

Commencing at the Southwest corner of said Section 28; thence North along the West line of the southwest quarter of said Section 28, a distance of 2,639.68 feet to the West quarter corner of said Section 28; thence N.00°01'12" W. along the West line of the Northwest quarter of said Section 28, a distance of 1,320.06 feet to the Northwest corner of the South half of the Northwest quarter of said Section 28; thence S.89°59' 15" E. along the North line of the South half of the Northwest quarter of said Section 28, a distance of 1,300.99 feet to the true point of beginning; thence continuing S.89°59'15" E. along said North line, a distance of 1,339.18 feet to the Northeast corner of the South half of the Northwest quarter of said Section 28; thence S.00°01'21" E. along the East line of the South half of the Northwest quarter and the East line of the North half of the Southwest quarter of said Section 28, a distance of 2,639.32 feet to the Southeast corner of the North half of the Southwest quarter of said Section 28; thence West along the south line of the North half of the Southwest quarter of said Section 28, a distance of 235.00 feet; thence North, a distance of 100.00 feet; thence West, a distance of 590.00 feet; thence N.40°00'00" W., a distance of 1,040.00 feet; thence N. 30°00'00" W., a distance of 1,010.00 feet; thence N.60°00'00" E., a distance of 760.00 feet; thence N.00°00'45" E., a distance of 488.24 feet back to the true point of beginning.

The area described contains 86.35 acres in Maricopa County.

2. The land described above continues to be withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C., Ch. 2) and leasing under the mineral leasing laws.

March 7, 1989.

Earl Gjelde,

Under Secretary of the Interior.

[FR Doc. 89-6058 Filed 3-15-89; 8:45 am]

BILLING CODE 4310-32-M

48 CFR Parts 1428 and 1452

Acquisitions Regulation; Aircraft and General Liability Insurance

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: This rule amends the Department of the Interior Acquisition Regulation (DIAR) by prescribing a revised liability insurance clause for use in fixed-price contracts for aircraft services.

EFFECTIVE DATE: May 15, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Wiley Horsley, Office of Acquisition and Property Management, Office of the Secretary, Department of the Interior, telephone (202) 343-3347.

SUPPLEMENTARY INFORMATION: The clause entitled, "Risk and Indemnities—Department of the Interior (DIAR 1452.228-71)," is currently prescribed for use in fixed-price contracts for aircraft services with contractor-furnished pilot. This clause, which preceded the Federal Acquisition Regulation (FAR), was promulgated because no suitable clause existed within the Federal Procurement Regulations. The Office of Aircraft Services has determined that the clause at FAR 52.228-10, Vehicular and General Public Libability Insurance, with minor revisions, is more appropriate than the current clause for establishing liability limits under the Department's aircraft services contracts with contractor-furnished pilots. Therefore, this rule adopts the clause at FAR 52.228-10 for this purpose. The liability limits proposed in the clause are the same as those prescribed by the Department of Transportation for air taxi operators providing air transportation to the public.

Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act

The Department has determined that this rule is not a major rule under Executive Order 12291 since it revises only existing limits of liability on contractors which provide aircraft services with pilot to the Department by adapting an existing clause prescribed in the FAR.

The Department also certifies that this rule will not have a significant effect on a substantial number of small entities since it will affect only those contractors which enter into fixed-price contracts with the Department for aircraft services with furnished pilot.

No information collection requirements are contained in the final rule.

A proposed rule was published in the Federal Register on April 29, 1988 (53 FR 15432), inviting the public to submit written comments for the Department to consider in developing the final rule. No comments were received.

List of Subjects in 48 CFR Parts 1428 and 1452

Government procurement.

For the reasons set out in the preamble, Chapter 14 of Title 48 of the Code of Federal Regulations is amended as set forth below.

Date: January 11, 1989.

Rick Ventura,

Assistant Secretary, Policy, Budget and Administration.

1. The authority citations for 48 CFR 1428 and 1452 continue to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c), and 5 U.S.C. 301.

PART 1428—BONDS AND INSURANCE

2. Section 1428.306–70(c)(1) is amended to read as follows:

1428.306–70 Insurance for aircraft services contracts.

* * * * *

(c) * * *

(1) The contracting officer shall insert the clause at 1452.228–71, Aircraft and General Liability Insurance—Department of the Interior, in all fixed-price contracts for operation of aircraft with contractor-furnished pilot.

* * * * *

PART 1452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 1452.228–71 is amended to read as follows:

1452.227–71 Aircraft and general public liability.

As prescribed in 1428.306–70(c)(1), insert the following clause in all fixed-price contracts for operation of aircraft with contractor-furnished pilot:

Aircraft and General Public Liability Insurance—Department of the Interior ( )

(a) The contractor, at the contractor's expense, agrees to maintain, during the continuance of this contract, aircraft liability and general public liability insurance with limits of liability for (1) bodily injury to or death of aircraft passengers of not less than $75,000 for any one passenger and a limit for each occurance in any one aircraft of at least an amount equal to the sum produced by multiplying $75,000 by 75 percent of the total number of passenger seats installed in the aircraft, (2) bodily injury or death of persons (excluding passengers) of not less than $75,000 for any one person in any one occurrence and $300,000 for each occurrence, and (3) property damage of not less than $100,000 for each occurrence, or (4) a single limit of liability for each occurrence equal to or greater than the combined required minimums set forth in (1) through (3) above.

(b) The contractor agrees to maintain workers' compensation and other legally required insurance with respect to the contractor's own employees and agents.

(End of clause)

[FR Doc. 89–6236 Filed 3–15–89; 8:45 am]

BILLING CODE 4310–RF–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 371

[Docket No. 60616–6116]

Fraser River Sockeye and Pink Salmon Fisheries

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

ACTION: Notice of 1988 inseason orders.

SUMMARY: The Secretary of Commerce (Secretary) hereby publishes the inseason orders regulating fisheries in United States waters that were issued by the Fraser River Panel (Panel) of the Pacific Salmon Commission (Commission) and subsequently approved and issued by the Secretary during the 1988 sockeye and pink salmon fisheries within the Fraser River Panel Area (Fraser River Panel (U.S.)). These orders established fishing times, areas, and types of gear for U.S. treaty Indian and all-citizen fisheries during the period the Commission exercised jurisdiction over these fisheries.

Due to the frequency with which inseason orders are issued, publication of individual orders is impracticable. The 1988 orders are therefore being published in this notice to avoid fragmentation.

EFFECTIVE DATE: Each of the following inseason orders of the Secretary was effective upon announcement on telephone hotlines as specified at 50 CFR 371.21(b)(1) (at 51 FR 23420, June 27, 1986).

ADDRESS: Comments on these inseason orders may be sent to Rolland A. Schmitten, Director, Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten, 206–526–6150; or Richard B. Thompson, 206–526–6144.

SUPPLEMENTARY INFORMATION: The Treaty between the Government of the United States of America and the Government of Canada concerning Pacific Salmon (Treaty) was signed at Ottawa on January 28, 1985, and subsequently was given effect in the United States by the Pacific Salmon Treaty Act (Act) at 16 U.S.C. 3631–3644.

Under authority of the Act, an emergency interim rule was promulgated at 50 CFR Part 371 (51 FR 23420, June 27, 1986) to provide a framework for implementation of certain regulations of the Commission and inseason orders of the Commission's Panel for sockeye and pink salmon fisheries in the Fraser River Panel Area (U.S.). The emergency interim rule was effective from June 22, 1986, and remains in effect until modified, superseded, or rescinded. It applies to the Fraser River Panel Area (U.S.) during the period each year when the Commission exercises jurisdiction over these fisheries.

The emergency interim rule closes the Fraser River Panel Area (U.S.) to sockeye and pink salmon fishing unless opened by Panel regulations or by inseason orders of the Secretary that give effect to Panel orders, unless such orders are determined not to be consistent with domestic legal obligations. During the fishing season, the Secretary may issue orders that establish fishing times and areas consistent with the annual Commission regime and inseason orders of the Panel. Such orders must be consistent with domestic legal obligations. The Secretary issues inseason orders through his delegate, the Northwest Regional Director of NMFS. Official notice of these inseason actions of the Secretary is provided by two telephone hotlines described at 50 CFR 371.21(b)(1). Inseason orders of the Secretary must be published in the Federal Register as soon as practicable after they are issued. Due to the frequency with which inseason orders are issued, publication of individual orders is impracticable. The 1988 orders are therefore being published in this notice to avoid fragmentation.

The following inseason orders were adopted by the Panel and issued for U.S. fisheries by the Secretary during the 1988 fishing season. The times listed are local times, and the areas designated are Puget Sound Management and Catch

Reporting Areas as defined in the Washington State Administrative Code at Chapter 220-22.

Order No. 1988-1: Issued 3:30 p.m., July 11, 1988.

Treaty-Indian fishery: Areas 4B, 5, and 6C—Open to drift gill nets 12:00 noon Tuesday, July 12 to 12:00 noon Saturday, July 16. Areas 6, 7, and 7A—Open to net fishing 7:00 p.m. Tuesday, July 12 to 9:30 p.m. Thursday, July 14.

All-Citizen fishery: Areas 4B, 5, 6, 6C, 7, and 7A—Open to gill nets 7:00 p.m. Tuesday, July 12 to 9:30 a.m. Wednesday, July 13; open to purse seines 5:00 a.m. to 9:30 p.m. Wednesday, July 13; open to reef nets 5:00 a.m. to 9:30 p.m. Wednesday, July 13.

Order No. 1988-2: Issued 12:15 p.m., July 15, 1988.

Treaty-Indian fishery: Areas 4B, 5, and 6C—Open to drift gill nets 12:00 noon Tuesday, July 19 to 12:00 noon Sunday, July 31.

Order No. 1988-3: Issued 11:55 a.m., July 22, 1988.

Treaty-Indian fishery: Areas 4B, 5, and 6C—Open to drift gill net fishing. Areas 6, 7, and 7A—Open to net fishing 5:00 a.m. Tuesday, July 26 to 9:30 a.m. Thursday, July 28.

All-Citizen fishery: Areas 4B, 5, 6, 6C, 7, and 7A—Open to reef nets 5:00 a.m. to 9:30 p.m. Monday, July 25; open to purse seines 5:00 a.m. to 9:30 p.m. Wednesday, July 27; open to gill nets 7:00 p.m. Wednesday, July 27, to 9:30 a.m. Thursday, July 28.

Order No. 1988-4: Issued 2:15 p.m., July 29, 1988.

Treaty-Indian fishery: Areas 4B, 5, and 6C—Closed to drift gill net and purse seine fishing 6:00 p.m. Friday, July 29.

Order No. 1988-5: Issued 12:15 p.m., August 1, 1988.

Applied only to Canadian area fisheries.

Order No. 1988-6: Issued 10:55 a.m., August 7, 1988.

Applied only to Canadian area fisheries.

Order No. 1988-7: Issued 2:00 p.m., August 10, 1988.

Treaty-Indian fishery: Areas 4B, 5, and 6C—Open to drift gill net fishing 4:00 p.m. Wednesday, August 10 to 12:00 noon Monday, August 15. Areas 6, 7, and 7A—Open to net fishing 7:00 p.m. Thursday, August 11 to 9:30 p.m. Friday, August 12.

All-Citizen fishery: Areas 4B, 5, 6, 6C, 7, and 7A—Open to reef nets 5:00 a.m. to 9:30 p.m. Thursday, August 11; open to gill nets 7:00 p.m. Thursday, August 11 to 9:30 a.m. Friday, August 12; open to purse seines 5:00 a.m. to 9:30 p.m. Friday, August 12.

Order No. 1988-8: Issued 12:15 p.m., August 11, 1988.

Applied only to Canadian area fisheries.

Order No. 1988-9: Issued 4:00 p.m., August 12, 1988.

Treaty-Indian fishery: Areas 4B, 5, and 6C—Extended for drift gill nets from 12:00 p.m. noon Monday, August 15 to 12:00 noon Tuesday, August 16. Areas 6, 7, and 7A—Open to net fishing 5:00 a.m. Tuesday, August 16 to 9:00 a.m. Thursday, August 18.

All-Citizen fishery: Areas 4B, 5, 6, 6C, 7, and 7A—Open to reef nets 5:00 a.m. to 9:00 p.m. Monday, August 15 and Tuesday, August 16; open to purse seines 5:00 a.m. to 9:00 p.m. Tuesday, August 16 and Wednesday, August 17; open to gill nets 6:00 p.m. Tuesday, August 16 to 9:00 a.m. Wednesday, August 17, and 6:00 p.m. Wednesday, August 17, to 9:00 a.m. Thursday, August 18.

Order No. 1988-10: Issued 12:30 p.m., August 15, 1988.

Treaty-Indian fishery and All-Citizen fishery: Areas 4B, 5, and 6C—Extended for drift gill nets from 12:00 p.m. Tuesday, August 16 to 12:00 noon Thursday, August 18; open drift gill nets from 12:00 noon Friday, August 19 to 12:00 noon Tuesday, August 23.

Area 7A—Closed until further notice northerly and westerly of a straight line drawn from Iwersen's Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia.

Order No. 1988-11: Issued 2:05 p.m., August 17, 1988.

Treaty-Indian fishery: Areas 6, 7, and 7A—Extended for net fishing from 9:00 a.m. Thursday, August 18 to 9:00 a.m. Friday, August 19.

All-Citizen fishery: Areas 4B, 5, 6, 6C, 7, and 7A—Open to reef nets and purse seines 5:00 a.m. to 9:00 p.m. Thursday, August 18; open to gill nets 6:00 p.m. Thursday, August 18 to 9:00 a.m. Friday, August 19.

Treaty-Indian and All-Citizen fishery: Area 7A—Closed until further notice northerly and westerly of a straight line drawn from Iwersen's Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia.

Order No. 1988-12: Issued 1:00 p.m., August 19, 1988.

Treaty-Indian fishery: Areas 6, 7, and 7A—Open to net fishing 6:00 p.m. Friday, August 19 to 9:00 p.m. Saturday, August 20.

All-Citizen fishery: Areas 4B, 5, 6, 6C, 7, and 7A—Open to gillnets 6:00 p.m. Friday, August 19 to 9:00 a.m. Saturday, August 20; open to reef nets and purse seines 5:00 a.m. to 9:00 p.m. Saturday, August 20.

Treaty-Indian and All-citizen fishery: Area 7A—Closed until further notice northerly and westerly of a straight line drawn from Iwersen's Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia.

Order No. 1988-13: Issued 2:00 p.m., August 22, 1988.

Treaty-Indian fishery: Areas 4B, 5, and 6C—Open to drift gill nets 12:00 noon Thursday, August 25 to 12:00 noon Sunday, August 28. Areas 6, 7, and 7A—Open to net fishing 5:00 a.m. Tuesday, August 23 to 9:00 a.m. Thursday, August 25.

All-Citizen fishery: Areas 7, and 7A—Open to purse seines 5:00 a.m. to 9:00 p.m. Tuesday, August 23 and Wednesday, August 24; open to gill nets 6:00 p.m. Tuesday, August 23 to 9:00 a.m. Wednesday, August 24 and 6:00 p.m. Wednesday, August 24 to 9:00 a.m. Thursday, August 25; open to reef net fishing 5:00 a.m. to 9:00 p.m. Thursday, August 25 and Friday, August 26.

Order No. 1988-14: Issued 3:00 p.m., August 23, 1988.

All-Citizen fishery: Area 6—Open to purse seines 5:00 a.m. to 9:00 p.m. Tuesday, August 23 and Wednesday, August 24; open to gill nets 6:00 p.m. Tuesday, August 23 to 9:00 a.m. Wednesday, August 24 and 6:00 p.m. Wednesday, August 24 to 9:00 a.m. Thursday, August 25; open to reef nets 5:00 a.m. to 9:00 p.m. Thursday, August 25 and Friday, August 26.

Order No. 1988-15: Issued 12:30 p.m., August 26, 1988.

Treaty-Indian fishery: Areas 4B, 5, and 6C—Extended for drift gill nets from 12:00 noon Sunday, August 28 to 12:00 noon Tuesday, August 30. Areas 6, 7, and 7A open to net fishing 6:00 p.m. Sunday, August 28 to 9:00 p.m. Tuesday, August 30.

All-Citizen fishery: Areas 7 and 7A—Open to reef nets 5:00 a.m. to 9:00 p.m. Sunday, August 28, and Monday, August 29; open to gill nets 6:00 p.m. Sunday, August 28 to 9:00 a.m. Monday, August 29 and 6:00 p.m. Monday, August 29 to 9:00 a.m. Tuesday, August 30; open to purse seines 5:00 a.m. to 9:00 p.m. Monday, August 29, and Tuesday, August 30.

Order No. 1988-16: Issued 4:00 p.m., August 26, 1988.

All-Citizen fishery: Area 6—Open to reef nets 5:00 a.m. to 9:00 p.m. Sunday, August 28, and Monday, August 29; open to gill nets 6:00 p.m. Sunday, August 28 to 9:00 a.m. Monday, August 29 and 6:00 p.m. Monday, August 29 to 9:00 a.m. Tuesday, August 30; open to purse seines 5:00 a.m. to 9:00 p.m. Monday, August 29, and Tuesday, August 30.

The remainder of the 1988 Fraser Panel Orders, numbers 17 through 22, applied only to fisheries in Canadian areas.

Other Matters

This action is taken under authority of 50 CFR 371.21 (51 FR 23420, June 27, 1986) and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 371

Fisheries, Fishing, Pacific Salmon Commission, Treaty Indians.

Authority: 16 U.S.C. 3636(b).

Dated: March 10, 1989.

Alan Dean Parsens,

Acting Director of Office Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89-6091 Filed 3-15-89; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 54, No. 50
Thursday, March 16, 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.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 89-002]

Varroa Mite Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the "Domestic Quarantine Notices" by adding a new subpart captioned "Varroa Mite Regulations." Continuing detections of Varroa mites across the United States make it necessary for us to propose quarantining the 35 states known or believed to be infested; we also propose to restrict the interstate movement of regulated articles from the quarantined areas. We consider this action necessary to retard the interstate spread of Varroa mites.

In November 1988 we formed the Varroa Mite Negotiated Rulemaking Advisory Committee. Members of the Committee represented the interests of as many parties with a definable stake in the outcome of Varroa mite regulations as we could identify. The Committee's consensus-based recommendations constitute the basis for the proposed Varroa Mite regulations.

DATES: Consideration will be given only to comments received on or before March 31, 1989.

ADDRESSES: Send an original and two copies of written comments to Helene R. Wright, Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Specifically refer to Docket No. 89-002. Public comments and minutes of meetings of the Varroa Mite Negotiated Rulemaking Advisory Committee are available for review at USDA in Room 1141 of the South Building, 14th Street at Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Milton C. Holmes, Senior Operations Officer, Domestic and Emergency Operations, Plant Protection and Quarantine, APHIS, USDA, Room 643, Federal Building, 6505 Belcrest Rd., Hyattsville, MD 20782, (301) 436-8247.

SUPPLEMENTARY INFORMATION:

Background

We are proposing to amend 7 CFR Part 301 by adding to "Domestic Quarantine Notices" a new subpart captioned "Varroa Mite Regulations" (§§ 301.92 through 301.92-12, referred to below as the regulations). We would quarantine areas where Varroa mites have been detected. Further, because honeybees are routinely shipped from those areas known to be infested to beekeepers in the other states of the United States, we have reason to believe that Varroa-infested honeybees may be in states in which they have not been detected. We would therefore quarantine all states that have not conducted Varroa mite detection surveys. This action would make possible the identification and subsequent containment of Varroa mite infestations. To retard the interstate spread of Varroa mites from quarantined areas, we would restrict the interstate movement of honeybees and articles used in conjunction with honeybees, which are identified as "regulated articles," from quarantined areas.

The Varroa mite, *Varroa jacobsoni* (Oudemans), is a parasite of honeybees. Varroa mites (referred to below as Varroa) invade colonies of honeybees, weakening the component honeybees and reducing their ability to pollinate plants and produce honey. Because Varroa multiply quickly, a beekeeper may fail to notice their presence until serious damage has been done.

Varroa was first detected in the United States in a Wisconsin apiary in September 1987. By April 1988 Varroa infestations had been confirmed in an additional twelve states. Between September 1987 and April 1988, the Animal and Plant Health Inspection Service (APHIS), advised by the Agricultural Research Service (ARS) of the United States Department of Agriculture, considered the options available to the Department. Data collected in countries where chemicals have been used to treat mite-infested bees, including Germany, France, and Israel, resulted in our decision to focus on chemical treatment as the most viable option for retarding the spread of Varroa.

The decision to pursue the chemical-treatment option required that tests be conducted on Varroa-infested honeybees in the United States. Treatments recommended by foreign experts would, we knew, require some degree of modification and adaptation. The Agricultural Research Service's preliminary tests revealed unacceptably high mortality rates for honeybees in treated colonies, confirming the need for environmentally conditioned research to reduce that mortality rate to the point that Departmental scientists could support regulatory treatments for U.S. honeybees. As pressing as the need for treatment techniques was the seasonal need for healthy honeybees in 1988. To avert what threatened to become a disaster, beekeepers and the grower groups who constitute their constituency sought an urgent solution to the Varroa emergency. They sought federal action regulating the interstate movement of bees by spring. Spring implementation would make it possible for honey production and crop pollination to proceed with minimal disruption to the agricultural sector of the United States.

On April 11, 1988, we published in the **Federal Register** an interim rule that, effective April 6, 1988, added Varroa Mite regulations to the "Domestic Quarantine Notices" in Title 7 of the Code of Federal Regulations (53 FR 11825-11830, Docket No. 87-140). Within a month we found it necessary to rescind those regulations, which we did in an interim rule effective May 6, 1988 and published in the **Federal Register** on May 10, 1988 (53 FR 16536-16538, Docket No. 88-082). As we explained at that time and in our affirmation of that interim rule on September 14, 1988 (53 FR 35425-35426, Docket No. 88-129), the Varroa Mite regulations proved unworkable.

The comments we received from federal and state officials, beekeepers, growers, and researchers acknowledged the ineffectiveness of the Varroa Mite regulations implemented in April 1988. Many of the commenters exhorted us to convene representatives of the

interested parties likely to be affected by any Varroa Mite regulations, certain that, working together, those representatives could improve upon the original regulations. As a result, on the basis of the notice of intent to establish a committee published in the **Federal Register** on November 8, 1988 (53 FR 45134–45135), we formed the Varroa Mite Negotiated Rulemaking Advisory Committee (the Committee). Committee membership was determined by the ability of each participant to represent interests compatible, if not identical, with his/her own. The Committee included representatives of beekeeping organizations, migratory beekeepers, grower groups, related industry groups, state agencies, and the federal government.

The Varroa Mite Negotiated Rulemaking Advisory Committee met in two public sessions: November 30 through December 2, 1988, and January 5 through January 6, 1989 (meeting notices were published in the **Federal Register** November 10, 1988, 53 FR 45484, Docket No. 88–165 and December 19, 1988, 53 FR 50972, Docket No. 88–200, respectively). The Committee formally recognized the provisional nature of all discussions, given the status of Varroa research in the United States. In research terms, one or two years amount to a very short time, so that, despite the concentrated efforts of the Agricultural Research Service and other researchers, some discussions would have to be premised on inconclusive data. Accepting the inevitable limitations of any regulations drafted under such conditions, the Committee recommended that the Department sponsor more Varroa research; agreed to assist in data gathering; and proceeded with negotiations. The negotiated rulemaking sessions that ensued focused on a list of key issues identified by the Committee members. Those key issues translated into agenda items for the Committee. Each was exhaustively discussed. Many issues were revised, tabled, revived, and reconstituted as discussions proceeded so that, after much give and take, the Committee had reached consensus on the terms of a regulation acceptable to all of them.

While the Committee agreed to sanction the randomly monitored but otherwise unrestrained movement of hives moving interstate under a transit visa, we propose to set infestation-level thresholds for hives moving interstate. Based on current research, the treatment-triggering threshold would be (1) an average of at least 50 Varroa per hive monitored, or (2) at least 200 Varroa in a single hive. If randomly monitored hives are found to exceed those thresholds, all the hives moving interstate under the transit visa would require treatment in order to continue the interstate movement. (The methodology for random monitoring [sampling] is discussed under "Surveys," below.)

The Committee stipulated that the terms of their agreement accorded with existing data, and that their consensus agreement was contingent on that fact. With new and better data and technological advances, review of the proposed federal program will be essential. Experience and data evolving from implementation of the proposed regulation would doubtless warrant some revision of Varroa Mite regulations within its first year. Along with the Committee, we expect this, and intend to review the Varroa situation when the interstate movement of honeybees required for honey production and pollination has concluded for 1989.

The regulations we are proposing address agricultural needs as identified for us by the Varroa Mite Negotiated Rulemaking Advisory Committee. Based on the Committee's recommendations, informed by experience and the best research available from the Agricultural Research Service and other researchers, we are proposing federal regulations capable of retarding the interstate spread of Varroa. An explanation of the provisions of the proposed Varroa regulations follows.

Restrictions (Section 301.92)

Honeybees and other articles defined as "regulated articles" could be moved interstate from or through quarantined areas only in accordance with the proposed regulations.

Definitions (Section 301.92–1)

To present the regulations in terms expressing their intended meaning, including definitions prevailing in apicultural literature, we would include a list of definitions in § 301.92–1.

We propose to define "infestation" to mean any colony in which a Varroa mite has been detected, except hives accompanied by a valid transit visa. This exception would be necessary to prevent the quarantining of a state or portion of a state because of the presence of Varroa in hives moving interstate in accordance with this proposed subpart.

"Package honeybees" would be defined as a colony of honeybees weighing three pounds or less in a screened cage. This weight limitation would be necessary to ensure the efficacy of the Apistan® treatment that would be required for the interstate movement of package honeybees. The screened cage is necessary in order to reduce mortality in transit.

Surveys (§ 301.92–2)

Because honeybee queens and packages are routinely shipped to hobbyists and professional beekeepers and researchers in the United States from states where Varroa have been detected, and because migratory beekeepers meet the needs of growers of different crops in different states at different times of the year by routinely moving their honeybees interstate from and through states where Varroa have been detected, we have reason to believe that Varroa-infested honeybees may be present in areas where they have not yet been detected. We therefore propose to restrict the interstate movement of honeybees from states that have not conducted surveys for Varroa.

Each of these proposed surveys uses the same system, based on the random selection of hives. For any of these surveys to be statistically valid, the selection of hives must be "random" in the technical sense used by statisticians. This technical definition of "random" means that we know the probability of selection of each hive in a state (or regulated area, or apiary). We can achieve this certainty about probability by using a random numbers table. In order to use the random numbers table, an inspector must first determine the sampling universe (the honeybee population in the area being surveyed—a state, a regulated area, or an apiary). State records of registered beekeepers, along with state and local personnel, would be used to identify the names, locations, and numbers of colonies kept by beekeepers in the area to be surveyed. Having determined the sampling universe, the inspector would assign a block of consecutive numbers, one number per hive, to each apiary included in the sampling universe. The table provided in § 301.92–2(f) of this subpart would then be used to determine the number of hives to sample in the survey, and the inspector would survey only those hives. On this basis we would be able to make predictions with verifiable and quantifiable levels of confidence.

The Varroa Mite Negotiated Rulemaking Advisory Committee recommended that we design a survey that could detect an infestation level of at least one percent, assuming a confidence level of 95 percent. In other words, they were willing to accept a survey that could, 95 times out of 100,

detect one infested hive if the state (or regulated area, or apiary) were infested at a level of at least one percent. Time, money, and labor constraints made impractical a survey assuming a confidence level of 100 percent or anything above the 95-percent level; a confidence level less than 95 percent represented more risk than the Committee could accept. We accepted the Committee's recommendation.

The proposed regulations provide for five surveys. Each survey applies the same sampling method on a different scale.

A state would be quarantined unless a state detection survey were conducted in the following manner, and detected no Varroa. First, to accurately determine whether the state should be quarantined because of the presence of Varroa, a random sample of hives would be selected from the statewide population of hives. The results of the state detection survey would determine the necessity of other surveys. If the state detection survey results were negative, this would indicate, with 95 percent certainty, that the state was not infested at a level greater than one percent. The state would be apparently free of Varroa. That being the case, the state would not be quarantined.

If, however, the state detection survey were to detect Varroa, the infested state would be quarantined, and federal Varroa Mite regulations would apply to the interstate movement of all regulated articles from that state, to retard the interstate spread of Varroa.

The state may conduct a state delimiting survey to reduce the area designated as quarantined. This would be performed in the same manner as the state detection survey, except that apiaries where Varroa have been detected and previously surveyed hives would be excluded from the sampling universe. The infested apiaries would be excluded from the state delimiting survey because these apiaries would be included in areas known to be infested and will be in regulated areas. (Regulated areas are discussed below.) The previously surveyed hives would be excluded because they have been found to be negative. This sampling process would be repeated until state delimiting survey results proved negative.

Random sampling would again be used in the regulated area delimiting survey, which would establish the boundaries of each regulated area. With hives in the infested apiary eliminated from the sampling universe, this survey would include all other hives within two miles of the infested apiary. If no more Varroa were detected, the regulated area would consist of the infested apiary and a buffer zone radiating out for at least two miles in every direction. (See discussion of buffer zones under "Quarantined Areas," below.) If the regulated area delimiting survey did detect Varroa, this sampling process would be repeated until survey results proved negative. The boundaries of the regulated area would be redrawn to encompass each infested apiary and a buffer zone, as described above.

A person would be able to move hives from a quarantined area without treatment only when the results of an apiary survey were negative. The sampling method, the confidence level, and the statistical validity of this survey would be the same. If the apiary survey detected Varroa, treatment would be required for the apiary and the packages or hives being moved interstate. Agricultural Research Service scientists have told us that treatment of hives in an apiary should remain effective for 45 days; for that reason, we propose to require that surveys of apiaries routinely moving package honeybees interstate be conducted every 45 days. If the apiary survey detected no Varroa, hives moving interstate under a transit visa would not require treatment. Honeybees for packaging, however, would require treatment in accordance with paragraphs (b)(2) through (b)(7) of § 301.92–10, but hives in that point of origin apiary would not have to be treated. We would require this precautionary treatment of package honeybees because, although the apiary survey does not confirm with 100 percent confidence the apiary's freedom from Varroa, Agricultural Research Service scientists have advised us that by treating package honeybees taken from hives with nondetectable levels of Varroa we come close to eliminating the pest risk.

The fifth category of survey would release an area from quarantine. At least six months after the most recent detection of Varroa, a quarantined area could be resurveyed, using the same random sampling method as had been used to designate the area as "quarantined." If this survey detected no Varroa, the area would be apparently free of Varroa, and would be removed from the list of quarantined areas. The minimum quarantine period of six months would be necessary to ensure that an infestation could, in the time between surveys, increase to a detectable level.

Quarantined Areas (§ 301.92–3)

We would quarantine states that for any reason lack Varroa survey data indicating that they are apparently free of Varroa. Absent evidence to the contrary, the routine shipment of honeybees interstate from states known to be infested to states that have not conducted Varroa surveys leads us to believe Varroa are present in those states. By taking this precautionary action we would retard the interstate spread of Varroa.

Less than an entire state would be quarantined if we determined that: (1) The state-imposed restrictions on intrastate movement of regulated articles were equivalent to those that our regulations impose on the interstate movement of regulated articles; and (2) delimiting a regulated area within a state would suffice to contain the interstate spread of Varroa. A delimited area meeting these criteria would be determined to be a "regulated area." Each regulated area would encompass an area at least as great as the apiary with the infestation and its buffer zone. This buffer zone would comprise the area around the infested apiary into which infested honeybees may have ranged. The boundaries of the buffer zone are based on the foraging range of honeybees. In general, the natural foraging range is two miles. We would, therefore, require that buffer zone boundaries at all points measure two miles from the closest apiary with an infestation. We would expect some regulated areas to encompass areas exceeding the minimum prescribed in the regulations, in order to establish identifiable boundaries. These specific geographic boundaries of quarantined areas would appear in the regulations.

Additionally, proposed § 301.92–3 provides for the temporary quarantining of an area without publication in the **Federal Register** when immediate emergency action is warranted. Otherwise, the spread of Varroa could occur before publication in the **Federal Register** of a document adding that area to the list of quarantined areas. Proposed § 301.92–3 also provides for release from quarantine, in accordance with the proposed survey provisions of § 301.92–2(e).

Conditions Governing the Interstate Movement of Regulated Articles from Quarantined Areas (§§ 301.92–4 Through 301.92–11)

Proposed § 301.92–4 provides requirements for regulated articles being moved interstate from quarantined areas. Whether the document required would be a certificate, limited permit, transit visa, or Departmental permit would depend on the regulated article and the extent or purpose of the planned interstate movement. A certificate would be issued when honeybees

presented no pest risk before interstate movement. A limited permit or transit visa would be issued when honeybees presenting a minimal risk of spreading Varroa could safely be moved interstate. Because research conducted by the Agricultural Research Service confirms the 100 percent effectiveness of treatments for queens and their attendants only, we could issue certificates for those honeybees only. Because of the risk associated with package bees and hives, we would issue only limited permits or transit visas for honeybees in those categories.

We would allow the United States Department of Agriculture to move regulated articles interstate for experimental or scientific purposes with a Departmental permit issued by the Administrator, containing conditions which would retard the interstate spread of Varroa. This regulation would also require that the regulated article moved under a Departmental permit be identified with a tag or label bearing the number of the Departmental permit. This is to ensure that the regulated article is in fact one for which a Departmental permit has been issued.

We would allow honeybees to move interstate through a quarantined area without certificates, limited permits, or transit visas if the point of origin were outside a quarantined area, in accordance with certain proposed conditions. First, the accompanying waybill would have to identify the point of origin. This would provide assurance that the honeybees originated outside the quarantined area. Second, while in the quarantined area between sunrise and sunset, the honeybees would have to be moved in an enclosed vehicle or completely covered with a mesh impermeable to honeybees, and the vehicle must move through the quarantined area without stopping, except for refueling or traffic conditions, such as traffic lights, rest stops, emergency repairs, and stop signs. Honeybees moved through a quarantined area in darkness (between sunset and sunrise, when honeybees do not fly) would require only the accompanying waybill, because the risk of the spread of Varroa to honeybees moving through a quarantined area during darkness is negligible. If hives monitored during interstate movement were found to have an average of at least 50 Varroa per hive or 200 or more Varroa in a single hive, they would be infested at a level higher than could be accepted to retard the interstate spread of Varroa. At this treatment-triggering threshold, all hives in the shipment would have to be treated in accordance with § 301.92–10(c) before interstate movement could resume.

Proposed § 301.92–5(a) specifies the conditions under which certificates would be issued for the interstate movement of a queen and attendant honeybees. The inspector or complier would issue a certificate upon determining that a queen and attendant honeybees had been treated in accordance with the regulations. The certificate would signify that such honeybees do not pose a risk of the interstate spread of Varroa and are, therefore, eligible to be moved interstate.

Proposed § 301.92–5(b) specifies the conditions under which limited permits would be issued. The inspector or complier would issue a limited permit upon determining that package bees had been treated in accordance with the regulations. All package bees, including those from a point-of-origin apiary surveyed and found to be apparently Varroa-free, would have to be treated in accordance with § 301.92–10(b) of the regulations. Package bees from an infested point-of-origin apiary, or an apiary that had not been surveyed, would have to be treated twice. First, all hives, including those hives in which the package bees are located, would be treated in accordance with proposed § 301.92–10(c). Second, the package honeybees to be moved interstate would be treated as prescribed in proposed § 301.92–10(b). According to the Agricultural Research Service, this procedure for treating package bees cannot be guaranteed to eliminate the pest risk associated with their interstate movement. However, the limited permit would signify that the package bees have been treated in a manner which would retard the interstate spread of Varroa.

Proposed § 301.92–5(c) specifies the conditions under which we would issue transit visas. The inspector would issue a transit visa upon determining that a hive had been surveyed in accordance with § 301.92–2(d) and found to be apparently free of Varroa, or upon determining that a hive had been treated in accordance with § 301.92–10(c) of the regulations. To ensure that the person being issued a transit visa would be prepared for the monitoring and possible treatment of his/her hives during the interstate movement authorized by the transit visa, the inspector would inform the person of the requirement that hives be subject to monitoring as a condition of interstate movement. The person being issued a transit visa would assume responsibility for contacting an inspector in each destination state on the interstate itinerary at least 48 hours before his/her hives' arrival in that state. This would ensure that the inspector in each state would receive updated information either confirming or revising the time specified on the transit visa, preventing delays that could otherwise interfere with the interstate movement of hives.

Proposed § 301.92–5 (a) and (b) provide, respectively, for the issuance of certificates and limited permits by an inspector or any person, known as a complier, who has entered into and is operating under a compliance agreement with us, and who has determined that his/her honeybees meet the requirements for interstate movement provided for queens and package bees. Because the prospective monitoring of treated hives being moved interstate could be integral to the success of our proposed regulatory program, we must ensure that inspectors in all destination states listed on a transit visa receive the earliest possible notification that the transit visa has been issued, and that they could therefore expect the bees to arrive at the time estimated on the transit visa. The inspector issuing the transit visa would be responsible for distributing copies of the document to inspectors in each destination state immediately upon issuance. For that reason, we propose no provision for the issuance of transit visas by compliers.

Proposed § 301.92–5(d) provides for the withdrawal of a certificate, limited permit, or transit visa by an inspector who finds that the person to whom the document is issued has not complied with the regulations. The inspector would, in that case, notify this person of the reasons for the cancellation. The inspector's decision could be appealed, and the person whose document had been withdrawn could request a hearing if any facts were in dispute.

Proposed § 301.92–6 provides for the issuance and cancellation of compliance agreements. Compliance agreements serve a dual purpose: For the public, convenience; for the government, conservation of limited resources. We are pleased to enter into compliance agreements with persons who are able to treat regulated articles in accordance with the regulations, and who can be relied upon to consistently comply with the regulations. Persons interested in entering into compliance agreements could do so by contacting a local office of Plant Protection and Quarantine.

In signing a compliance agreement, a complier acknowledges that he/she understands and is committed to complying with the requirements of the regulations.

An inspector supervising enforcement of a compliance agreement, finding that a complier had violated any provision of the regulations, could cancel the agreement. The inspector would, in that case, notify the complier of the reasons for the cancellation, and offer an opportunity for a hearing if any facts were in dispute.

Proposed § 301.92–7 provides that a certificate or limited permit be attached to the regulated article, to the container of the regulated article, or to the accompanying waybill; a transit visa must be attached to the waybill accompanying the hive. Once attached, the certificate, limited permit, or transit visa could not be removed at any point during the interstate movement of the regulated article. The carrier would be required to give the certificate, limited permit, or transit visa to the consignee at the final destination point. The consignee would then be required to keep the waybill and certificate, limited permit, or transit visa available for inspection and copying by an inspector for two years. As a further safeguard, we would require that compliers forward to the local office of Plant Protection and Quarantine copies of all certificates and limited permits issued, at least once a week. This would make it possible for us to track and monitor queen and package bees shipped interstate.

Proposed § 301.92–8 provides that any person requiring the services of an inspector for treatment or survey must contact the local office of the inspector to arrange for those services at least 14 days before the planned starting date of the treatment or survey. This would provide the inspector with sufficient time to schedule treatment or survey.

Proposed § 301.92–9 states that, as a matter of policy, we provide the services of an inspector without charge to the public during normal business hours, that is, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. We would not, however, be responsible for other costs or charges incurred in connection with the survey or treatment of regulated articles.

Proposed § 301.92–10 sets forth the treatments required before regulated articles can be moved interstate. The Agricultural Research Service has found that, while not perfect, these treatments are the best available with current technology. The Apistan® treatment for queens is 100 percent effective in killing Varroa. For package bees and hives, however, the Apistan® treatment reduces, but does not always vanquish, the infestation. We would allow honeybees to move interstate from quarantined areas only after they had been treated in accordance with the applicable provisions of § 301.92–10.

Proposed § 301.92–11 prohibits or restricts the interstate movement from quarantined areas of regulated articles not subject to treatment: brood combs with live brood, except as part of a colony moving under a transit visa; pollen for bee food; and all other regulated articles. Varroa can survive, even when the honeybees serving as their hosts are dead, for up to seven days. The measures prescribed in this section would ensure that no regulated article for which Apistan®s is ineffective could, while a pest risk, move interstate.

Proposed § 301.92–12 would provide (in the final rule) a toll-free telephone number available to persons in extraordinary circumstances, having difficulty moving regulated articles interstate in compliance with the regulations. We would establish toll-free numbers in each of Plant Protection and Quarantine's four regions; a person needing help should contact the regional office covering the destination state.

Public Comment Period

Varroa have spread rapidly through the United States since they were first discovered here in September 1987. With every new interception of Varroa, it grows more and more likely that infested honeybees have, unsuspected, been responsible for spreading Varroa interstate before the pests' presence was detected. When we first promulgated Varroa regulations, in April 1988, Varroa had infested 13 states. Now, 11 months later, the number of states infested or believed to be infested has climbed to thirty-five. By limiting the public comment period on the regulations now being proposed, we make possible the implementation of federal regulations in time for the spring 1989 growing season. Any delay in the promulgation of a final rule based on this proposal would increase the risk that Varroa will be spread across the country by the hundreds of thousands of honeybees about to be moved interstate to meet crop-pollination needs. The seasonal distribution of queen and package honeybees required by honey producers, hobbyists, and other beebreeders in the United States also begins in early April. To ensure our ability to promulgate Varroa regulations in time to retard the interstate spread of Varroa on a massive scale in 1989, we must be able to implement our regulations by early April. The urgency of that deadline makes it necessary for us to limit the public comment period to 15 days.

Executive Order 12291 and Regulatory Flexibility Act

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

Based on prior surveys of the beekeeping industry, if the proposed regulations are issued as a final rule, there may be modest impact on queen and package bee producers, migratory beekeepers, and beekeepers who purchase queens and package bees.

The industry comprises about 1,500 full-time commercial operations (300–40,000+ colonies), 10,000 part-time commercial operators (25–299 colonies), and 200,000 hobbyists (less than 25 colonies). All the part-time commercial operations and at least 80% of the full-time commercial operations are small businesses. Fewer than 150 firms are engaged in producing queens and package bees. On an annual basis 500,000 colonies are moved interstate and 1 million queens and 500,000 packages are sold, if all these regulated items are treated ($2–4/colony, $1.50 per package or queen), the industry impact would be $3–4 million annually for treatment costs.

The queen and package bee producers would pass on their increased costs, estimated at $2.25 million, to other beekeepers who buy their products. Migratory beekeepers who pollinate for a fee would pass on their increased costs, estimated at $0.5 to 1.0 million, to crop producers who request pollination services. Migratory beekeepers who produce commercial honey would not be able to pass on their increased costs, estimated at up to $1 million, to other producers, but could pass on costs to consumers as the market allows. Beekeepers who do not pollinate for a fee and who do not produce queen m package bees would have to absorb their increased costs or pass them on to consumers as the market allows. The total cost for each of these beekeepers, primarily hobbyists and some part-time

operations, would be small due to the limited number of hives each maintains.

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

Paperwork Reduction Act

Information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control number 0579–0068.

Executive Order 12372

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

List of Subjects in 7 CFR Part 301

Agricultural commodities, Honeybees, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation, Varroa mites.

Accordingly, 7 CFR Part 301 would be amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for Part 301 would be revised to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff; 161, 162, 164–167, and 2260; 7 CFR 2.17, 2.51, and 371.2(c).

2. Part 301 would be amended by adding a new "Subpart—Varroa Mite" to read as follows:

Subpart—Varroa Mite

Sec.

301.92 Restrictions on interstate movement of regulated articles.
301.92–1 Definitions.
301.92–2 Surveys.
301.92–3 Quarantined areas and criteria for release from quarantine.
301.92–4 Requirements for the interstate movement of regulated articles.
301.92–5 Issuance and cancellation of certificates, limited permits, and transit visas for interstate movement from quarantined areas.
301.92–6 Compliance agreement and cancellation.
301.92–7 Attachment and disposition of certificates, limited permits, and transit visas.
301.92–8 Request for services of an inspector.
301.92–9 Costs and charges.
301.92–10 Treatments.
301.92–11 Interstate movement of regulated articles not subject to treatment.
301.92–12 Toll-free numbers.

Subpart—Varroa Mite

§ 301.92 Restrictions on interstate movement of regulated articles.

No person may move interstate from or through any quarantined area, any regulated article except in accordance with this subpart.

§ 301.92–1 Definitions.

Administrator. The Administrator of the Animal and Plant Health Inspection Service or any person authorized to act for the Administrator.

Apiary. One or more honeybee colonies kept in a single location.

Buffer zone. An area defined by boundaries measuring two miles from the closest Varroa mite-infested apiary.

Certificate. A document in which an inspector or complier affirms that the queen and attendant honeybees identified on the document are eligible to be moved interstate in accordance with § 301.92–5(a) of this subpart.

Colony. A group, swarm, or cluster of honeybees.

Compliance agreement. A written agreement between Plant Protection and Quarantine and a person who moves regulated articles interstate, in which that person agrees to comply with this subpart.

Complier. A person with whom Plant Protection and Quarantine has entered into a compliance agreement.

Departmental permit. A document issued by the Administrator, in which he/she affirms that the interstate movement of the regulated article identified in the document is for scientific or experimental purposes, and that the regulated article is eligible for interstate movement in accordance with § 301.92–4(c) of this subpart.

Hive. A unit comprising one or more hive bodies, or "supers," with removable frames containing a colony of honeybees.

Infestation. One Varroa mite detected in a colony other than a hive accompanied by a valid transit visa.

Inspector. Any employee of the Animal and Plant Health Inspection Service authorized by the Administrator, or any employee of a state authorized to perform the function involved.

Interstate movement. Movement from any state into or through any other state, including intermediate stops intrastate.

Limited permit. A document in which an inspector or complier affirms that the package honeybees identified on the document are eligible to move interstate, in accordance with § 301.92–5(b) of this subpart.

Monitoring. Random sampling of no more than 50 hives for which a transit visa has been issued, 45 days after the transit visa is issued and at 45-day intervals until the transit visa's expiration date. Sampled hives are excluded from all subsequent random sampling.

Movement. The act of shipping, transporting, delivering, or receiving for movement, or otherwise aiding, abetting, inducing or causing to be moved.

Packaging honeybees. A colony of honeybees weighing three pounds or less, in a screened cage.

Person. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or any other legal entity.

Plant Protection and Quarantine. Plant Protection and Quarantine, Animal and Plant Health Inspection Service, United States Department of Agriculture.

Point-of-origin apiary. The apiary from which the regulated article is moved interstate for the first time.

Quarantined area. Any state listed in § 301.92–3(e) of this subpart or any regulated area within a state designated as a quarantined area in accordance with § 301.92–3(c) of this subpart.

Random sample. Any sample selected by a chance mechanism that eliminates deliberate or unconscious bias.

Regulated articles. The articles for which interstate movement from or through a quarantined area is restricted by this subpart: honeybees, live or dead; brood combs; pollen for bee food; shipping and storage containers (cages) with live or dead honeybees; used hives and used hive equipment with live or dead honeybees; Varroa mites; vehicles with live or dead honeybees, used to transport honeybees from a quarantined area.

Sampling universe. All hives from which random samples will be selected to conduct one of the surveys listed in § 301.92.2 of this subpart.

State. The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any state, territory, or possession of the United States.

Transit visa. A document, valid for six months, issued by an inspector, who affirms that certain hives have been surveyed in accordance with § 301.92–2(d) of this subpart, or that the hives have received treatment in accordance with § 301.92–10(c) of this subpart, and are, therefore, eligible to move interstate. The transit visa specifies, in sequence, each destination on the interstate itinerary of the hives, and

provides that the person moving them must notify inspectors of their imminent arrival in each destination state at least 48 hours before the anticipated time of arrival. The transit visa also provides for in-transit monitoring and treatment in accordance with § 301.92–4(d) of this subpart.

Varroa mite. A parasite of honeybees, the arachnid scientifically identified as *Varroa jacobsoni* (Oudemans), commonly called the "Varroa mite" or "Varroa"; also known as the "Asian" or "Brood" mite.

§ 301.92–2 Surveys

Random sampling is the statistical system that must be used to conduct, at a .95 confidence level each Varroa mite survey listed in this section. Apistan® with Varroa mite detectors must be used in each of the following surveys. All Apistan® surveys require five days for completion.

(a) *State detection survey:* The sampling universe comprises all hives in the state. The number of hives randomly sampled is determined by the size of the sampling universe, as provided in paragraph (f) of this section. If no Varroa mites are detected, the state is determined to be apparently free of Varroa mites. State detection surveys are required each calendar year.

(b) *State delimiting survey.* If Varroa mites are detected in the state detection survey, the state may conduct a state delimiting survey. The sampling universe for the state delimiting survey comprises all hives in the state except previously surveyed hives and all hives in apiaries where Varroa mites have been detected. The number of hives randomly sampled is determined by the size of the sampling universe, as provided in paragraph (f) of this section. If Varroa mites are detected in this delimiting survey, the state delimiting survey is repeated as many times as required until no Varroa mites are detected by the random sampling. Apiaries where Varroa mites have been detected and previously surveyed hives are eliminated from the sampling universe each time the state delimiting survey is repeated. When a state delimiting survey conducted in accordance with this paragraph results in no Varroa mite findings, the state has completed its delimiting survey.

(c) *Regulated area delimiting survey.* The sampling universe comprises all hives in the buffer zone around each infested apiary. The number of hives randomly sampled is determined by the size of the sampling universe, as provided in paragraph (f) of this section. If the regulated area delimiting survey detects additional Varroa mites, then buffer zones are drawn around the additional infested apiaries, and the regulated area delimiting surveying continues until a Varroa mite-free buffer zone measuring two miles from any infested apiary is established. A regulated area includes one or more infested apiaries and a buffer zone. When buffer zones intersect, the area delimited by the outermost boundaries of the intersecting buffer zones will comprise the regulated area.

(d) *Apiary survey.* The sampling universe comprises all hives in the apiary. The apiary survey is required only when, in a quarantined area, a person prefers not to treat the hives in his/her apiary, in accordance with § 301.92–10 (b)(1) and (c) of this subpart, unless the hives are found to be infested. If the apiary survey detects Varroa mites, treatment of all hives in the apiary is required before interstate movement of package honeybees or hives, in accordance with § 301.92–10(c) of this subpart. Apiary surveys occur at forty-five day intervals until the interstate movement of honeybees from that apiary stops. A person preferring to treat the hives in his/her apiary, in accordance with § 301.92–10(c) of this subpart, without confirming the presence of Varroa mites need not conduct the apiary survey.

(e) *Survey to release from quarantine.* At least six months after the most recent detection of a Varroa mite, a state or the Administrator may conduct a survey to release a quarantined area within the state. The survey must use the random sampling method as previously used to designate the area as quarantined, as provided in paragraph (a) or (c) of this section. If the quarantined area is found to be apparently free of Varroa mites, it will be removed from the list of regulated areas, as provided in § 301.92–3(f) of this subpart.

(f) *Table determining number of hives to be sampled.* The number of hives randomly sampled in any of the surveys conducted in accordance with this section is determined by the size of the sampling universe, as follows:

Sampling universe (total number of hives)	Sample size
1 to 99	(1)
100 to 124	95
125 to 149	114
150 to 174	130
175 to 199	144
200 to 224	155
225 to 249	167
250 to 274	175
275 to 299	182
300 to 324	189
325 to 349	196
350 to 374	201
375 to 399	206
400 to 424	211
425 to 449	215
450 to 474	218
475 to 499	222
500 to 524	225
525 to 549	228
550 to 574	231
575 to 599	233
600 to 624	235
625 to 649	237
650 to 674	240
675 to 699	241
700 to 799	243
800 to 899	249
900 to 999	254
1,000 to 1,099	258
1,100 to 1,199	262
1,200 to 1,299	264
1,300 to 1,399	267
1,400 to 1,499	269
1,500 to 1,599	271
1,600 to 1,699	272
1,700 to 1,799	274
1,800 to 1,899	275
1,900 to 1,999	276
2,000 to 2,499	277
2,500 to 2,999	281
3,000 to 3,499	284
3,500 to 3,999	286
4,000 to 4,499	288
4,500 to 4,999	289
5,000 and more	300

[1] All hives.

§ 301.92–3 Quarantined areas and criteria for release from quarantine.

(a) Except as provided in paragraph (d) of this section, the Administrator will list as a quarantined area in paragraph (e) of this section each state or portion of a state in which a Varroa mite has been detected, a state delimiting survey has been completed in accordance with § 301.92–2(b) of this subpart, and a regulated area delimiting survey has been completed, in accordance with § 301.92–2(c) of this subpart. Quarantined areas comprising less than an entire state, called regulated areas, will encompass an area at least as great as the apiary with the infestation and its buffer zone. When buffer zones intersect, the area delimited by the outermost boundaries of the intersecting buffer zones will comprise the regulated area. The regulated area will comprise an area larger than the infested apiary and its buffer zone if a larger area is necessary because of its inseparability for quarantine enforcement purposes, from localities in which Varroa mites have been found; or to establish identifiable boundaries.

(b) The Administrator will list as a quarantined area in paragraph (e) of this section each state that has not conducted the state detection survey, as provided in § 301.92–2(a) of this subpart.

(c) The Administrator will list less than an entire state as a quarantined area, as provided in paragraph (a) of this section, only upon determining that:

(1) The state has conducted a regulated area delimiting survey in accordance with § 301.92–2(c) of this subpart;

(2) The state has adopted and is enforcing laws or regulations to retard the intrastate spread of the Varroa mite, which have the same effect as this subpart; and

(3) The quarantining of less than an entire state will suffice to retard the interstate spread of the Varroa mite.

(d) The Administrator may designate any nonquarantined area as a quarantined area in accordance with the criteria specified in paragraph (a) of this section. The Administrator will give written notice of this designation to the owner or person in possession of the nonquarantined area. As soon as practicable, this area will be added to the list in paragraph (e) of this section, or the Administrator will terminate the designation.

(e) The following are quarantined areas:

Alaska, American Samoa, Baker Island, California, Colorado, District of Columbia, Florida, Georgia, Guam, Howland Island, Jarvis Island, Johnston Atoll, Illinois, Indiana, Iowa, Kingman Reef, Maine, Massachusetts, Midway Islands, Navassa Island, Nebraska, New Hampshire, New York, North Dakota, Northern Mariana Islands, Ohio, Palmyra Atoll, Pennsylvania, Puerto Rico, Republic of Palau, South Dakota, U.S. Virgin Islands, Wake Island, Wisconsin, and Wyoming.

(f) A quarantined area will be released from quarantine if, resurveyed in accordance with § 301.92–2(e) of this subpart, at least six months after the most recent detection of a Varroa mite, the quarantined area is found to be apparently free of Varroa mites.

(g) When a quarantined area comprises an entire state, that state will be released from quarantine if, in a state detection survey conducted in accordance with § 301.92–2(a) of this subpart, the state is found to be apparently free of Varroa mites.

§ 301.92–4 Requirements for the interstate movement of regulated articles.

(a) No certificate, limited permit, or transit visa is required for honeybees being moved interstate from a nonquarantined area through a quarantined area if:

(1) The honeybees' point of origin is outside a quarantined area; and

(2)(i) The honeybees are moved through the quarantined area between sunset and sunrise; or (ii) the honeybees are moved through the quarantined area between sunrise and sunset, in an enclosed vehicle or completely screened in mesh impermeable to honeybees, with no stops except those necessary under normal driving conditions, such as traffic lights, rest stops, and stop signs. (If mechanical failure prolongs the stop by more than one day or the transporting vehicle is involved in an accident, an inspector must be contacted [1]); and

(3) The honeybees' point of origin is indicated on the accompanying waybill.

(b) Queens and attendant honeybees may be moved interstate from a quarantined area with a certificate, package honeybees may be moved interstate from a quarantined area with a limited permit, and hives may be moved interstate from a quarantined area with a transit visa if:

(1) The certificate, limited permit, or transit visa is issued in accordance with §§ 301.92–5 and 301.92–7 of this subpart; and

(2)(i) The honeybees are moved between sunset and sunrise; or (ii) the honeybees are moved between sunrise and sunset, in an enclosed vehicle or completely screened in mesh impermeable to honeybees, with no stops except those necessary under normal driving conditions, such as traffic lights, rest stops, and stop signs. (If mechanical failure prolongs the stop by more than one day or the transporting vehicle is involved in an accident, an inspector must be contacted [2].)

(c) Any regulated article may be moved by the United States Department of Agriculture for scientific or experimental purposes if moved under the conditions specified on the Departmental permit and with a tag or label bearing the number of the Departmental permit issued for the regulated article, attached to the outside of the regulated article's container or to the regulated article itself, if not in a container.

(d) Hives moved interstate pursuant to § 301.92–5(c) of this subpart and monitored and found to have an average of at least 50 Varroa mites per hive monitored or at least 200 mites in a single hive must be treated in accordance with § 301.92–10(c) of this subpart in order to continue interstate movement.

(Approved by the Office of Management and Budget under control number 0579–0088)

§ 301.92–5 Issuance and cancellation of certificates, limited permits, and transit visas for interstate movement from quarantined areas.

(a) An inspector [3] or complier will issue a certificate for the interstate movement of a queen and attendant honeybees, upon determining that the queen and attendant honeybees have been treated, in accordance with § 301.92–10(a) of this subpart.

(b) An inspector [4] or complier will issue a limited permit for the interstate movement of package honeybees upon determining that:

(1) The point-of-origin apiary for package honeybees has been surveyed and found to be apparently free of Varroa mites, as provided in § 301.92–2(d) of this subpart; and that the package honeybees have been treated in accordance with § 301.92–10(b) of this subpart; or

(2) If a point-of-origin apiary for package honeybees has not been surveyed in accordance with § 301.92–2(d) of this subpart or, if surveyed, and Varroa mites have been detected, all hives have been treated in accordance with § 301.92–10(c) of this subpart. The inspector or complier must also determine that, after completion of that treatment, the package honeybees have received a second treatment, in accordance with § 301.92–10(b) of this subpart.

(c) An inspector [5] will issue a transit visa, valid for six months of interstate movement of any hive, upon determining that:

(1) The point-of-origin apiary for the hive has been surveyed and found to be apparently free of Varroa mites, in accordance with § 301.92–2(d) of this subpart; or

(2) The hive has been treated in accordance with § 301.92–10(c) of this subpart;

(3) The person to whom the transit visa is being issued has been informed that each of his/her hives is subject to monitoring by an inspector during interstate movement; and

(4) The person to whom the transit visa is being issued has signed the transit visa, thereby affirming, in writing, that, at least 48 hours before the hives move from one state into the next state on their interstate itinerary as

[1] The addresses and telephone numbers of local offices of Plant Protection and Quarantine are listed in telephone directories; they may also be obtained from the Administrator, c/o Domestic and Emergency Operations, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, USDA, Room 643, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

[2] See footnote 1 to § 301.92–4(a)(2).

[3] See footnote 1 to § 301.92–4(a)(2).

[4] See footnote 1 to § 301.92–4(a)(2).

[5] See footnote 1 to § 301.92–4(a)(2).

listed on the transit visa, the inspector in that destination state (or, if necessary, the regional contact, as provided in § 301.92–12 of this subpart) will receive a telephone call confirming the date and time of arrival, as provided on the transit visa, and that any change in the interstate itinerary will be reported to Plant Protection and Quarantine. Any divergence from the interstate itinerary specified on the transit visa invalidates that document, and a new transit visa must be issued before interstate movement resumes.

(d) An inspector may, orally or in writing, withdraw a certificate, limited permit, or transit visa if the person to whom the document is issued has not complied with this subpart. Written confirmation of an oral withdrawal, including both the decision and the reason for it, will follow within 5 working days of the oral notification. Any person whose certificate, limited permit, or transit visa has been withdrawn may appeal the decision by writing to the Administrator within10 days of receiving written notification of the withdrawal. In the appeal, the person must state all of the facts and reasons for challenging the inspector's action. A person who appeals the withdrawal will be given an opportunity for a hearing to resolve any conflict as to any material fact. The Administrator will adopt rules of practice for the proceeding.

(Approved by the Office of Management and Budget under control number 9579–0088)

§ 301.92–6 Compliance agreement and cancellation.

(a) Any person who moves regulated articles interstate may enter into a compliance agreement [6] if an inspector determines that this person can be relied upon to comply with this subpart. This person, known as a complier, agrees in writing to comply with this subpart.

(b) The inspector supervising enforcement of a compliance agreement may cancel it, orally or in writing, upon finding that the complier has failed to comply with this subpart. Written confirmation of an oral withdrawal, including both the decision and the reason for it, will follow within 5 working days of the oral notification. Any complier whose compliance agreement has been canceled may appeal the decision by writing to the Administrator within 10 days of receiving written notification of the cancellation. In the appeal, the complier must state all of the facts and reasons for challenging the inspector's action. A complier who appeals the cancellation will be given an opportunity for a hearing to resolve any conflict as to any material fact. The Administrator will adopt rules of practice for the proceeding.

§ 301.92–7 Attachment and disposition of certificates, limited permits, and transit visas.

(a) The certificate or limited permit required for the interstate movement of a regulated article must, at all times during the interstate movement, be attached to the outside of the regulated article's container or to the regulated article itself, if not in a container. Alternatively, the certificate or limited permit may be attached to the consignee's copy of the accompanying waybill, provided that the description of the regulated article on the waybill is sufficient to identify the regulated article.

(b) The complier must, at least weekly, forward to the local office of Plant Protection and Quarantine copies of all certificates and limited permits he/she has issued during that week.

(c) The carrier must furnish to the consignee at the destination of the regulated article the certificate or limited permit authorizing its interstate movement.

(d) The consingee must keep the waybill and certificate or limited permit available for inspection and copying by an inspector for at least two years.

(e) The transit visa required for the interstate movement of a hive must, at all times during the interstate movement, be attached to the waybill accompanying the hive. To ensure that hives maintain their identity, each hive body must be marked with a pressure-sensitive label (PPQ Form 537) in accordance with § 301.92–10(c)(3) of this subpart.

(f) Upon expiration of the transit visa, the consignee must keep the waybill and transit visa available for inspection and copying by an inspector for at least two years.

§ 301.92–8 Request for services of an inspector.

The services of an inspector required for an apiary survey, as provided in § 301.92–2(d) of this subpart, or for treatment of any regulated article, as provided in § 301.92–10 of this subpart, must be requested [7] at least 14 days before the planned starting date of the treatment or survey.

§ 301.92–9 Costs and charges.

Between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays, the services of an inspector will be furnished without charge to persons requiring them. The United States Department of Agriculture will not be responsible for any other costs or charges incurred in connection with the survey or treatment of regulated articles.

§ 301.92–10 Treatments.

Regulated articles must be treated as follows:

(a) Queen honeybees and attendant honeybees:

(1) Place an Apistan® queen tab (1% fluvalinate, 1" x ½" tab) in the empty queen cage.

(2) Put the queen and her attendant honeybees into the cage.

(3) Record the starting date of treatment on a certificate, and attach the certificate to the cage or to the container (crate) holding the cage or cages.

(4) Prevent contact with untreated regulated articles.

(5) Expose the queen and her attendant honeybees to the Apistan® tab for at least 3 days (72 hours) before removing the tab.

(6) If queens are moved interstate while undergoing treatment, schedule arrival at destination for timely removal of the Apistan® tab at the end of the 72-hour treatment. Include in each shipment instructions on proper handling, removal, and disposal of the Apistan® queen tab (follow instructions on Apistan® label).

(b) Package honeybees:

(1) Before any honeybees in an infested apiary may be shaken into packages and treated with Apistan® package strip, all hives in the apiary must undergo the 21-day treatment for hives, as provided in paragraph (c) of this section.

(2) Suspend an Apistan® package strip (2½% fluvalinate strip, 5" x 1") so that it hangs in the center of the cage.

(3) Put the honeybees into the cage.

(4) Record the starting date of treatment on a limited permit, and attach the limited permit to the cage or to the container (crate) holding the cage or cages.

(5) Prevent contact with untreated regulated articles.

(6) Expose the package honeybees to the Apistan® strip for at least 5 days (120 hours) before removing the strip.

[6] Compliance agreements may be arranged by contacting a local office of Plant Protection and Quarantine, which are listed in telephone directories. The addresses and telephone numbers of local offices of Plant Protection and Quarantine may also be obtained from the Administrator, c/o Domestic and Emergency Programs, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, USDA, Room 643, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

[7] See footnote 1 to § 301.92–4(a)(2).

(7) If cages are moved interstate while undergoing treatment, schedule arrival at destination for timely removal of the Apistan® strip at the end of the 5-day treatment. Include in each shipment instructions on proper handling, removal, and disposal of the Apistan® strip (follow instructions on Apistan® label). If queen cages are included, time shipment to arrive at destination for timely removal of the Apistan® queen tab, as provided in paragraph (a)(6) of this section.

(c) Hives:

(1) Remove honey supers.

(2) Use two Apistan® strips (10% fluvalinate 10" x 1" strip) per brood chamber with honeybees. A brood chamber may comprise one full hive body, one full and one half hive body, or two full hive bodies.

(3) Staple a pressure-sensitive label (PPQ Form 537) onto each treated hive body.

(4) Hives undergoing treatment at the point-of-origin apiary may be moved interstate after the fourteenth day of treatment. Hives treated during interstate movement may be moved after insertion of the Apistan® strips.

(5) At least 21 days (504 hours) after their insertion into the hive, remove and dispose of the Apistan® strips (follow instructions on label).

§ 301.92–11 Interstate movement of regulated articles not subject to treatment.

(a) With the exception of brood in hives moving under a transit visa, brood combs with live brood may not be moved interstate from a quarantined area.

(b) Pollen for bee food must be protected from contact with untreated regulated articles for the 7 days before interstate movement from a quarantined area.

(c) Live Varroa mites free of honeybees must not be moved interstate from a quarantined area.

(d) Other regulated articles must be free of honeybees, except as provided in § 301.92–4 of this subpart, before interstate movement from a quarantined area.

§ 301.92–12 Toll-free numbers.

The Administrator has established regional contacts for persons moving regulated articles interstate in accordance with this subpart. When local inspectors are unavailable, or in an emergency, inspectors may be contacted at the regional office of the destination state. Toll free numbers follow:

(a) North East Region [Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin): [800 number to be provided in final rule]

(b) South Central Region (Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas): [800 number to be provided in final rule]

(c) South East Region (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, U.S. Virgin Islands): [800 number to be provided in final rule]

(d) Western Region (Alaska, American Samoa, Arizona, Baker Island, California, Colorado, Guam, Hawaii, Howard Island, Idaho, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Islands, Montana, Navassa Island, Nevada, North Dakota, Northern Mariana Islands, Oregon, Palmyra Atoll, Republic of Palau, South Dakota, Utah, Wake Island, Washington, Wyoming): [800 number to be provided in final rule]

Done in Washington, DC, this 13th day of March 1989.

Billy G. Johnson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89–6168 Filed 3–14–89; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Stabilization and Conservation Service

7 CFR Parts 725 and 726

Farm Marketing Quotas, Acreage Allotments, and Production Adjustment

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the regulations at 7 CFR Parts 725 and 726 to strengthen the registration and reporting requirements of flue-cured and burley tobacco dealers in order to assure that: (1) Only bona-fide persons are registered as tobacco dealers to purchase and resell tobacco, and (2) marketing penalties are collected. The proposed rule would provide that, except for dealers who are exempt from regular records and reports on MQ–79 as provided in §§ 725.102 and 726.95, each person who expects to purchase and resell flue-cured or burley tobacco shall annually register with the U.S. Department of Agriculture for the respective marketing year beginning with the 1989–1990 marketing year

The proposed rule also would amend the recordkeeping and reporting requirements to require a balance entry on MQ–79 after each purchase or resale of tobacco in order that the purchaser may collect and submit any marketing quota penalties that may be due when a dealer's resales of tobacco exceed prior purchases of tobacco.

DATES: Comments must be received on or before April 17, 1989, in order to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments to: Director, Tobacco and Peanuts Division, ASCS, USDA, P.O. Box 2415, Washington, DC, 20013. Written comments must be received by April 17, 1989, to be assured consideration. All written submissions made pursuant to this notice will be made available for public inspection in room 5750-South Building, USDA, between the hours of 8:15 a.m. and 4:45 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dennis Daniels, Program Specialist, Tobacco and Peanuts Division, ASCS, USDA, P.O. Box 2415, Washington, DC, 20013, telephone (202) 382–0200.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Excutive Order 12291 and Department Regulation No. 1512–1 and has been classified as "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises, to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Agricultural Stabilitzation and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subjct matter of this rule.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loan and Purchases; 10.051, as found in the catalog of Federal Domestic Assistance.

It has been determined by an environmental evaluation that this action will have no signficant impact on the quality of the human environment.

Therefore, neither an environmental assessment nor an environmental impact statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Discussion of Proposed Changes

Section 373 of the Agricultural Adjustment Act of 1938, as amended ("the 1938 Act"), provides that the Secretary may require warehousemen and persons engaged in the business of purchasing tobacco from producers to report to the Secretary such information and keep such records as the Secretary finds to be necessary to enable him to carry out the provisions of the tobacco program as set forth in the 1938 Act. Current flue-cured and burley tobacco regulations provide that any person who wishes to purchase and resell flue-cured or burley tobacco shall be registered with the U.S. Department of Agriculture. Such person must complete Form MQ–79–2–A, Application for Dealer Identification Card, and submit the application to the North Carolina State ASCS Office. The application is approved and the person is assigned a dealer identification number and is issued a dealer identification card (MQ–79–2).

Recent investigations by the Department's Office of Inspector General (OIG) have disclosed that in some instances fictitious names and addresses were submitted on dealer applications. In addition, it was disclosed that dealer identification cards issued and used, by persons who received the cards, to set up "dummy accounts" and sell excess tobacco without payment of marketing quota penalties.

The proposed rule would amend the regulations at 7 CFR Parts 725 and 726 to require that each person who expects to purchase and resell flue-cured or burley tobacco, except for dealers who are exempt from regular records and reports on MQ–79, as provided in §§ 725.102 and 726.95, shall annually register with the U.S. Department of Agriculture. In order to afford an ASCS representative an opportunity to verify the information provided by the applicant and to obtain proper identification of the applicant before submitting the application to the State ASCS office for approval, such persons would be required to complete Form MQ–79–2–A, Application for Dealer Identification Card, in the local county ASCS office where the applicant resides or where the applicant's principal business is located.

Section 314 of the 1938 Act provides that, until the amount of penalty provided in this section is paid, a lien on the tobacco with respect to which each penalty is incurred, and on any subsequent tobacco subject to marketing quotas in which the person liable for payment of the penalty has an interest, shall be in effect in favor of the United States for the amount of the penalty. Reports indicate that some dealers who have been assessed marketing quota penalties have had other family members register as dealers and conduct operations for such dealer using the new registration number and name in order to avoid payments of penalty which such dealer incurred under his original registration number. The proposed regulation would provide that for purposes of dealer registration all peresons living at the same residence shall be considered one entity unless an applicant can substantiate that such applicant's buying and selling of tobacco are entirely independent from any other persons. In addition, the proposed rule would provide that if a claim has been established against a dealer as a result of a tobacco marketing quota penalty such dealer, upon notification by the applicable State ASCS office, would return the dealer card to the State ASCS office within 15 days of notification. Upon timely return of the dealer card, the claim would be annotated on the card and promptly returned to the dealer.

Dealers currently are required by regulation to file reports on MQ–79 of purchases and resales of tobacco at auction and non-auction. At the time of each transaction, if resale pounds exceed purchased pounds, a penalty is considered due on such excess pounds. The proposed rule would require the dealer to enter a balance on MQ–79 after each transaction to reflect the pounds available for resales. This information would afford the purchaser the opportunity to determine if the pounds of tobacco being sold by the dealer were subject to marketing quota penalty. If such marketing by the dealer is subject to penalty, the purchaser would be required collect the penalty or deduct the penalty from the sales proceeds and submit the check to ASCS for the amount of penalty due. The purchaser of tobacco from a dealer at nonauction, or a warehouseman if sold at auction, would be required to sign MQ–79 on the same line as the transaction is recorded, and shall collect and submit any marketing quota penalties that may be due when such dealer's resales exceed prior purchases.

Lists of Subjects in 7 CFR Part 725 and 726

Acreage allotments, Marketing quotas, Reporting and recordkeeping requirements, Tobacco.

Proposed Rule

PARTS 725 AND 726—[AMENDED]

Accordingly, it is proposed that 7 CFR Parts 725 and 726 be amended as follows:

1. In Part 725:

A. The authority citation is revised to read as follows:

Authority: 7 U.S.C. 1301, 1313, 1314, 1314–1, 1314b, 1314b–1, 1314c, 1363, 1372–75, 1377, 1378 and 1421, Pub. L. 100–387.

§ 725.91 [Amended]

B. Section 725.91 is amended by revising paragraph (d) to read:

* * * * *

(d) *Identification of dealer marketings of resale tobacco.* Each auction and nonauction marketing of resale tobacco in the current year shall be identified by a dealer identification card, Form MQ–79–2, issued to the dealer for use in the current marketing year.

* * * * *

§ 725.93 [Amended]

C. Section 725.93 is amended by adding the words "or dealer" following each instance in which the word "producer" occurs.

§ 725.99 [Amended]

D. Section 725.99 is amended by revising paragraph (e) to read:

* * * * *

(e) *Warehouseman's entries on other dealer reports.* Each warehouseman shall record, or have the dealer record, on a Form MQ–79 the total purchases and resales made by each such dealer or other warehouseman during each sale day at the warehouse. Warehousemen shall sign the Form MQ–79 on the same line as the transaction is recorded when a dealer resells tobacco at the warehouse. If any tobacco resold by the dealer is tobacco bought by the dealer and carried over by the dealer from a crop produced prior to the current crop, the entry shall be made on the Form MQ–79 to clearly show such fact.

* * * * *

E. Section 725.100 is amended by revising paragraph (c)(1) to read:

§ 725.100 Dealers' records and reports.

* * * * *

(c) *Record and report of purchases and resales.* (1) Each dealer shall keep a record and make reports on a Form MQ–79 showing all purchases and resales, excluding tobacco not in the form normally marketed by producers as defined in § 725.51(oo) and (oo–1). After each transaction entered on the Form MQ–79, each dealer shall enter a balance to reflect the pounds of tobacco remaining that may be sold without causing prior resales to exceed prior purchases. Any tobacco sold in excess of such balance shall be considered excess tobacco and subject to a marketing quota penalty at the full penalty rate. The purchaser shall sign the Form MQ–79 on the same line as the transaction is recorded by the dealer who is offering such tobacco for resale. In the event of a purchase or resale of tobacco which is purchased by the dealer from a crop of tobacco produced prior to the current crop, the Form MQ–79 shall be annotated to indicate that such tobacco was so purchased and carried over from a crop produced prior to the current crop.

* * * * *

F. Section 725.108 is revised to read:

§ 725.108 Registration of warehousemen and dealers.

Any warehousemen or dealer dealing in tobacco shall be registered with the U.S. Department of Agriculture.

(a) *Warehouse registration.* Any person desiring to register as a warehouseman shall apply to the Flue-Cured Tobacco Cooperative Stabilization Corporation, Raleigh, N.C. for approval.

(b) *Dealer registration.* Except for dealers who are exempt from the requirements for maintaining regular records and reports on a Form MQ–79 as provided in § 725.102, each person who expects to deal in flue-cured tobacco during a marketing year shall annually register with the U.S. Department of Agriculture for the respective marketing year beginning with the 1989–1990 marketing year. Such registration shall be handled by the North Carolina State ASCS Office, Raleigh, N.C. Registration may be accomplished by such person filing a Form MQ–79–2–A, after March 1 of the calendar year in which the marketing year begins, at the local county ASCS office where the applicant resides or where the applicant's principal business is located. The applicant shall provide the names of other individuals who will be authorized to use the assigned dealer registration number to transact business on behalf of the applicant. Only one dealer registration number will be issued to each dealer entity. Persons maintaining the same residence shall be considered one entity, unless such persons can substantiate to the satisfaction of the State ASC committee for the State in which the application is made that such persons operate their tobacco business entirely as separate entities.

(1) *Issuance of dealer cards.* After approval by the North Carolina State ASCS Office, each dealer will be assigned a four-digit identification number and issued a dealer identification card (Form MQ–79–2).

(2) *TMQ lien notation.* If a claim has been established against a dealer as a result of a tobacco marketing quota penalty such dealer, upon notification by the applicable State ASCS office, shall return the dealer identification card to the State ASCS office within 15 days of notification. Upon timely return of the dealer identification card the claim shall be annotated on the dealer identification card and promptly returned to the dealer.

2. In Part 726:

A. The authority citation is revised to read as follows:

Authority: 7 U.S.C. 1301, 1313, 1314, 1314–1, 1314b–2, 1314e, 1363, 1372–75, 1377, 1378 and 1421, Pub. L. 100–387.

§ 726.85 [Amended]

B. Section 726.85 is amended by revising paragraph (d) to read:

* * * * *

(d) *Identification of dealer marketings of resale tobacco.* Each auction and nonauction marketing of resale tobacco in the current year shall be identified by a dealer identification card, Form MQ–79–2, issued to the dealer for use in the current marketing year.

* * * * *

§ 726.87 [Amended]

C. Section 726.87 is amended by adding the words "or dealer" following each instance in which the word "producer" occurs.

§ 726.93 [Amended]

D. Section 726.93 is amended by revising paragraph (e) to read:

* * * * *

(e) *Warehouseman's entries on other dealer reports.* Each warehouseman shall record, or have the dealer record, on a Form MQ–79, the total purchases and resales made by each such dealer or other warehouseman during each sale day at the warehouse. Warehousemen shall sign the Form MQ–79 on the same line as the transaction is recorded when a dealer resells tobacco at the warehouse. If any tobacco resold by the dealer is tobacco bought by the dealer and carried over by the dealer from a crop produced prior to the current crop, the entry shall be made on the Form MQ–79 to clearly show such fact.

* * * * *

E. Section 726.94 is amended by revising paragraph (c)(1) to read:

§ 726.94 Dealers records and reports.

* * * * *

(c) *Record and report of purchases and resales.* (1) Each dealer shall keep a record and make reports on a Form MQ–79 showing all purchases and resales, excluding tobacco not in the form normally marketed by producers as defined in § 726.51(nn) and (nn–1). After each transaction entered on the Form MQ–79, each dealer shall enter a balance to reflect the pounds of tobacco remaining that may be sold without causing prior reseales to exceed prior purchases. Any tobacco sold in excess of such balance shall be considered excess tobacco and subject to a marketing quota penalty at the full penalty rate. The purchaser shall sign the Form MQ–79 on the same line as the transaction is recorded by the dealer who is offering such tobacco for resale. In the event of a purchase or resale of tobacco which is purchased by the dealer from a crop of tobacco produced prior to the current crop, the Form MQ–79 shall be annotated to indicate that such tobacco was so purchased and carried over from a crop produced prior to the current crop.

* * * * *

F. Section 726.99 is revised to read:

§ 726.99 Registration of warehousemen and dealers.

Any warehousemen or dealer dealing in tobacco shall be registered with the U.S. Department of Agriculture.

(a) *Warehouse registration.* Any person desiring to register as a warehouseman shall apply to the North Carolina State ASCS Office, Raleigh, N.C. for approval.

(b) *Dealer registration.* Except for dealers who are exempt from the requirements for maintaining regular records and reports on the Form MQ–79 as provided in § 726.95, each person who expects to deal in burley tobacco during a marketing year shall annually register with the U.S. Department of Agriculture for the respective marketing year beginning with the 1989–1990 marketing year. Such registration shall be handled by the North Carolina State ASCS Office, Raleigh, N.C. Registration may be accomplished by such person filing a MQ–79–2–A, after March 1 of the Calendar year in which the marketing year begins, at the local county ASCS office where the applicant resides or

where the applicant's principal business is located. The applicant shall porovide the names of other individuals who will be authorized to use the assigned dealer registration number to transact business on behalf of the applicant. Only one dealer registration number will be issued to each dealer entity. Persons maintaining the same residence shall be considered one entity, unless such persons can substantiate to the satisfaction of the State ASC committee for the State in which the application is made that such persons operate their tobacco business entirely as separate entities.

(1) *Issuance of dealer cards.* After approval by the North Carolina State ASCS Office, each dealer will be assigned a four-digit identification number and issued a dealer identification card (Form MQ–79–2).

(2) TMQ lien notation. If a claim has been established against a dealer as a result of a tobacco marketing quota penalty such dealer, upon notification by the applicable State ASCS office, shall return the dealer identification card to the State ASCS office within 15 days of notification. Upon timely return of the dealer identification card the claim shall be annotated oin the card and promptly returned to the dealer.

Signed in Washington, DC, on March 13, 1989.

Milton J. Hertz,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 89–6230 Filed 3–15–89; 8:45 am]

BILLING CODE 3410–05–M

Agricultural Marketing Service

7 CFR Part 925

[Docket No. FV–89–028]

Expenses and Assessment Rate for Marketing Order No. 925

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish an assessment rate under Marketing Order 925 for the 1989 fiscal period. Authorizaton of this budget would allow the California Desert Grape Administrative Committee to incur expenses reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATE: Comments must be received by March 27, 1989.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Johnson, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone 202–447–5331.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 925 and Marketing Order No. 925 (7 CFR Part 925) regulating the handling of grapes grown in a designated area of southeastern California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This proposed 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 this proposed rule on small entities.

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 20 handlers of California desert grapes under this marketing order, and approximately 90 desert grape producers. 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 the handlers and producers may be classified as small entities.

The marketing order requires that the assessment rate for a particular fiscal period shall apply to all assessable grapes handled from the beginning of such period. An annual budget of expenses is prepared by the committee and submitted to the Department of Agriculture for approval. The members of the committee are handlers and producers of grapes. They are familiar with the committee's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the committee is derived by dividing anticipated expenses by expected shipments of grapes. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committee's expected expenses. A recommended budget and rate of assessment is usually acted upon by the committee before the season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approval must be expedited so that the committee will have funds to pay its expenses.

The California Desert Grape Administrative Committee met on February 9, 1989, and unanimously recommended a 1989 budget of $48,000. The proposed budget is $3,000 more than last year's, due to added expenditures for committee expenses and salary increases for the committee staff. Other increases include payroll taxes, printing, postage, and office expenses. The committee also recommended an assessment rate of $0.004 per lug. This rate, when applied to anticipated shipments of 8,000,000 lugs would yield $32,000 in assessment revenue which, when added to $16,000 from interest income and reserve funds, would be adequate to cover budgeted expenses.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Based on the foregoing, it is found and determined that a comment period of less than 30 days is appropriate because the budget and assessment rate approval for this program needs to be

expedited. The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis.

List of Subjects in 7 CFR Part 925

Marketing agreements and orders, grapes (California).

For the reasons set forth in the preamble, it is proposed that § 925.208 be added as follows:

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

1. The authority citation for 7 CFR Part 925 continues to read as follows:

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

2. New § 925.208 is added to read as follows:

§ 925.208 Expenses and assessment rate.

Expenses of $48,000 by the California Desert Grape Administrative Committee are authorized, and an assessment rate of $0.004 per 22-pound container of grapes is established for the fiscal period ending December 31, 1989. Unexpended funds may be carried over as a reserve.

Dated: March 13, 1989.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89–6084 Filed 3–15–89; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 88–ASW–48]

Proposed Revision of Transition Area: Lake Charles, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This action corrects the proposed revision to the transition area located at Lake Charles, LA. The development of a new VOR RWY 33 standard instrument approach procedure (SIAP) to the Chennault Industrial Airpark, utilizing the Lake Charles Very High Frequency Omnidirectional Radio Range/Tactical Air Navigation (VORTAC), made this proposed revision necessary. However, in the original Airspace Docket No. 88–ASW–48, issued on December 2, 1988, the arrival extension was incorrectly described/depicted as being northwest to the Channault Industrial Airpark, where in fact, the arrival extension should have been described/depicted as being southeast of the airpark. The intended effect of this action is to correct the arrival extension of the transition area as well as to provide adequate controlled airspace for aircraft executing the new VOR RWY 33 SIAP.

DATE: Comments must be received on or before April 17, 1989.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 88–ASW–48, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: (817) 624–5561.

SUPPLEMENTARY INFORMATION:

Comments invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88–ASW–48." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of The Regional Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM'S

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The proposal

The FAA is considering an amendment to § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) by revising the transition area located at Lock Charles, LA. The development of a new VOR RWY 33 SIAP to the Chennault Industrial Airpark, utilizing the Lake Charles VORTAC, necessitated this proposed revision. However, the original Airspace Docket No. 88—ASW–48, issued on December 2, 1988, incorrectly described and depicted the arrival extension for the VOR RWY 13 SIAP as being northwest of the Chennault Industrial Airpark. The correct arrival extension for the VOR RWY 33 SIAP is southeast of the airpark. The intended effect of this correction to the proposed revision is to correctly describe and depict the arrival extension as being southeast of the airpark and to provide adequate controlled airspace for aircraft executing the new VOR RWY 33 SIAP. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6D dated January 1, 1988.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant

impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAY, AREA LOW ROUTES CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Lake Charles, LA [Revised]

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Lake charles Municipal Airport (latitude 30°07'32" N., longitude 93°13'22" W.); and within an 8.5-mile radius of the Chennault Industrial Airpack (latitude 30°12'37" N., longitude 93°08'35" W), and within 5.0 miles each side of the 155° radial of the Lake Charles VOR (latitude 30°08'29" N., longitude 93°06'20" W.), extending from the 8.5-mile radius area of the Chennault Industrial Airpack to 15 miles southeast of the Channault Industrial Airpark.

Issued in Fort Worth, TX, on February 9, 1989.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 89-6066 Filed 3-15-89; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1306

Prescriptions

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration proposes to amend §§ 1306.02, 1306.05, 1306.11 and 1306.13 to clarify and facilitate the issuance of Schedule II prescriptions, primarily as they relate to patients in a Long Term Care Facility (LTCF) and to the terminally ill. The intended effect of the changes is to clarify the requirements for a Schedule II prescription and to simplify the procedures involved in maintaining those records. This action will make it easier for registrants providing care for those types of patients to comply with the regulations.

DATE: Written comments and objections must be received on or before April 17, 1989.

ADDRESS: Comments and objections should be submitted in quadruplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: G. Thomas Gitchel, State and Industry Section, Office of Diversion Control, Drug Enforcement Administration, 1405 I Street, NW., Washington, DC 20537, (202) 633-1216.

SUPPLEMENTARY INFORMATION: Part 1306 of Title 21 of the Code of Federal Regulations concerns the issuance, filling and filing of prescriptions for controlled substances.

Section 1306.02 defines the terms used in this part. The current § 1306.02(h) would be redesignated to § 1306.02(i). A new § 1306.02(h) would be added which would define the term "terminally ill" in accordance with Health Care Financing Administration regulations (42 CFR 418.3). The term "terminally ill" would be used in other proposed rule changes in this part.

Section 1306.05 concerns the manner of issuance of a prescription for a controlled substance. Section 1306.05(a) would be revised by clarifying the information required for a prescription for a controlled substance.

Section 1306.11 concerns the requirements for prescriptions for controlled substances listed in Schedule II. A new paragraph would be added to this section. This paragraph outlines the circumstances which would allow the physician medication order sheet for the individual patient to be used as a prescription. This is only applicable for patients in a LTCF. The physician medication order sheet for the individual patient must contain all of the information required for a controlled substance prescription and it must have an original signature of the prescribing practitioner.

Section 1306.13 concerns the partial filling of a prescription for a Schedule II controlled substance. Section 1306.13(b), which allows the partial filling of a prescription for patients in LTCFs, would be revised to include the partial filling of Schedule II prescriptions for patients who are "terminally ill". The pharmacist, after determining if the patient was in a LTCF or was terminally ill, would either fill a precription for the total quantity or partially fill it. Paragraph (c) of § 1306.13 would be redesignated as paragraph (d). A new § 1306.13(c) would be added which would require the pharmacist to devise a procedure of review to assure that the quantity and schedule of use of previously dispensed controlled drugs was consistent with the prescribing practitioner's directions prior to dispensing further quantities of that prescription. The new paragraph § 1306.13(d) would be revised to permit Schedule II prescriptions for terminally ill patients to be maintained in a computerized system.

The proposed amendments would not require any additional paperwork or record-keeping burden beyond normal business practices and are intended to clarify and expand the present requirements. Paperwork would actually be reduced because the practitioner would not be required to write a prescription in addition to writing the physician medication order sheet for patients in LTCFs. The number of Schedule II prescriptions for terminally ill patients would be reduced because of the ability to partially fill those prescriptions. Changes regarding use of the physician medication order sheet for the individual patient as a Schedule II prescription for patients in LTCFs and the partial filling of a Schedule II prescription for "terminally ill" patients are being proposed pursuant to recommendations from several associations representing those who provide that type of care. These changes would update the regulations concerning procedures for the filling of certain Schedule II prescriptions.

The Deputy Assistant Administrator hereby certifies that these proposals will not have significant impact upon small entities whose interest must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. The changes will not impose any additional regulatory requirements. They will revise the method by which certain Schedule II prescriptions would be handled and would allow a smaller quantity of controlled substances to be dispensed at a time for a certain category of patient.

Pursuant to section 3(c)(3) and 2(B) of Executive Order 12291, this proposed action has been submitted for review to the Office of Management and Budget.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule does not have

sufficient federalism implications to warrant the preparation of Federalism Assessment.

List of Subjects in 21 CFR Part 1306

Drug Enforcement Administration, Drug traffic control, Prescription drugs.

Pursuant to the authority vested in the Attorney General by 21 U.S.C. 821 and 871(b) which has been delegated to the Administrator of the Drug Enforcement Administration and redelegated to the Deputy Assistant Administrator, the Deputy Assistant Administrator for the Office of Diversion Control hereby proposes that 21 CFR Part 1306 be amended as follows:

PART 1306—[AMENDED]

1. The authority citation for Part 1306 continues to read as follows:

Authority: 21 U.S.C. 821, 829, 871(b) unless otherwise noted.

2. Section 1306.02 is amended by redesignating paragraph (h) as paragraph (i) and adding a new paragraph (h) to read as follows:

§ 1306.02 Definitions.

* * * * *

(h) The term "terminally ill" is defined in accordance with and consistent with Health Care Financing Administration Regulation 42 CFR 418.3 ("terminally ill" is defined as an individual who has a medical prognosis that his or her life expectancy is six months or less).

* * * * *

3. Section 1306.05 is amended by revising paragraph (a) to read as follows:

§ 1306.05 Manner of issuance of prescriptions.

(a) All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use and the name, address and registration number of the practitioner. A practitioner may sign a prescription in the same manner as he would sign a check or legal document (e.g., J. H. Smith or John H. Smith). Where an oral order is not pemitted, prescriptions shall be written with ink or indelible pencil or typewritten and shall be manually signed by the practitioner. The prescriptions may be prepared by the secretary or agent for the signature of a practitioner, but the prescribing practitioner is responsible in case the preseciption does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the pharmacist who fills a prescription not prepared in the form prescribed by these regulations.

* * * * *

4. Section 1306.11 is amended by adding paragraph (e) to read as follows:

§ 1306.11 Requirement for prescription

* * * * *

(e) For patients in a Long Term Care Facility (LTCF), a simultaneously produced copy (e.g., a multicopy form; a reproduction copy is not a simultaneously produced copy) of the physician medication order sheet for the individual patient may be considered a prescription, provided that the physician medication orders sheet conforms to the requirements of § 1306.05. The simultaneously produced copy of the physician medication order sheet for the individual patient shall be legible and shall bear an original signature of the prescribing practioner. Identification of the LTCF may be used in place of the address of the patient.

* * * * *

5. Section 1306.13 is amended by revising paragraph (b), redesignating paragraph (c) as paragraph (d), adding a new paragraph (c) and revising new paragraph (d) introductory text and (1) to read as follows:

§ 1306.13 Partial filling of prescriptions.

* * * * *

(b) A prescription for a Schedule II controlled substance written for a patient in a LTCF or for a terminally ill patient may be filled in partial quantities which may include individual dosage units. If there is any question of whether a patient may be classified as being terminally ill, the pharmacist will contact the practitioner prior to partially filling the prescription. The quantity dispensed in each partial filling to a patient in a LTCF or the terminally ill patient shall be in accordance with limitations established by the state. In the absence of state limitations, the quantity dispensed in each partial filling shall not exceed a 15-day supply of that substance. For each partial filling, the dispensing pharmacist shall record on the back of the prescription (or on another appropriate record, uniformly maintained, and readily retrievable) the date of the partial filling, quantity dispensed, remaining quantity authorized to be dispensed and the identification of the dispensing pharmacist. The total quantity of Schedule II controlled substances dispensed in all partial filling must not exceed the total quantity prescribed. Schedule II prescriptions for patients in a LTCF or the terminally ill shall be valid for a period not to exceed 60 days from the issue date unless sooner terminated by the discontinuance of medication.

(c) Prior to dispensing additional partial fillings of a prescription, the pharmacist would be responsible for implementing a procedure of review to assure that the quantity and schedule of use of controlled substances previously dispensed as consistent with the prescribing practitioner's directions.

(d) Information pertaining to current Schedule II prescroptions for patients in a LTCF or for the terminally ill may be maintained in a computerized system if this system has the capability to permit:

(1) Output (display or printout) of the original prescription number, date of issue, identification of prescribing individual practitioner, identification of patient, indentification of LTCF or address of patient, identification of medication authorized (to include dosage, strength and quantity), listing of partial filling that have been dispensed under each prescription and the information required in § 1306.13(b).

* * * * *

Gene R. Haislip,

Deputy Assistant Administrator, Drug Enforcement Administration.

Date: March 1, 1989

[FR Doc. 89-6106 Filed 3-15-89; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[CO-5-89]

Consolidated Return Regulations—Distributions After the Sale of Stock of a Subsidiary

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary and final regulations.

SUMMARY: In the rules and regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing temporary and final regulations to provide rules relating to a dividend or other distribution subject to section 301 that is declared with respect to stock of a subsidiary member of an affiliated group filing consolidated Federal income tax returns if the stock of that subsidiary member is disposed of before the distribution is made, but after the selling member becomes entitled to the distribution. The text of the temporary and final regulations also serves as the

comment document for this notice of proposed rulemaking.

DATES: The regulations are proposed to apply to a distribution subject to section 301 that is declared in a taxable year for which the due date (without extensions) of the Federal income tax return is after March 14, 1989. Written comments and requests for public hearing must be delivered or mailed by May 15, 1989.

ADDRESS: Send comments and reports for a public hearing to: Internal Revenue Service, Attn: CC:CORP:T:R (CC:CO–5–89), Room 4429, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Richard M. Marsh, (202) 566–4324 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations published in the Rules and Regulations portion of this issue of the **Federal Register** amend temporary regulations § 1.1502–32T and add cross-references to §§ 1.1502–14(a) and 1.1502–32 (b) and (c) of Part 1 of Title 26 of the Code of Federal Regulations (CFR). The final regulations that are proposed to be based on these temporary regulations would be added to Part 1 of Title 26 of the CFR. Those final regulations would provide rules relating to a dividend or other distribution subject to section 301 that is declared with respect to stock of a subsidiary member of an affiliated group filing consolidated Federal income tax returns if the stock of that subsidiary member is disposed of before the distribution is made, but after the selling member becomes entitled to the distribution. For the text of the new temporary regulations, see T.D. 8245 published in the Rules and Regulations portion of this issue of the **Federal Register**. The preamble to the temporary regulations explains the regulations.

Special Analyses

These proposed rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. These rules, if issued, will not have a significant economic impact on a substantial number of small entities. These rules apply only to affiliated groups of corporations that have elected to file consolidated returns, which tend to be larger businesses. These rules would not significantly alter the reporting or record keeping duties of small entities. Therefore, an initial Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. Chapter 6) is not required.

Comments and Requests for a Public Hearing

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

Drafting Information

The principal author of these proposed regulations is Richard M. Marsh of the Office of Assistant Chief Counsel (Corporate), Internal Revenue Service. However, other personnel of the Service and the Treasury Department participated in their development.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

[FR Doc. 89–6115 Filed 3–14–89; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

29 CFR Part 530

Employment of Homeworkers in Certain Industries

AGENCY: Wage and Hour Division, Employment Standards Administration, Department of Labor.

ACTION: Schedule of additional public hearings.

SUMMARY: This notice is to inform the public of additional locations of public hearings on the employment of homeworkers in the women's apparel industry. Public hearings previously scheduled for San Antonio, Texas, for March 2–3, 1989; Chicago, Illinois, for March 8–9, 1989; Miami, Florida, for March 15–16, 1989; Los Angeles, California, for March 22–23, 1989; and New York, New York, for March 29–30, 1989, have been or are being held as planned. Additional hearings now are being scheduled in Lewiston, Maine, for April 10, 1989; and in Hickory, North Carolina, for April 19, 1989. The purpose of these hearings is to gather information about the characteristics of this industry and the kinds of enforcement mechanisms appropriate for a new regulation governing women's apparel homework.

DATES: The two additional public hearings will be held in Lewiston, Maine, on April 10, 1989, and in Hickory, North Carolina, on April 19, 1989. The hearings will begin at 9:30 a.m. local time. Interested parties who wish to testify in person at these additional hearings should so notify the Wage and Hour Administration in writing no later than March 27, 1989. Oral testimony will be kept to a maximum of twenty minutes unless different arrangements are made in advance with the Administrator. However, persons testifying are free to submit more extensive written statements for inclusion in the hearing record. Also, such persons are asked to advise the Administrator of their need, if any, for translators.

All interested parties are invited to submit written comments on this matter to the Administrator on or before May 5, 1989.

ADDRESSES: The locations for the additional hearings are as follows:

Ramada Inn, 490 Pleasant Street, Lewiston, Maine 04240

Council Chambers, City Hall, 76 N. Center Street, Hickory, North Carolina 28601

FOR FURTHER INFORMATION CONTACT: Paula V. Smith, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523–8305. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On December 30, 1988, the Department of Labor published in the **Federal Register** an advance notice of proposed rulemaking and notice of hearings on Regulations, 29 CFR Part 530. (See 53 FR 53344.) These regulations prohibit the employment of homeworkers in the women's apparel industry. That notice advised the public of hearings scheduled for Miami, Florida, San Antonio, Texas, and Chicago, Illinois. On January 31, 1989, the Department published another notice in the **Federal Register** advising the public that additional hearings would be scheduled for New York City and Los Angeles. In addition, that notice indicated that the Miami hearing would be rescheduled for a later date as a result of the workload in arranging for these two other hearings. Finally, the notice revised the date for persons to notify the Administrator of their desire to testify and the date for filing comments on the advance notice of proposed rulemaking. (See 54 FR 4836.)

On February 3, 1989, the Department of Labor published another notice in the **Federal Register** advising the public of

the revised date of the Miami hearing, as well as the dates, times, and locations for the hearings in Los Angeles and New York. (See 54 FR 5500.)

The public hearings are for the purpose of gathering information about the characteristics of the women's apparel industry to assist the Department in developing an effective homework rule for this industry. The Department plans to develop a rule which will achieve maximum workplace flexibility consistent with its overall responsibility for enforcing the protective provisions of the FLSA. The hearings are not intended as forums for discussions of other issues, and the witnesses are asked to focus their testimony on providing specific data in this area. In preparing testimony or written comments, the public is asked to address the following questions:

(1) What differences exist between the women's apparel industry and the other restricted industries? What, if any, additional enforcement mechanisms should be adopted to ensure FLSA compliance among employers of homeworkers in this industry?

(2) What is the size of the homeworker workforce in the women's apparel industry today? What expansion of the use of homeworkers should be anticipated if homework is permitted?

(3) What are the characteristics of homeworkers and factory workers in this industry?

(4) How is work distributed by manufacturers in this industry? What role is played by contractors or jobbers? What controls do manufacturers maintain over who performs the work and how much they are paid?

(5) What is the range of wages paid women's apparel homeworkers and factor workers? Are piece rate wages the predominant method of payment used in homework? Are other methods used?

(6) When piece rates are used, how are those piece rates being established in this industry at present? Is it feasible to require that some objective standard be met in the fixing of those rates? If so, what standards should be adopted to assure that piece rates, if used, are fixed in such a way as to minimize the need for "make-up" pay in assuring that all workers receive at least the statutorily required minimum wage and overtime?

Persons who have not previously advised the Administrator that they wish to testify at the hearings will be heard as time permits following those who have been scheduled, but they may be limited to ten minutes each for their presentation.

This document was prepared under the direction and control of Paula V. Smith, Administrator, Wage and Hour Division, U.S. Department of Labor.

List of Subjects in 29 CFR Part 530

Employment, Investigation, Labor, Law enforcement, Minimum wages, Wages, Licenses.

Signed at Washington, DC, on this 14th day of March 1989.

Alan C., McMillan,

Acting Assistant Secretary for Employment Standards.

Paula V. Smith,

Administrator, Wage and Hour Division.

[FR Doc. 89-6329 Filed 3-15-89; 8:45 am]

BILLING CODE 4510-27-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 2

[Docket No. 90143-9043]

Amendment of Patent and Trademark Rules Relating to Judicial Review of Decisions of Board of Patent Appeals and Interferences and Trademark Trial and Appeal Board

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Patent and Trademark Office (PTO) proposes amendments to the rules of practice in patent and trademark cases, Parts 1 and 2 of Title 37, Code of Federal Regulations, relating to (1) decisions of the Board of Patent Appeals and Interferences (BPAI), (2) requests for reconsideration of decisions of the BPAI and the Trademark Trial and Appeal Board (TTAB), (3) extensions of time in proceedings after a decision by the BPAI under §§ 1.196 and 1.197, (4) practices concerning judicial review of final decisions of the BPAI and TTAB, (5) extensions of time for seeking judicial review of BPAI and TTAB decisions and (6) miscellaneous changes in the practice before the BPAI and housekeeping amendments.

Two recent decisions of the U.S. Court of Appeals for the Federal Circuit have held that even though the BPAI includes a new ground for rejection in its decision under 37 CFR 1.196(b)(3), appellants may appeal directly to the Federal Circuit without first seeking reconsideration at the BPAI. Where judicial review is sought without requesting reconsideration, the arguments against the new ground of rejection are developed for the first time during court proceedings. The proposed amendments will require that appellants seek reconsideration of the new ground of rejection prior to appeal or commencement of a civil action.

Experience under the current rules relating to judicial review of final board decisions indicates that the rules may be confusing in certain respects relating to the time in which judicial review must be sought and the manner in which extensions of time for seeking judicial review may be obtained. The proposed rules eliminate any confusion as to when judicial review must be sought and standardize the manner of obtaining extensions of time to seek judicial review.

The proposed rules also make clarifying and housekeeping amendments with respect to practice before the BPAI.

DATES: Comments must be submitted on or before May 24, 1989. An oral hearing is not scheduled.

ADDRESS: Address written comments to Box 8, Commissioner of Patents and Trademarks, Washington, DC 20231 marked to the attention of Associate Solicitor Richard E. Schafer.

FOR FURTHER INFORMATION CONTACT: Richard E. Schafer by telephone at (703) 557-4035 or by mail marked to his attention and addressed to Box 8, Commissioiner of Patents and Trademarks, Washington, DC 20231.

SUPPLEMENTARY INFORMATION:

(1) Decisions of the BPAI and Requests for Reconsideration of BPAI and TTAB Decisions

Only final decisions of the BPAI and TTAB are subject to judicial review. 35 U.S.C. 141, 145; 15 U.S.C. 1071; 28 U.S.C. 1295 (a)(4)(A) and (B).

Section 1.196(b) provides that if the BPAI has knowledge of any grounds, not involved in the appeal, for rejecting any appealed claim, it may include in its decision a statement to that effect. The statement then constitutes a new rejection of the claims. The rules, as presently written, permit appellants to treat the decision as a final decision in the case and thus immediately appealable. 37 CFR 1.196(b)(3). Therefore, when an appellant proceeds under this option, arguments against the new rejection are presented for the first time to the reviewing court.

A recent decision by the U.S. Court of Appeals for the Federal Circuit rejected the Commissioner's argument that an appeallant should not be permitted to contest the BPAI's new ground for rejection because it had not requested reconsideration of that ground by the BPAI. In re Evanega, 829 F.2d 1110, 1113 4 USPQ 2d 1249, 1252 (Fed. Circ. 1987).

See also In re Nielson, 816 F.2d 1567, 1570, 2 USPQ 2d 1525, 1527 (Fed. Cir. 1987). In Evanega, the Commissioner urged that requiring appellants to request reconsideration, where the BPAI adopts a new ground for rejection, would provide the BPAI with an opportunity to consider appellant's arguments and correct any errors while the case was still in the PTO. This conserves judicial resources, and in any event, obtains the benefit of the BPAI's view should judicial review ultimately be sought. The court held, however, that in view of PTO regulations (37 CFR 1.196(b)(3)) which "expressly provide that the board's decision, even if based on a new ground, is a final determination and thus may be appealed without seeking reconsideration," appellant could not be required to request reconsideration by the BPAI. *Id.*

The rule changes proposed herein would eliminate 37 CFR 1.196(b)(3). By removing § 1.196(b)(3), appellants will no longer have the option of treating a new ground of rejection as final and immediately appealable. Appellants' options will be limited to requesting remand to the examiner or requesting reconsideration by the BPAI as set forth in §§ 1.196(b)(1) and 1.196(b)(2). It is also proposed that the preamble of § 1.196(b) be amended to specificially recite that a new ground of rejection shall not be considered a final decision for judicial review.

Under the proposed rules, appellants will still be able to elect further prosecution before the examiner under 37 CFR 1.196(b)(1) or request reconsideration under § 1.196(b)(2). Where the option of § 1.196(b)(2) is chosen, the proposed rule requires a request for reconsideration to address the new ground of rejection and state the reasons why the new ground was in error. The proposed amendments to § 1.196(b)(2) also provide that the BPAI will reconsider the new rejection and, if necessary, render a new decision. The decision on reconsideration will be deemed to incorporate the earlier decision except for any portions of the earlier decision specifically withdrawn.

Reconsideration or remand need not be requested if appellant does not contest the new ground. Appellants may seek judicial review as to claims not subject to the new ground.

The PTO also proposes to amend § 1.196(a) to expressly provide for remands to the examiner for further consideration. The BPAI has inherent authority, as part of its role in reviewing standards of patentability applied in the PTO, to remand applications to the examiner for further consideration. *Cf.* Manual of Patent Examining Procedure (MPEP) sections 1211 and 1212. The proposed change merely makes express that which is inherent.

The proposed amendments will also delete the portion of current § 1.196(d) which provides (1) that any decision which includes a remand shall not be a final decision for the purposes of judicial review and (2) that upon conclusion of the proceedings on remand the BPAI may enter an order making its decision final. Those provisions have been included as new § 1.196(e). Under this proposed paragraph, decisions pursuant to § 1.196(b) would not be final as to the claims subject to a new rejection.

In light of the proposed addition of § 1.196(e), it is proposed to delete the last sentence of § 1.196(b)(1) which similarly provides that the BPAI, after conclusion of proceedings on remand, may enter an order making its decision final.

(2) Requests for Reconsideration of BPAI and TTAB Decisions

The PTO proposes to amend § 1.197(b) to provide that any request for reconsideration must specifically state the points believed to have been misapprehended or overlooked in the BPAI's decision. Experience has shown that many requests for reconsideration are nothing more than reargument of appellant's position on appeal. The provision, as proposed, intends to limit requests to the points of law or fact which appellant feels were overlooked or misapprehended by the BPAI.

The proposed amendments also clarify the exception found in the first sentence of § 1.197(b) by including specific references to the "original decision" and the "decision on reconsideration." Some confusion has been noted with respect to the meaning of the current language.

In order to simplify calculation of times for requesting reconsideration of the decisions of the boards, the proposed rules would amend §§ 1.658(b), 2.129(c), and 2.144 to specify a period of one month rather than the periods expressed in days. Section 1.197(a) currently specifies a one-month period.

(3) Extensions of Time After a Decision by the BPAI To Take Action Under §§ 1.196 and 1.197

Currently, appellants in patent cases may use fee extensions under § 1.136(a) to extend the time for making an election under § 1.196(b) or seeking reconsideration under § 1.197. Appellants may submit their request for reconsideration up to five months or a response to a new ground of rejection up to six months after the date of the decision. This inordinately delays final disposition of appeals. The PTO proposes to amend § 1.136(a) to provide the fee extensions are not available to file responses to a BPAI decision pursuant to §§ 1.196, 1.197 or 1.304. One month is deemed to be ample time to submit a request for reconsideration. Note that Fed. R. Civ. P. 59 provides 10 days and Fed. R. App. P. 40 provides 14 days for similar requests. Extensions under § 1.136(b) will be available to extend the time to file a response under §§ 1.196 and 1.197. Extensions of time to file a notice of appeal to the U.S. Court of Appeals for the Federal Circuit or to commence a civil action would be governed exclusively by proposed § 1.304(a). See further discussion below.

The PTO also proposes to amend § 1.136(a) to specifically refer to § 1.136(b) for extensions of time to file responses under §§ 1.196 and 1.197 and to refer to § 1.304 for extensions of time to initiate judicial review. The proposed amendments add references to § 1.136(b) in § 1.197(b) and new § 1.196(f).

Where appellant elects further prosecution before the examiner under § 1.196(b)(1), fee extensions of time under § 1.136(a) to respond to the examiner's actions remain available.

(4) Time for Seeking Judicial Review of Decisions of the BPAI and TTAB

Currently, judicial review of final decisions of the BPAI or TTAB must be sought within sixty days of the decision or thirty days after a decision on reconsideration. 37 CFR 1.304(a) and 2.146(d)(1). However, where a decision on reconsideration is, in effect, a new decision, it is not clear whether the time for appeal is thirty or sixty days. The proposed amendments eliminate any confusion by providing a two-month period to appeal measured from either the date of the decision or the decision on a timely filed request for reconsideration.

Some problems have also arisen with respect to the specification of the time for seeking judicial review in days. Miscalculations have resulted in filing untimely requests for judicial review. In order to simplify calculation of the time for judicial review, it is proposed to amend §§ 1.304(a) and 2.145(d)(1) to specify two months rather than sixty days. The two-month period meets the sixty-day requirement of 35 U.S.C. 142, 145 and 146 and 15 U.S.C. 1071(a)(2) and (b)(1) except for time periods which include February 28. In order to comply with the sixty-day requirement, it is proposed to amend §§ 1.304(b) and 2.145(d)(2) to provide that an additional

day shall be added to any two-month period for initiating judicial review which includes February 28. Appeals will always be timely if the judicial review is initiated within two months of the final decision.

Currently, the rules do not specify a time period for filing a cross-appeal or cross-action in *Inter partes* cases. The absence of such a time period makes it difficult for parties and their attorneys to make appropriate plans for judicial review. For example, in an interference where there has been a split judgment, one of the parties may be satisfied with the judgment but may desire to appeal the adverse judgment only if an appeal is noted by the other party. Where the appeal is filed on the last possible day, a cross-appeal is precluded. The U.S. Court of Appeals for the Federal Circuit, in its practice notes to Fed. Cir. R. 15, has noted that parties in agency proceedings do not have the fourteen-day cross-appeal provided by Fed. R. App. P. 4(a)(3). The PTO proposes to amend §§ 1.304(a) and 2.145(d)(1) by specifying that the time for filing a cross-appeal or commencing a cross-action expires (1) fourteen days after service of the notice of appeal or the summons and complaint or (2) two months after the decision to be reviewed, whichever is later.

Similarly, no provision for filing a cross-action is currently provided where an appellee elects to have further proceedings conducted in the district court pursuant to 35 U.S.C. 146 or 15 U.S.C. 1071(a)(1). The PTO proposes to amend 37 CFR 1.304(c) and 2.145(d)(3) to provide that the time for filing a cross-action expires 14 days after service of the summons and complaint. Should the rule as proposed be adopted, the district court will determine whether any cross-action was timely filed since neither the complaint nor cross-action is filed in the PTO.

(5) Extensions of Time to Seek Judicial Review

Standards for granting requests for extensions of time to take an appeal or commence a civil action vary depending upon which board is involved and upon the particular proceeding before the board. Thus, under current practice, extensions relating to patent applications may be obtained by paying the appropriate fee under § 1.136(a). However, in a reexamination proceeding or when judicial review is sought from a decision of the TTAB, the requester must demonstrate sufficient cause under § 1.550(c) or § 2.145(d)(1). The PTO intends to standardize the manner in which an extension of time to initiate judicial review may be obtained. The PTO proposes to adopt a standard which is similar to the standard used in the Federal courts for granting extensions. Under the proposed rules the Commissioner may extend the time (1) for good cause if requested before the expiration of the time provided for initiating judicial review or (2) upon a showing of excusable neglect in failing to initiate judicial review if requested after the expiration of the time period. This standard will be applicable in both trademark and patent proceedings (proposed §§ 1.304(a) and 2.145(e)) once the last decision, i.e., either the decision (in circumstances where no timely reconsideration is sought) or the decision on reconsideration, of either board has been entered. In patent cases, extensions of time under § 1.136(b) and § 1.550(c) and fee extensions under 37 CFR 1.136(a) will no longer be available to extend the time for the purpose of judicial review once a decision or a decision on reconsideration has been entered. It is proposed to amend § 1.304(a) to state that the provisions of §§ 1.136 and 1.550(c) are not available to extend the time to initiate judicial review. The PTO proposes to amend §§ 1.136(a), 1.136(b), 1.191(d), 1.550(c), 1.645(a) and (b) to refer to § 1.304 for extensions of time for seeking judicial review after the decision has been entered. It is also proposed to further amend § 1.645(a) by (1) adding the introductory phrase "Except to extend the time for filing a notice of appeal to the U.S. Court of Appeals for the Federal Circuit or for commencing a civil action," to the first sentence and (2) deleting the references to filing a notice of appeal or commencing a civil action in the second sentence.

In view of the proposed amendments to §§ 1.197 and 1.304, relating to extensions of time to seek reconsideration or initiate judicial review, it is also proposed to amend § 1.191(d) by eliminating reference to §§ 1.196 and 1.197.

(6) Miscellaneous Amendments

Currently, appellants may use fee extensions to delay the time for requesting an oral hearing at the BPAI. This delays final disposition of the appeal and causes administrative problems and duplication of effort due to the transfer of the appeal to the hearing docket. The PTO proposes to amend § 1.191(d) by deleting the reference to § 1.194. Under the proposed rules, extensions under § 1.136(b) will be available to extend the time to request an oral hearing.

Section § 1.191(b) requires that appeals in an application or in a reexamination proceeding be signed by the applicant or patent owner or by a duly authorized attorney. It is proposed to eliminate the second sentence of the rule and add reference to reexamination proceedings to the first sentence. This proposed change merely combines the two sentences without any change in substance.

Some confusion has resulted as to who has jurisdiction to take action in a patent application after a notice of appeal to the BPAI has been filed. Problems arise, for example, as to the appropriate PTO official to decide certain petitions and other matters after an appeal has been filed. MPEP section 1210 indicates that jurisdiction over the application normally passes at one of five possible times listed therein. The PTO proposes to amend Rule 1.191 by adding a new section (e) which provides that jurisdiction transfer to the BPAI when the application or reexamination file including all briefs and examiner's answers is transmitted to the BPAI. Thus, jurisdiction transfer to the BPAI when all written submissions by the applicant and the examiner have been entered and the application papers have been forwarded to the BPAI.

New paragraph 1.191(e) as proposed also includes a provision that the Commissioner, prior to the time the BPAI renders its decision, may *sua sponte* order that an application be remanded to the examiner for further consideration. This provision merely makes explicit the inherent authority of the Commissioner to direct and supervise the examination of patent applications.

There is some confusion as to when "termination of proceedings" occurs in situations where judicial review has been sought. The proposed amendment to § 1.197(c) provides that proceedings are "terminated" when the Federal Circuit's mandate is received by the PTO or after the time for appeal from the judgment of the district court in a civil action under 35 U.S.C. 145 has expired. The PTO also proposes to eliminate the language "In such cases," in the second sentence of § 1.197(c) since it is superfluous and may be confusing.

The PTO proposes to delete the phrase "that he or she elects" and substitute "electing" therefor in § § 1.304(c) and 2.145(c)(3). The proposed amendment merely changes wording without any change in substance.

It is also proposed to amend the last sentence of the preamble of § 1.196(b) by changing the verb "make" to "makes" to conform the verb to the singular subject of the sentence.

The PTO proposes to remove the portions or § § 1.301, 1.303, 2.145(a)(2)

and 2.145(c)(3) which refer to transmittal of the certified list and certified copies of the notice of election under 35 U.S.C. 141 or 15 U.S.C. 1071(a)(1) to the U.S. Court of Appeals for the Federal Circuit. These procedures are required by applicable statutes or Court Rules and are unnecessary in the PTO's regulations.

The PTO proposes to amend §§ 1.304(a), 1.304(c), 2.145(c)(3) and 2.145(d)(1) by including a statement that the certificate of mailing provisions of § 1.8 are not applicable. No substantive change is involved since the inapplicability of § 1.8 is already stated in §§ 1.8(a)(2)(viii) and (ix).

Sections 1.304(b) and 2.145(d)(2) provide that where the last day of the period for initiating judicial review is a "Saturday, Sunday or legal holiday," the time is extended to the next day which is not one of those days. The PTO proposes to amend §§ 1.304(b) and 2.145(d)(2) to recite "Federal holiday in the District of Columbia" rather than "legal holiday." These changes will merely conform the language of these sections with the language of 35 U.S.C. 21(b) and 37 CFR § 1.7.

Additional proposed changes to § 2.145 (c)(2) and (3) make changes in wording without any change in substance.

Other Considerations

The proposed rule change will not have a significant impact on the quality of the human environment or the conservation of energy resources.

The proposed rule change is in conformity with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354), Executive Orders 12291 and 12612, and the Paperwork Reduction Act of 1980, 44 U.S.C. 350 et seq.

The General Counsel of the Department of Commerce has certified to the Chief Counsel for advocacy, Small Business Administration that the proposed rule change will not have a significant adverse economic impact on a substantial number of small entities [Regulatory Flexibility Act, Pub. L. 96–354]. The proposed rule change requiring appellants to request reconsideration under the specific circumstances set forth would not be expected to result in an increase of fees charged by attorneys and agents to entities, including small entities, since the rule change is intended to eliminate erroneous grounds for rejection prior to appeal and in some instances is expected to eliminate the need for appeal.

The Patent and Trademark Office has determined that this rule change is not a major rule under Executive Order 12291. The annual effect to the economy will be less than $100 million. There will be no major increase in costs or prices for consumers, individual industries, federal, state or local government agencies, or geographic regions. There will be no 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.

The PTO has also determined that this notice has no Federalism implications affecting the relationship between the national government and the states as outlined in Executive Order 12612.

The rule change will not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq., since no record keeping or reporting requirements within the coverage of the Act are placed upon the public.

List of Subjects in 37 CFR, Part 1

Administrative practice and procedure, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

List of Subjects in 37 CFR, Part 2

Administrative practice and procedure, Courts, Lawyers, Trademarks.

For the reasons set out in the preamble, the Patent and Trademark Office proposes to amend Parts 1 and 2 of Title 37 of the Code of the Federal Regulations as set forth below. Proposed deletions are indicated in brackets ([]) and proposed additions by arrows (◄ ►).

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR Part 1 continues to read as follows:

Authority: 35 U.S.C. 6, unless otherwise noted.

2. Section 1.136 is proposed to be revised to read as follows:

§ 1.136 Filing of timely responses with petition and fee for extension of time and extensions of time for cause.

(a) If an applicant is required to respond within a nonstatutory or shortened statutory time period, applicant may respond up to four months after the time period set if a petition for an extension of time and the fee set in § 1.17 are filed prior to or with the response, unless (1) applicant is notified otherwise in an Office ►action◄ [or] (2) the application is involved in an interference declared pursuant to § 1.611 ► or (3) the response is to a decision by the Board of Patent Appeals and Interferences pursuant to § 1.196, 1.197 or 1.304.◄ The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for purposes of determining the period of extension and the corresponding amount of the fee. The expiration of the time period is determined by the amount of the fee paid. In no case may an applicant respond later than the maximum time period set by statute, or be granted an extension of time under paragraph (b) of this section when the provisions of this paragraph are available. See ►§ 1.136(b) for extensions of time relating to proceedings pursuant to § 1.196 or § 1.97, § 1.304 for extension of time to appeal to the U.S. Court of Appeals for the Federal Circuit or to commence a civil action,◄ § 1.645 for extension of time in interference proceedings and § 1.550(c) for extension of time in reexamination proceedings.

(b) When a response with petition and fee for extension of time cannot be filed pursuant to paragraph (a) of this section, the time for response will be extended only for sufficient cause, and for a reasonable time specified. Any request for such extension must be filed on or before the day on which action by the applicant is due, but in no case will the mere filing of the request effect any extension. In no case can any extension carry the date on which response to an Office action is due beyond the maximum time period set by statute or be granted when the provisions of paragraph (a) of this section are available. See ►§ 1.304 for extension of time to appeal to the U.S. Court of Appeals for the Federal Circuit or to commence a civil action,◄ § 1,645 for extension of time in interference proceeding and § 1.550(c) for extension of time in reexamination proceedings.

3. Section 1.191 is proposed to be amended by revising paragraphs (b) and (d) and adding paragraph (e) to read as follows:

§ 1.191 Appeal to Board of Patent Appeals and Interferences.

* * * * *

(b) The appeal in an application ►or reexamination proceeding◄ must identify the rejected claim or claims appealed, and must be signed by the applicant ►, patent owner◄ or duly authorized attorney or agent. [An appeal in a reexamination proceeding must identify the rejected claim or claims appealed, and must be signed by the patent owner or duly authorized attorney or agent.]

* * * * *

(d) The time periods set forth in §§ 1.191 through ►1.193◄ [1.194, 1.196 and 1.197] are subject to the provisions of § 1.136 for patent applications or § 1.550(c) for reexamination proceedings. ►§ 1.304(a) for extensions of time for filing a notice of appeal to the U.S. Court of Appeals for the Federal Circuit or for commencing a civil action.◄

►(e) Jurisdiction over the application or patent under reexamination passes to the Board of Patent Appeals and Interferences upon transmittal of the file, including all briefs and examiner's answers, to the Board. Prior to the entry of a decision on the appeal, the Commissioner may sua sponte order the application remanded to the examiner.◄

4. Section 1.196 is proposed to be amended by revising paragraphs (a), (b), and (d) and adding new paragraphs (e) and (f) to read as follows:

§ 1.196 Decision by the Board of Patent Appeals and Interferences.

(a) The Board of Patent Appeals and Interferences, in its decision, may affirm or reverse the decision of the examiner in whole or in part on the grounds and on the claims specified by the examiner ►or remand the application to the examiner for further consideration◄. The affirmance of the rejection of a claim on any of the grounds specified constitutes a general afirmance of the decision of the examiner on that claim, except as to any ground specifically reversed.

(b) Should the Board of Patent Appeals and Interferences have knowledge of any grounds not involved in the appeal for rejecting any appealed claim, it may include in the decision a statement to that effect with its reasons for so holding, which statement shall constitute a new rejection of the claims. ►A new rejection shall not be considered final for the purpose of judicial review.◄ When the Board of Patent Appeals and Interferences make ►s◄ a new rejection of an appealed claim, the appellant may exercise ►either◄ [any one] of the following ►two◄ [three] options ►with respect to the new ground◄:

(1) The appellant may submit an appropriate amendment of the claims so rejected or a showing of facts, or both, and have the matter reconsidered by the examiner in which event the application will be remanded to the examiner [and the decision of the Board of Patent Appeals and Interferences shall not be considered final for the purpose of judicial review]. The statement shall be binding upon the examiner unless an amendment or showing of facts not previously of record be made which, in the opinion of the examiner, overcomes the new ground for rejection stated in the decision. Should the examiner again reject the application the applicant may again appeal to the Board of Patent Appeals and Interferences. [When appropriate, upon conclusion of proceedings on remand before the examiner, the Board of Patent Appeals and Interferences may enter an order otherwise making its decision final.]

(2) The appellant may have the case reconsidered under § 1.197(b) by the Board of Patent Appeals and Interferences upon the same record. ►The request for reconsideration shall address the new ground for rejection and state with particularity the points believed to have been misapprehended or overlooked in rendering the decision and also state all other grounds upon which reconsideration is sought◄. Where request for such reconsideration is made the Board of Patent Appeals and Interferences shall ►reconsider the new ground for rejection and◄, if necessary, render a new decision which shall include all grounds upon which a patent is refused. ►The decision on reconsideration is deemed to incorporate the earlier decision, except for those portions specifically withdrawn on reconsideration, and is final for the purpose of judicial review◄.

[(3) The appellant may treat the decision, including the new grounds for rejection given by the Board of Patent Appeals and Interferences, as a final decision in the case.]

* * * * *

(d) Although the Board of Patent Appeals and Interferences normally will confine its decision to a review of rejections made by the examiner, should it have knowledge of any grounds for rejecting any allowed claim it may include in its decision a recommended rejection of the claim and remand the case to the examiner. In such event, the Board shall set a period, not less than one month, within which the apellant may submit to the examiner an appropriate amendment, a showing of facts or reasons, or both, in order to avoid the grounds set forth in the recommendation of the Board of Patent Appeals and Interferences. The examiner shall be bound by the recommendation and shall enter and maintain the recommended rejection unless an amendment or showing of facts not previously of record is filed which, in the opinion of the examiner, overcomes the recommended rejection. Should the examiner make the recommended rejection final the applicant may again appeal to the Board of Patent Appeals and Interferences. [Whenever a decision of the Board of Patent Appeals and Interferences includes a remand, that decision shall not be considered a final decision. When appropriate, upon conclusion of proceedings on remand before the examiner, the Board of Patent Appeals and Interferences may enter an order otherwise making its decision final.]

►(e) Whenever a decision of the Board of Patent Appeals and Interferences includes or allows a remand, that decision shall not be considered a final decision. When appropriate, upon conclusion of proceedings or remand before the examiner, the Board of Patent Appeals and Interferences may enter an order otherwise making its decision final.◄

►(f) See § 1.136(b) for extensions of time to take action under this section.◄

5. Section 1.197 is proposed to be amended by revising paragraphs (b) and (c) to read as follows:

§ 1.197 Action following decision

* * * * *

(b) A single request for reconsideration or modification of the decision may be made if filed within one month from the date of the original decision, unless [that] ►the original◄ decision is so modified ►by the decision on reconsideration◄ as to become, in effect, a new decision, and the Board of Patent Appeals and Interferences so states. ►The request for reconsideration shall state with particularity the points believed to have been misapprehended or overlooked in rendering the decision and also state all other grounds upon which reconsideration is sought. See 37 CFR 1.136(b) for extensions of time for seeking reconsideration.◄

(c) ►Termination of proceedings.◄ Proceedings are considered terminated by the dismissal of an appeal or the failure to timely file an appeal to the court or a civil action (§ 1.304) except: (1) where claims stand allowed in an application or (2) where the nature of the decision requires further action by the examiner. [In such cases, the] ►The◄ date of termination of proceedings is the date on which the appeal is dismissed or the date on which the time for appeal to the court or review by civil action (§ 1.304) expires. If an appeal to the court or a civil action has been filed, proceedings are [similarly] considered terminated when the appeal or civil action is terminated. ►An appeal to the U.S. Court of Appeals for the Federal Circuit is terminated when the mandate is

received by the Office. A civil action is terminated when the time to appeal the judgment expires.◄

6. Section 1.301 is proposed to be revised to read as follows:

§ 1.301 Appeal to U.S. Court of Appeals for the Federal Circuit.

Any applicant or any owner of a patent involved in a reexamination proceeding dissatisfied with the decision of the Board of Patent Appeals and Interferences, and any party to an interference dissatisfied with the decision of the Board of Patent Appeals and Interferences, may appeal to the U.S. Court of Appeals for the Federal Circuit. The appellant must take the following steps in such an appeal: (a) In the Patent and Trademark Office file a written notice of appeal directed to the Commissioner (see §§ 1.302 and 1.304); and (b) in the Court, file a copy of the notice of appeal and pay the fee for appeal, as provided by the rules of the Court. [The certified list of documents and any original or certified copies of such documents required by the Court will be transmitted to the Court by the Patent and Trademark Office].

7. Section 1.303 is proposed to be amended by revising paragraph (c) to read as follows:

§ 1.303 Civil action under 35 U.S.C. 145, 146, 306.

* * * * *

(c) If any adverse party to an appeal taken to the U.S. Court of Appeals for the Federal Circuit by a defeated party in an interference proceeding files notice with the Commissioner within twenty days after the filing of the defeated party's notice of appeal to the court (§ 1.302), that he or she elects to have all further proceedings conducted as provided in 35 U.S.C. 146[, certified copies of such notices will be transmitted to the U.S. Court of Appeals for the Federal Circuit for such action as may be necessary]. The notice of election must be served as provided in § 1.646.

8. Section 1.304 is proposed to be revised to read as follows:

§ 1.304 Time for appeal or civil action.

(a) The time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit (§ 1.302) or for commencing a civil action (§ 1.303) is ►two months◄ [sixty days] from the date of the decision of the Board of Patent Appeals and Interferences. If a request for reconsideration or modification of the decision is filed within the time provided under § 1.197(b) or § 1.658, the time for filing an appeal or commencing a civil action shall expire ►two months◄ [at the end of the sixty-day period or thirty days] after action on the request[, whichever is later]. ►In interferences, the time for filing a cross-appeal or cross-action expires (1) 14 days after service of the notice of appeal or the summons and complaint or (2) two months after the date of decision of the Board of Patent Appeals and Interferences, whichever is later. The time periods set forth in this section are not subject to the provisions of § 1.136, 1.550(c) or 1.645(a) or (b).◄ [Except for an appeal from or commencing a civil action after a decision of the Board of Patent Appeals and Interferences in a reexamination proceeding or an interference proceeding, the time periods set forth herein are subject to the provisions of § 1.136. See § 1.550(c) for extensions of time to appeal or commence a civil action in a reexamination proceeding. See § 1.645(a) for extensions of time to appeal or commence a civil action in an interference.] ►The Commissioner may extend the time for filing an appeal or commencing a civil action (1) for good cause shown if requested in writing before the expiration of the period for filing an appeal or commencing a civil action, or (2) upon written request after the expiration of the period for filing an appeal or commencing a civil action upon a showing that the failure to act was the result of excusable neglect.◄ [An examiner-in-chief, upon a showing of excusable neglect, may extend the time for seeking judicial review of a decision of the Board of Patent Appeals and Interferences in an interference case when a request is untimely filed after expiration of the time prescribed by this section.] ►The certificate of mailing practice of § 1.8 is not available for filing a notice of appeal or cross-appeal. See § 1.8(a)(2)(ix).◄

(b) The times specified ►in this section◄ [herein] ►in days◄ are calendar days. ►The times specified herein in months are calendar months except that one day shall be added to any two-month period which includes February 28.◄ If the last day of the time specified for appeal or commencing a civil action falls on a Saturday, Sunday or [legal] ►Federal◄ holiday ►in the District of Columbia◄, the time is extended to the next day which is neither a Saturday, Sunday nor a ►Federal◄ holiday.

(c) If a defeated party to an interference has taken an appeal to the U.S. Court of Appeals for the Federal Circuit and an adverse party has filed notice under 35 U.S.C. 141 [that he or she elects] ►electing◄ to have all further proceedings conducted under 35 U.S.C. 146 (§ 1.303(c)), the time for filing a civil action thereafter is specified in 35 U.S.C. 141. ►The time for filing a cross-action expires 14 days after service of the summons and complaint. The certificate of mailing practice of § 1.8 is not available for filing a notice of appeal or cross-appeal. See § 1.8(a)(2)(viii).◄

9. Section 1.550 is proposed to be amended by revising paragraph (c) to read as follows:

§ 1.550 Conduct of reexamination proceedings.

* * * * *

(c) The time for taking any action by a patent owner in a reexamination proceeding will be extended only for sufficient cause, and for a reasonable time specified. Any request for such extension must be filed on or before the day on which action by the patent owner is due, but in no case will the mere filing of the request effect any extension. ►See § 1.304(a) for extensions of time for filing a notice of appeal to the U.S. Court of Appeals for the Federal Circuit or for commencing a civil action.◄

* * * * *

10. Section 1.645 is proposed to be amended by revising paragraphs (a) and (b) to read as follows:

§ 1.645 Extension of time, late papers, stay of proceedings.

(a) ►Except to extend the time for filing a notice of appeal to the U.S. Court of Appeals for the Federal Circuit or for commencing a civil action, a◄ [A] party may file a motion (§ 1.635) seeking an extension of time to take action in an interference[, to file a notice of appeal (1.302 or § 1.304), or to commence a civil action (§ 1.303 or § 1.304.)] ►See § 1.304(a) for extensions of time for filing a notice of appeal to the U.S. Court of Appeals for the Federal Circuit or for commencing a civil action.◄ The motion shall be filed within sufficient time to actually reach the examiner-in-chief before expiration of the time for taking action[, filing the notice, or commencing the civil action]. A moving party should not assume that the motion will be granted even if there is no objection by any other party. The motion will be denied unless the moving party shows good cause why an extension should be granted. The press of other business arising after an examiner-in-chief sets a time for taking action will not normally constitute good cause. A motion seeking additional time to take testimony because a party has not been able to procure the testimony of a witness shall set forth the name of the witness, any steps taken to procure the testimony of the witness, the dates

on which the steps were taken, and the facts expected to be proven through the witness.

(b) Any paper belatedly filed, will not be considered except upon motion (§ 1.635) which shows sufficient cause why the paper was not timely filed. ►See § 1,304(a) for exclusive procedures relating to belated filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit or belated commencement of a civil action.◄

* * * * *

11. Section 1.658 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.654 Final decision.

* * * * *

(b) Any request for reconsideration of a decision under paragraph (a) of this section shall be filed within ►one month◄ [14 days] after the date of the decision. The request for reconsideration shall specify with particularity the points believed to have been misapprehended or overlooked in rendering the decision. Any reply to a request for reconsideration shall be filed within 14 days of the date of service of the request for reconsideration. Where reasonably possible, service of the request for reconsideration shall be such that delivery is accomplished by hand or "Express Mail." The Board shall enter a decision on the request for reconsideration. If the Board shall be of the opinion that the decision on the request for reconsideration significantly modifies its original decision under paragraph (a) of this section, the Board may designate the decision on the request for reconsideration as a new decision.

* * * * *

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

12. The authority citation for 37 CFR Part 2 continues to read as follows:

Authority: 15 U.S.C. 1123; 35 U.S.C. 6, unless otherwise noted.

13. Section 2.129 is proposed to be amended by revising paragraph (c) to read as follows:

§ 2.129 Oral argument; reconsideration.

* * * * *

(c) Any request for rehearing or reconsideration or modification of a decision issued after final hearing must be filed within ►one month◄ [thirty days] from the date of the decision. A brief in response must be filed within fifteen days from the date of service of the request. The times specified may be extended by order of the Trademark Trial and Appeal Board on motion for good cause.

14. Section 2.144 is proposed to be revised to read as follows:

§ 2.144 Reconsideration of decision on ex parte appeal.

Any request for rehearing or reconsideration, or modification of the decision, must be filed within ►one month◄ [thirty days] from the date of the decision. Such time may be extended by the Trademark Trial and Appeal Board upon a showing of sufficient cause.

15. Section 2.145 is proposed to be amended by revising paragraphs (a), (c)(2), (c)(3), (d)(1), (d)(2), and (d)(3) and adding new paragraph (e) to read as follows:

§ 2.145 Appeal to court and civil action.

(a) Appeal to U.S. Court of Appeals for the Federal Circuit. An applicant for registration, or any party to an interference, opposition, or cancellation proceeding or any party to an application to register as a concurrent user, hereinafter referred to as inter partes proceedings, who is dissatisfied with the decision of the Trademark Trial and Appeal Board and any registrant who has filed an affidavit or declaration under section 8 of the Act or who has filed an application for renewal and is dissatisfied with the decision of the Commissioner (§§ 2.165, 2.184), may appeal to the U.S. Court of Appeals for the Federal Circuit. The appellant must take the following steps in such an appeal:

(1) In the Patent and Trademark Office give written notice of appeal to the Commissioner (see paragraphs (b) and (d) of this section);

(2) In the court, file a copy of the notice of appeal and pay the fee for appeal, as provided by the rules of the Court. [The certified list required by the rules of the Court will be transmitted to the Court of the Patent and Trademark Office.]

* * * * *

(c) * * *

(2) ►Any◄ [If an] applicant or registrant in an ex parte case ►who takes◄ [has taken] an appeal to the U.S. Court of Appeals for the Federal Circuit[, he thereby] waives ►any◄ [his] right to proceed under section 21(b) of the Act.

(3) ►Any◄ [If any] adverse party to an appeal taken to the U.S. Court of Appeals for the Federal Circuit by a defeated party in an inter partes proceeding ►may file a◄ [files] notice with the Commissioner within twenty days after the filing of the defeated party's notice of appeal to the court (paragraph (b) of this section), [that he or she elects] ►electing◄ to have all further proceedings conducted as provided in section 21(b) of the Act[, certified copies of such notices will be transmitted to the U.S. Court of Appeals for the Federal Circuit for such action may be necessary]. The notice of election must be served as provided in § 2.119. ►The certificate of mailing practice of § 1.8 is not available for filing a notice of election. See § 1.8(a)(2)(viii).◄

(d) Time for appeal or civil action. (1) The time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit (paragraph (b) of this section), or for commencing a civil action (paragraph (c) of this section), is ►two months◄ [sixty days] from the date of the decision of the Trademark Trial and Appeal Board or the Commissioner, as the case may be. If a request for rehearing or reconsideration or modification of the decision is filed within the time specified in §§ 2.127(b), 2.129(c) or 2.144, or within any extension of time granted thereunder, the time for filing an appeal or commencing a civil action shall expire [at the end of the] ►two months◄ [sixty day period or thirty days] after action on the request[, whichever is later]. ►In inter partes cases, the time for filing a cross-action or a notice of a cross-appeal expires (1) 14 days after service of the notice of appeal or the summons and complaint or (2) two months from the date of the decision of the Trademark Trial and Appeal Board or the Commissioner, whichever is later.◄ [The sixty and thirty day periods may be extended by the Commissioner upon a showing of sufficient cause.] ►The certificate of mailing practice of § 1.8 is not available for filing a notice of appeal or cross-appeal. See § 1.8(a)(2)(ix).◄

(2) The times specified ►in this section◄ [herein] ►in days◄ are calendar days. ►The times specified herein in months are calendar months except that one day shall be added to any two-month period which includes February 28.◄ If the last day of time specified for an appeal, or commencing a civil action falls on a Saturday, Sunday or [legal] ►Federal◄ holiday ►in the District or Columbia◄, the time is extended to the next day which is neither a Saturday, Sunday nor a ►Federal◄ holiday.

(3) If a party to an inter partes proceeding has taken an appeal to the U.S. Court of Appeals for the Federal Circuit and an adverse party has filed notice under section 21(a)(1) of the Act ►electing◄ [that he or she elects] to have all further proceedings conducted

under section 21(b) of the Act, the time for filing a civil action thereafter is specified in section 21(a)(1) of the Act. ►The time for filing a cross-action expires 14 days after service of the summons and complaint.◄

►(e) Extensions of time to commence judicial review. The Commissioner may extend the time for filing an appeal or commencing a civil action (1) for good cause shown if requested in writing before the expiration of the period for filing an appeal or commencing a civil action, or (2) upon written request after the expiration of the period for filing an appeal or commencing a civil action upon a showing that the failure to act was the result of excusable neglect.◄

Date: February 13, 1989.

Donald J. Quigg,

Assistant Secretary and Commissioner of Patents and Trademarks.

[FR Doc. 89-6224 Filed 3-15-89; 8:45 am]

BILLING CODE 3510-16-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3538-1]

Approval and Promulgation of Implementation Plans Connecticut Ozone Attainment Plan; Control of Gasoline Volatility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Connecticut. These revisions will reduce emissions of volatile organic compounds from gasoline by reducing the Reid Vapor Pressure (RVP) of gasoline. The intended effect of this action is to make reasonable further progress towards attainment of the ozone standard as expeditiously as practicable as required under the Clean Air Act.

DATES: Comments must be received on or before April 17, 1989.

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air Management Division, Room 2311, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2311, JFK Federal Building, Boston, MA 02203 and the Air Compliance Unit, Connecticut Department of Environmental Protection, State Office Building, 165 Capitol Ave. Hartford, CT 06115.

FOR FURTHER INFORMATION CONTACT: Peter Hagerty (617) 565-3224, FTS: 835-3224.

SUPPLEMENTARY INFORMATION: On January 30, 1989, EPA received a SIP revision from the Deputy Commissioner of the Connecticut Department of Environmental Protection (DEP) that would add a new provision to subsection 22a-174-20(a) of Connecticut's regulations. The new provision requires that no owner or operator of any gasoline storage tank farm shall offer for sale, or sell or deliver to any dispensing facility, gasoline having a Reid Vapor Pressure greater than 9.0 pounds per square inch from May 1 through September 15 beginning in 1989 and continuing each year thereafter. The revision also revises Connecticut regulation subsection 22a-174-20(a) to add definitions for "gasoline storage tank farm" and "Reid Vapor Pressure."

Background

On November 12, 1987, the Commissioners of the Northeast States for Coordinated Air Use Management (NESCAUM) signed a Memorandum of Understanding expressing their intention to reduce the Reid Vapor Pressure (RVP) of gasoline to 10.0 pounds per square inch (psi) starting in the summer of 1988 and to 9.0 psi in the summer of 1989 and continuing every ozone season thereafter. The State of Connecticut held a hearing on a regulation to implement such a strategy on June 30, 1988. Since there were delays in adopting necessary regulations, the 1988 limit of 10.0 psi has been eliminated and Connecticut is limiting RVP to 9.0 psi from May 1 to September 15 starting in 1989, and continuing each year thereafter. On January 30, 1989, Connecticut submitted a SIP revision to implement this provision to EPA for approval.

EPA published a notice of proposed rulemaking on August 19, 1987 (52 FR 31274) which would also require the control of RVP. The EPA proposal calls for control of the volatility of gasoline nationally. In that notice, EPA proposed that in the Northeast the standard would be 10.5 psi from May 16 to September 15 in the years 1989-1991 and 9.0 psi during the same time period in 1992 and thereafter. One option EPA is currently considering is taking final action now only on the 10.5 psi standard to be effective beginning in 1989 as an interim standard. The EPA regulation, if finalized, would normally preempt the state provision, under section 211(c)(4) of the Clean Air Act. However, section 211(c)(4)(C) of the Act provides for approval of state control of fuel or fuel additives if the control is part of the SIP and is necessary to achieve the primary or secondary national ambient air quality standard (NAAQS) which the plan implements.

Criteria for Approval

Section 211(c)(4)(A) of the Act, in describing federal preemption authority, states:

> Except as otherwise provided in subparagraph (B) or (C), no State (or political subdivision thereof) may prescribe or attempt to enforce, for the purposes of motor vehicle emission control, any control or prohibition respecting use of a fule of fuel additive in a motor vehicle or motor vehicle engine—(i) if the Administrator has found that no control or prohibition under paragraph (1) is necessary and has published his finding in the Federal Register, or (ii) if the Administrator has prescribed under paragraph (1) a control prohibition applicable to such fuel or fuel additive, unless [the] State prohibition or control is identical to the prohibition or control prescribed by the Administrator.

For the reasons described below, we do not believe this section of the Act preempts approval of the Connecticut revision. It is true that the US Court of Appeals for the Second Circuit has held, in *Exxon* v. *City of New York*, 548 F.2nd 1088 (2d Cir. 1977), that EPA's regulation of the lead content of gasoline amounts under subparagraph (ii) to the preemption of State controls of any aspects of the content of gasoline (unless identical to the federal lead content control). Although EPA does not agree with that holding in general, it is bound by the decision in all states under the jurisdiction of the 2nd Circuit, including CT.

However, even if preemption has occurred, EPA may still approve certain state provisions for limits on RVP of fuel where it can make a finding under section 211(c)(4)(C) which would authorize EPA approval and, thus, eliminate the preemption problem. As set forth below, section 211(c)(4)(C) authorizes EPA to approve into the SIP a state-adopted fuel control measure that has otherwise been preempted by final EPA action if EPA finds that the state control "is necessary to achieve the standard" that the SIP implements.

Section 211(c)(4)(C) of the Act, in setting forth the circumstances under which an exception to federal preemption of state regulation may occur, states:

> A State may prescribe and enforce, for purposes of motor vehicle emission control, a control or prohibition respecting the use of a

fuel or fuel additive in a motor vehicle or motor vehicle engine if an applicable implementation plan for such State under section 110 so provides. The Administrator may approve such provision in an implementation plan, or promulgate an implementation plan containing such a provision, only if he finds that the State control or prohibition is necessary to achieve the national primary or secondary ambient air quality standard which the plan implements.

In the **Federal Register** discussion of EPA's approval of a state oxygenated fuels program in the Maricopa County, Arizona SIP, EPA interpreted this language as requiring the Agency to find that a fuel control requirement was essential to achieve timely attainment of the standard. EPA said further that a fuel control measure may be "necessary" for timely attainment if no other measures that would bring about timely attainment exist, or if such other measures exist and are technically possible to implement, but are unreasonable or impracticable. Otherwise, no fuel control would ever be 'necessary," since for any area there is at least one measure—namely, required shutdowns and prohibitions on driving—that would result in timely attainment of the NAAQS. It is doubtful that Congress would have intended to bar EPA from approving State fuel controls into a SIP based on the availability of such drastic alternatives.[1]

Evaluation of How the Connecticut Revision Satisfies the "Necessary" Criterion

The Connecticut submittal and related documents contain the state's analysis of the emission reductions that various measures would achieve and the remaining shortfall needed to achieve attainment. That analysis concludes that the Connecticut RVP regulation would reduce VOC emissions by an estimated 3900 tons per year (TPY). The quantity of reduction was derived from AP–42 emission factors for storage and transfer of gasoline and from the EPA MOBILE 3 emission factor model for motor vehicle emissions. This estimate may understate the actual reductions because it does not include the emissions reductions that would result from decreased running losses from motor vehicles associated with lower volatility gasoline. Running losses are emissions from the gasoline tank and fuel system that occur while a car is being driven and which result from an overload of the evaporative control system or escape through the filler cap.

[1] **Federal Register** August 10, 1988, 53 FR 30220, 30228.

Information available in the Connecticut SIP and the Reasonable Further Progress (REP) Report for 1987, along with supplemental inventory information submitted by the state, were used in making the following findings. The 1987 RFP report shows that Connecticut has achieved a 37% reduction of VOC emissions on a statewide basis from 1980 emissions. Based on EPA's experience with Regional Oxidant Model runs for 1980 it seems likely that a reduction on the order of at least 60% from 1980 levels is needed for attainment of the ozone standard. Under this scenario, the emission reduction from 1987 levels needed for attainment translates to at least a 37% reduction from the 1987 inventory.

The VOC strategies identified by the CT DEP as having the greatest potential for significant future VOC reductions are:

Measure	Kg/day reduced	Percent of '87 inventory
RVP 11.5 to 9.0 psi	26,262	7.9
Architectural Coatings	19,216	[1] 5.8
Consumer/Commercial Solvents	15,430	[1] 4.7
Stage II Controls	6724	3.5
Total		21.9

[1] Connecticut has assumed that it will likely only achieve 60% control of 1987 inventory levels in these area source categories due to the difficulty of reformulating products or capturing area source emissions. Even if these categories were controlled to 100% in Connecticut there would still be a shortfall for attainment of the ozone standard.

No other categories of available controls will individually yield reductions of more than 0.5% of the 1987 inventory. The total of other available control strategies may reach 2%, which would yield approximately a 24% reduction in conjunction with the above controls. This still leaves at least a 13% VOC emission reduction shortfall. In order to make up this shortfall, the state is considering changes to its motor vehicle inspection and maintenance (I/M) program along with other measures as part of the Post-1987 ozone SIP planning process which will help reduce somewhat the shortfall. Reasonably available I/M enhancements could produce an additional 2% emission reduction. Thus, even if such reasonably available I/M enhancements are implemented, a shortfall will still exist necessitating the implementation of other measures to achieve attainment. Even if EPA does promulgate an RVP regulation requiring control to 10.5 psi in 1989, the state regulation will still provide additional reductions. No other measures that are clearly reasonable for implementation in Connecticut could provide sufficient reductions to achieve attainment without the State RVP control.

Thus Connecticut's RVP program appears to meet the appropriate test of being "necessary" to achieve attainment of the ozone standard. The fact that the state RVP regulation might not by itself fill the remaining shortfall and hence by itself achieve the standard does not mean the rule would not be "necessary" to achieve the standard within the meaning of section 211(c)(4)(C). EPA believes that if Congress had intended EPA to approve a state fuel-content rule only if it were necessary *and sufficient* to achieve the standard then it would have used that language in section 211(c)(4)(C). EPA believes that the "necessary to achieve" standard must be interpreted to apply to measures which are needed to reduce ambient levels (thus bringing the area closer to achieving the NAAQS) when no other reasonable measures are available to achieve this reduction. A contrary application of "necessary to achieve" in this situation would mean that measures which result in significantly improved air quality are nonetheless unacceptable (even though no other reasonable measures are available) just because they are insufficient to actually result in attainment.

Proposed Action

EPA is proposing to approve this revision to the Connecticut Ozone State Implementation Plan to control gasoline volatility.

EPA is also proposing to make a finding that this SIP revision meets the requirements of section 211(c)(4)(C) of the Act for an exception to federal preemption.

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

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

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Ozone.

The Administrator's decision to approve or disapprove the plan revisions will be based on whether it meets the requirements of sections 110(a)(2)(A)–(K), 110(a)(3) and 211(c)(4)(C) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being

proposed pursuant to section 110(a) and 301(a) of the Clean Air Act, as amended.

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

Date: March 6, 1987.

Michael R. Deland,

Regional Administrotor.

[FR Doc. 89-6110 Filed 3-15-89; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[FRL-3538-2]

Approval and Promulgation of Implementation Plans; Rhode Island Ozone Attainment Plan; Control of Gasoline Volatility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Rhode Island. These revisions will reduce emissions of volatile organic compounds from gasoline by reducing the Reid Vapor Pressure (RVP) of gasoline. The intended effect of this action is to make reasonable further progress towards attainment of the ozone standard as expeditiously as practicable as required under the Clean Air Act.

DATE: Comments must be received on or before April 17, 1989.

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air Management Division, Room 2311, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2311, JFK Federal Building, Boston, MA 02203, and the Division of Air and Hazardous Materials, Rhode Island Department of Environmental Management, 291 Promenade Street, Providence, RI 02908-5767.

FOR FURTHER INFORMATION CONTACT: Jennifer York (617) 565-3220, FTS: 835-3220.

SUPPLEMENTARY INFORMATION: On November 10, 1988, EPA received a SIP revision from the Director of the Rhode Island Department of Environmental Management (DEM) that would add a new section to Rhode Island Air Pollution Regulation Number 11. The new section requires that no person shall store, sell or supply gasoline from a bulk plant or terminal having a Reid Vapor Pressure (RVP) greater than 9.0 pounds per square inch (psi) from May 1 through September 15 beginning in 1989 and continuing each year thereafter.

Background

On November 12, 1987, the Commissioners of the Northeast States for Coordinated Air Use Management (NESCAUM) signed a Memorandum of Understanding expressing their intention to reduce the Reid Vapor Pressure (RVP) of gasoline to 10.0 pounds per square inch (psi) starting in the summer of 1988 and to 9.0 psi in the summer of 1989 and continuing every ozone season thereafter. The State of Rhode Island held a hearing on April 18, 1988 on a regulation to implement this strategy. Since there were delays in adopting necessary regulations, the 1988 limit of 10.0 psi has been eliminated and Rhode Island is limiting RVP to 9.0 psi from May 1 to September 15 starting in 1989, and continuing each year thereafter. On November 10, 1988 Rhode Island submitted a SIP revision to implement this provision to EPA for approval.

EPA published a notice of proposed rulemaking on August 19, 1987 (52 FR 31274) which would also require the control of RVP. The EPA proposal calls for control of the volatility of gasoline nationally. In that notice, EPA proposed that in the Northeast the standard would be 10.5 psi from May 16 to September 15 in the years 1989-1991 and 9.0 psi during the same time period in 1992 and thereafter. One option EPA is currently considering is taking final action now only on the 10.5 psi standard to be effective beginning in 1989 as an interim standard. The EPA regulation, when finalized, would normally preempt the state provision, under section 211(c)(4) of the Clean Air Act (the Act). However, section 211(c)(4)(C) of the Act provides for approval of state control of fuel or fuel additives if the control is part of the SIP and is necessary to achieve the primary or secondary national ambient air quality standard (NAAQS) which the plan implements.

Criteria for approval

There are two different situations under which EPA might ultimately take final action on Rhode Island's RVP regulation: (1) If EPA has not taken final action on its proposed RVP regulations so that there is no federal preemption of state regulation; or (2) if EPA has taken final action and there is federal preemption. Either situation could occur within the time frame anticipated for final EPA approval of this SIP revision.

Section 211(c)(4)(A) of the Act, in describing federal preemption authority, states:

> "Except as otherwise provided in subparagraph (B) or (C), no State (or political subdivision thereof) may prescribe or attempt to enforce, for the purposes of motor vehicle emission control, any control or prohibition respecting use of a fuel or fuel additive in a motor vehicle or motor vehicle engine—(i) if the Administrator has found that no control or prohibition under paragraph (1) is necessary and has published his finding in the Federal Register, or (ii) if the Administrator has prescribed under paragraph (1) a control prohibition applicable to such fuel or fuel additive, unless [the] State prohibition or control is identical to the prohibition or control prescribed by the Administrator."

For the reasons described below, we do not believe this section of the Act preempts approval of the Rhode Island revision. First, EPA has not made the finding described in subparagraph (i) of paragraph (A), that no fuel control or prohibition under paragraph (1) of section 211(c) is necessary; and EPA clearly has not published any such findings in the **Federal Register.** In fact EPA published a Notice of Proposed Rulemaking (52 FR 31274) on August 19, 1987 which, when finalized, would control RVP. But this proposed federal RVP control is not yet final. Therefore, preemption has not yet occurred, and DEM is free to adopt and enforce its own RVP controls at this time.[1]

Second, even if preemption were to occur, EPA may still approve certain state provisions for limits on RVP of fuel where it can make a finding under section 211(c)(4)(C) which would authorize EPA approval and, thus, eliminate the preemption problem. As set forth below, section 211(c)(4)(C) authorizes EPA to approve into the SIP a state-adopted fuel control measure that has otherwise been preempted by final EPA action if EPA finds that the state control "is necessary to achieve" the standard that the SIP implements.

Section 211(c)(4)(C) of the Act, in setting forth the circumstances under which an exception to federal preemption of state regulation may occur, states:

> "A State may prescribe and enforce, for purposes of motor vehicle emission control, a control or prohibition respecting the use of a fuel or fuel additive in a motor vehicle or motor vehicle engine if an applicable implementation plan for such State under

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[1] One court, in *Exxon v. City of New York*, 548 F.2d 1088 (2d Cir. 1977), has suggested that EPA's regulation of the lead content of gasoline amounts under subparagraph (ii) to the preemption of State controls of any aspect of the content of gasoline (unless identical to the federal lead content control). EPA does not agree with that holding and hence does not believe that the reasoning of the decision should apply in cases involving state fuel regulations other than regulation of lead content.

section 110 so provides. The administrator may approve such provision in an implementation plan, or promulgate an implementation plan containing such a provision, only if he finds that the State control or prohibition is necessary to achieve the national primary or secondary ambient air quality standard which the plan implements."

In the **Federal Register** discussion of EPA's approval of a state oxygenated fuels program in the Maricopa country, Arizona SIP, EPA interpreted this language as requiring the Agency to find that a fuel control requirement was essential to achieve timely attainment of the standard. EPA said further that a fuel control measure may be "necessary" for timely attainment if no other measures that would bring about timely attainment exist, or if such other measures exist and are technically possible to implement, but are unreasonable or impracticable. Otherwise, no fuel control would ever be "necessary," since for any area there is at least one measure—namely, required shutdowns and prohibitions on driving—that would result in timely attainment of the NAAQS. It is doubtful that Congress would have intended to bar EPA from approving State fuel controls into a SIP based on the availability of such drastic alternatives.[2]

Evaluation of How the Rhode Island Revision Satisfies the "Necessary" Criterion

The Rhode Island submitted and related documents contain the state's analysis of the emissions reductions that various measures would achieve and the remaining shortfall needed to achieve attainment. That analysis concludes that the Rhode Island RVP regulation would reduce VOC emissions by an estimated 2458 tons per year (TPY). The quantity of reduction was derived from AP-42 emission factors for storage and transfer of gasoline and from the EPA MOBILE 3 emission factor model for motor vehicle emissions. This estimate may understate the actual reductions because it does not include the emissions reductions that would result from decreased running losses from motor vehicles associated with lower volatility gasoline. Running losses are emissions from the gasoline tank and fuel system that occur while a car is being driven and which result from an overload of the evaporative control system or escape through the filler cap.

Information available in the Rhode Island SIP and supplemental inventory information submitted by the state were used in making the following findings. The 1986 inventory shows that Rhode Island has achieved a 17% reduction of VOC emissions on a statewide basis from 1980 emissions. Based on EPA's experience with Regional Oxidant Model runs for 1980 it seems likely that a reduction on the order of at least 40% from 1980 levels is needed for attainment of the ozone standard. Under this scenario, the emission reduction from 1986 levels needed for attainment translates to at least a 28% reduction from the 1986 inventory.

The VOC strategies identified by the RI DEM as having the greatest potential for significant future VOC reductions are:

Measure	Tons reduced	Percent of 86 inventory
Enhanced I/M plus Basic I/M [1]	5014 TPY	5.1
RVP 11.5 to 9.0 psi	2458 TPY	2.5
Stage II Controls	1600 TPY	1.6
Architectural Coatings	334 TPY	[2] 0.3
Consumer Solvents	280 TPY	[2] 0.3
Total		9.8

[1] Although Rhode Island's basic I/M program is not part of the SIP and does not meet EPA requirements, it can be modified to provide these reductions.

[2] These are emissions from the entire category and could probably never he fully reduced due to the nature of available controls on these area sources. Many of these formulations cannot be fully reformulated or replaced and, because they are area source emissions, cannot be effectively captured and controlled.

No other categories of available controls will individually yield reductions of more than 0.3% of the 1986 inventory. The total of the available control strategies would yield approximately a 10% reduction if all controls were 100% effective. This still leaves a VOC emission reduction shortfall of approximately 18%. Even if EPA does promulgate a RVP regulation requiring control to 10.5 psi in 1989, the state regulation will still provide additional reductions No other measures that are clearly reasonable for implementation in Rhode Island could provide sufficient reductions to achieve attainment without the State RVP control.

Thus, Rhode Island's RVP program appears to meet the appropriate test of being "Necessary" to achieve attainment of the ozone standard. The fact that the state RVP regulation might not by itself fill the remaining shortfall and hence by itself achieve the standard does not mean the rule would not be "necessary" to achieve the standard within the meaning of section 211(c)(4)(C). EPA believes that if Congress intended EPA to approve a state fule-content rule only if it were necessary *and sufficient* to achieve the standard, then it would have used that language in sectin 211(c)(4)(C) EPA believes that the "necessary to achieve" standard must be interpreted to apply to measures which are needed to reduce ambient levels (thus bringing the area closer to achieving the NAAQS) when no other reasonable measures are available to achieve this reduction. A contrary application of "necessary to achieve" in this situation would mean that measures which result in significantly improved air quality are nonetheless unacceptable (even though no other reasonable measures are available) just because they are insufficient to actually result in attainment.

Enforceability

EPA's review for the enforceability of the Rhode Island revision revealed a problem with the test methods section of Regulation Number 11. The state requires that fuel sampling and testing shall be conducted in accordance with ASTM method D323-58, which is acceptable to EPA, or "* * * any other method approved by the Director." EPA has informed the state that alternative methods must be approved by EPA as well. The state has committed to revise this section of their regulation to resolve this problem. DEM may drop the alternative method language or may require approval by EPA as well. EPA is proposing to approve the DEM's RVP controls with the understanding that the state must revise the test methods section to cure the problem with alternative test methods prior to final EPA action.

Proposed Action

EPA is proposing to approve this revision to the Rhode Island ozone state implementation plan to control gasoline volatility with the understanding that the state will revise the test method section of the regulation prior to final Agency action. EPA is also proposing to make a finding that this SIP revision meets the requirements of section 211(c)(4)(C) of the Act for an exception to federal preemption at such time as EPA promulgates regulations to control the volatility of fuel. EPA's regulations were proposed in the **Federal Register** of August 19, 1987 (32 FR 31274).

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

[2] **Federal Register** August 10, 1988, 53 FR 30220, 30228.

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

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Ozone.

The Administrator's decision to approve or disapprove the plan revisions will be based on whether it meets the requirements of sections 110(a)(2)(A)–(K), 110(a)(3) and 211(c)(4)(C) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being proposed pursuant to sections 110(a) and 301(a) of the Clean Air Act, as amended.

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

Date: February 17, 1989.

Michael R. Deland,

Regional Administrator.

[FR Doc. 89–6111 Filed 3–15–89; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. MC–89–10]

49 CFR Part 396

Inspection, Repair and Maintenance; Periodic Motor Vehicle Inspection

March 3, 1989.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice to solicit information and public comment.

SUMMARY: The FHWA is requesting information and comments from programs for commercial motor vehicles (CMVs) in the States; and (2) an assessment, by the State, of whether a State's program is comparable to, or as effective as, the periodic inspection requirements contained in 49 CFR 396.15 through 396.23. Periodic inspections are defined as those which are performed at least annually, if not more frequently. As specified in 49 CFR Part 396, these periodic inspections may be carried out by the States, or by a self-inspection conducted by the motor carrier, a roadside inspection, or an inspection performed by a commercial garage or similar commercial business. All such inspections must meet either Federal standards or State inspection standards that are as effective as the Federal standards.

The FHWA undertakes this notice as a followup to its final rule published on December 7, 1988, in the **Federal Register** (53 FR 49402, Docket No. MC–113) which requires CMVs operated in interstate or foreign commerce to pass an inspection, at least annually, based upon prescribed Federal or equivalent State standards. Limited numbers of copies of the final rule are available from the FHWA. (See "For Further Information Contact" section.) The rule responded to the requirements in section 210 of the Motor Carrier Safety Act of 1984.

DATE: Written comments must be received on or before May 1, 1989.

ADDRESS: Submit written, signed comments to FHWA Docket No. MC–89–10, Room 4232, HCC–10, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Commenters may, in addition to submitting "hard copies" of their comments, submit a floppy disk (either 1.2Mb or 360Kb density) in a format that is compatible with either word processing programs, Word Perfect or Wordstar. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., E.T., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas P. Kozloweski, Office of Motor Carrier Standards, (202) 366–2981; or Michael J. Laska, Office of the Chief Counsel, HCC–10, (202) 366–1383, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., E.T., Monday through Friday, except legal holidays.

Background

Section 210 of the Act requires the Secretary of Transportation to establish standards for annual or more frequent inspection of CMWs, and for the retention by motor carriers of records of such inspections. The final rule published on December 7, 1988, on periodic inspections (the periodic inspection rule), which implemented the statutory requirement, amended Part 396, Inspection, Repair, and Maintenance of the Federal Motor Carrier Safety Regulations (FMCSRs) to ensure that all CMVs operating under the motor carrier's control in interstate or foreign commerce are inspected and meet the vehicle component standards at least once every 12 months.

This rule requires motor carriers with vehicles registered in States having periodic inspection programs with standards that conform to, or are equivalent to the minimum standards of 49 CFR Part 396 for CMVs, to satisfy the Federal inspection requirement by availing themselves, at least annually, of the State periodic inspection program. Motor carriers with vehicles registered in States without compatible State inspection programs must still meet the periodic inspection requirements of 49 CFR Part 396 through reliance upon alternative inspection procedures (i.e., self-inspection, roadside inspection, commercial garage inspections, or a State-administered periodic inspection program in a State with such a program).

As stated in the periodic inspection rule, the FHWA will make a determination of which State periodic inspection programs are compatible to, or as effective as, the requirements of the periodic inspection rule. In order for the FHWA to make this determination, the FHWA is soliciting, by this notice, information and comments on such State programs. The FHWA is also requesting an initial assessment from States with periodic inspection programs on whether their program is compatible to, or as effective as, the requirements contained in the periodic inspection rule.

On August 22, 1988, in a related attempt to obtain information, the National Highway Traffic Safety Administration (NHTSA) issued a notice in the **Federal Register**, requesting public comment on the effectiveness of State periodic motor vehicle inspection programs. (See 53 FR 31951.) The NHTSA sought to solicit, evaluate, and document the views of States, user groups, and other highway safety organizations on the value of such programs in reducing accidents and limiting the number of defective or unsafe motor vehicles on the highways. The NHTSA notice, however, addressed only those vehicles with a gross vehicle weight rating (GVWR) of less than 10,000 pounds.

According to documentation available to the FHWA from NHTSA's docket, 21 States and the District of Columbia perform some type of periodic inspection of passenger vehicles, small trucks, and/or CMVs. These States are: Arkansas, Delaware, Hawaii, Louisiana, Maine, Massachusetts Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Caroline, Texas, Utah, Virginia, Vermont, and West Virginia. Periodic inspection programs for CMVs only are operated by Illinois and Maryland. Similar programs also exist in the District of Columbia, Commonwealth of Puerto Rico, American Samoa, Guam,

the Northern Mariana Islands, and the Virgin Islands. However, very little is known of the details of these inspection programs, in particular the extent to which they do, in fact: (1) Include CMVs of 10,001 pounds GVWR or more; and (2) comply with the standards established in the periodic inspection rule.

Consequently, the FHWA is seeking information on programs involving periodic inspections of CMVs. A CMV is defined in Part 390 of the FMCSRs as "any self-proppelled or towed vehicle used on public highways in interstate commerce to transport passengers or property when (a) the vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or the vehicle is designed to transport more than 15 passengers, including the driver; or the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Secretary under the Hazardous Materials Transportation Act." (49 CFR 390.5).

The FHWA requests that States and any other interested parties identify and/or provide any information or source materials that will describe the type of periodic inspections programs now being performed for CMVs. In addition, the FHWA requests all States with periodic inspection programs to provide an initial assessment of whether their State program is compatible to, or as effective as, the periodic inspection requisites contained in 49 CFR 396.15 through 396.23. (If States previously responded to the NHTSA notice of August 22, 1988, by identifying either (1) no program or (2) one that does not conform to the requirements of 49 CFR Part 396, then the FHWA requests that these States respond briefly, in writing, confirming this status.) FHWA requests that respondents include the name and address of the person(s) to contact in future on this issue. The FHWA will then assess the information received through this notice and/or other sources to determined which State programs are compatible to, or as effective as, the periodic inspection requirements contained in the FMCSRs. The FHWA will notify States on or about June 7, 1989, of its determination and will publish a notice of its findings in the **Federal Register.**

Respondents should understand that FHWA's intent in seeking this information is neither to discourage State flexibility or innovation in administering commercial motor vehicle inspection programs, nor to supersede State procedures for periodic inspections. Recognizing that a variety of programs and procedures may exist, FHWA believes that States' periodic inspection requirements need not be exactly like those in the FMCSRs. They should be "as effective" or "comparable" to those included in the FMCSRs.

Issued on: March 6, 1989.

Robert E. Farris,

Federal Highway Administrator.

[FR Doc. 89-6094 Filed 3-15-89; 8:45 am]

BILLING CODE 4910-22-M

Notices

Federal Register
Vol. 54, No. 50
Thursday, March 16, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Special Committee on Ethics in Government; Rescheduled Meeting

ACTION: Special Committee on Ethics in Government; notice of change of public meeting date.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a change of meeting date of the Special Committee on Government Ethics of the Administrative Conference of the United States. The committee was scheduled to meet on Tuesday, March 14, 1989 at 9:30 a.m. to continue its discussion of appropriate conflict-of-interest rules for advisory committee members (*see* 54 FR 9534, March 7, 1989). Due to unforeseen conflicts, the meeting is rescheduled as follows:

DATE: Friday, March 24, 1989, at 9:30 a.m.

LOCATION: Library of the Administrative Conference, 2120 L Street, NW., Suite 500, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael W. Bowers, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, DC 20037. Telephone (202) 254–7065.

Dated: March 14, 1989.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 89–6300 Filed 3–14–89; 1:40 pm]

BILLING CODE 6110–01–M

ADMINSTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Rulemaking; Public Meeting

ACTION: Committee on rulemaking; Notice of public meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of two meetings of the Committee on Rulemaking of the Administrative Conference of the United States. The committee has scheduled these meetings to consider further the Administrative Conference study of asylum adjudication procedures and a draft committee recommendation on the subject.

DATES:

First Meeting—Monday, April 3, 1989; 2:00 p.m.

Second Meeting—Friday April 14, 1989; 10:00 a.m.

Location: Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, DC 20037.

Public Participation: The committee meeting is open to the interested public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days before the meeting. The committee chairman may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

FOR FURTHER INFORMATION CONTACT: Kevin L. Jessar, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, DC 20037. Telephone: (202) 254–7020.

Dated: March 10, 1989.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 89–6053 Filed 3–15–89; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF COMMERCE

Changes in Organization and Functions During Calendar Year 1988

AGENCY: Office of the Secretary, Commerce.

SUMMARY: Following is a summary of Department of Commerce officials and units affected by major changes in organization, function, title, or authority during the past calendar year. Specific information on each action can be obtained by requesting copies of the applicable Department Organization Orders (DOOs) listed below:

Department Officials

Assistant Secretary for Administration:
DOO 10–5, Amendment 7, 5/4/88
DOO 10–5, Amendment 8, 11/7/88
Under Secretary for International Trade:
DOO 10–3, Amendment 1, 9/8/88
DOO 10–3, Amendment 2, 12/13/88
Assistant Secretary for Economic Development:
DOO 10–4, Amendment 3, 9/8/88
Under Secretary for Travel and Tourism:
DOO 10–7, Amendment 1, 12/13/88
Under Secretary for Economic Affairs:
DOO 10–9, Amendment 3, 11/1/88
Asssistant Secretary and Commissioner of Patents and Trademarks:
DOO 10–14, Amendment 3, 8/3/88
DOO 10–14, Amendment 4, 11/1/88
Under Secretary For Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration:
DOO 10–15, New, 1/11/88
Under Secretary for Export Administration:
DOO 10–16, New, 3/10/88
Chief of Staff:
DOO 15–20, New, 11/7/88

Units Within the Office of the Secretary

Office of Public Affairs:
DOO 15–3, Amendment 1, 11/7/88
Office of Business Liaison:
DOO 15–13, Amendment 1, 5/18/88
DOO 15–13, Amendment 2, 7/22/88
Commerce Legislative Strategy Group:
DOO 15–17, New, 1/15/88
Office of Executive Programs:
DOO 15–18, New, 8/18/88
Office of Space Commerce:
DOO 15–19, New, 12/2/88

Units Within the Office of the Assistant Secretary for Administration

Office of Federal Property Programs:
DOO 20–1, Revision, 8/2/88
Office of Budget:
DOO 20–3, Amendment 2, 5/6/88
DOO 20–3, Amendment 3, 12/2/88
Office of Program Planning and Evaluation:
DOO 20–4, Amendment 2, 5/6/88
Office of Management and Organization:
DOO 20–7, Amendment 2, 5/6/88
Office of Administrative Services Management:
DOO 20–15, Amendment 1, 2/2/88
DOO 20–15, Amendment 2, 6/24/88

Office of Major Systems Procurement:
DOO 20–16, New, 5/6/88
Office of Procurement Management:
DOO 20–17, Revision, 5/6/88

Department Operating Units

United States Travel and Tourism Administration:
DOO 25–1, Amendment 1, 7/27/88
National Oceanic and Atmospheric Administration:
DOO 25–5B, Amendment 3, 1/13/88
DOO 25–5, Amendment 4, 6/24/88
DOO 25–5, Amendment 5, 7/27/88
National Bureau of Standards:
DOO 30–2A, Revision, 8/22/88
DOO 30–2B, Revision, 8/22/88
Patent and Trademark Office:
DOO 30–3, Amendment 2, 8/4/88
DOO 30–3, Amendment 3, 11/1/88
DOO 30–3, Amendment 4, 10/1/88
Bureau of Economic Analysis:
DOO 35–1A, Amendment 2, 8/4/88
Bureau of the Census:
DOO 35–2A, Amendment 1, 8/4/88
DOO 35–2B, Amendment 1, 3/21/88
Office of Productivity, Technology and Innovation:
DOO 35–9, Amendment 1, 8/4/88
International Trade Administration:
DOO 40–1, Revision, 6/7/88
DOO 40–1, Amendment 1, 12/14/88
Bureau of Export Administration
DOO 50–1, New, 3/23/88

FOR FURTHER INFORMATION CONTACT: Robert L. Ingram, Office of Management and Organization, Department of Commerce Room 5317, Washington, DC 20240, Telephone (202) 377–5481).

Stephen C. Browning,

Acting Director, Office of Management and Organization.

[FR Doc. 89–6063 Filed 3–15–89; 8:45 am]

BILLING CODE 3510–DK–M

Bureau of the Census

Census Advisory Committees of the American Economic Association, American Marketing Association, American Statistical Association, and on Population Statistics

Notice of Reestablishment

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and Office of Management and Budget Circular A–63 of March 1974, and after consultation with GSA, the Secretary of Commerce has determined that the reestablishment of the Census Advisory Committees of the American Economic Association, American Marketing Association, American Statistical Association, and on Population Statistics is in the public interest in connection with the performance of duties imposed on the Department by law.

These committees were originally established in 1960, 1946, 1919, and 1965, respectively. The Department of Commerce last renewed each committee on February 10, 1987.

The committees will continue to provide advice to the Director, Bureau of the Census, on such matters as conceptual problems concerning the economic censuses and surveys; decennial census of population; statistical needs of data users concerned with marketing the Nation's products and services; and numerous other aspects of the Census Bureau's programs.

The committees of the American Marketing Association, American Economic Association, and on Population Statistics will each have a balanced representation of nine members. The Committee of the American Statistical Association will have a balanced representation of 12 members. The committees will continue to report and be responsible to the Director, Bureau of the Census, and will function solely as an advisory body in compliance with the Federal Advisory Committee Act.

The Department of Commerce will file copies of the committees' revised charters with appropriate committees in Congress.

You may address inquiries or comments to Mrs. Phyllis Van Tassel, Committee Liaison Officer, Bureau of the Census, Room 2423–3, Washington, DC 20233, telephone (301) 763–5410, or Ms. Jan Jivatode, Committee Management Analyst, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 377–3271.

Date: March 13, 1989.

C.L. Kincannon,

Deputy Director.

[FR Doc. 89–6089 Filed 3–15–89; 8:45 am]

BILLING CODE 3510–07–M

Bureau of Export Administration

Nabila Mango Shehadeh, Individually and Doing Business as ABK International Distributors, Respondents; Order

On February 24, 1989, the undersigned entered an Order in this case imposing a denial of export privileges against Nabila Mango Shehadeh, formerly doing business as ABK International Distributors and currently doing business as Bisan Distribution Center, Inc. That Order is hereby amended to add the following address: Nabila Mango Shehadeh, ABK International Distributors, Bisan Distribution Center, Inc., 311 41st Avenue, San Mateo, California 94403.

This Order shall be published in the **Federal Register** and is effective immediately.

William V. Skidmore,

Acting Assistant Secretary for Export Enforcement.

Entered this 9th day of March, 1989.

[FR Doc. 89–6064 Filed 3–15–89; 8:45 am]

BILLING CODE 3510–DT–M

Radio Subcommittee Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Radio Subcommittee of the Telecommunications Equipment Technical Advisory Committee will be held April 4, 1989, 1:30 p.m. at the Herbert C. Hoover Building, Room 1617F, 14th Street & Constitution Avenue NW., Washington, DC. The Radio Subcommittee was formed to study radio equipment with the goal of making recommendations to the Office of Technology & Policy Analysis relating to the appropriate parameters for controlling exports for reasons of national security.

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Request for Comments from the Public on CCL Entries 1516A (Radio Receivers) and 1517A (Radio Transmitters).
4. Discussion of Industrial and Commercial Utility of Spread Spectrum.
5. Discussion of Channelization of FM and AM Ground Communication Equipment for use in the 420 to 470 MHz Land Mobile Service.

Executive Session

6. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal

Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portion thereof will be open to the public.

A copy of the Notice of Determination to close meetings of portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, call Betty Ferrell at (202) 377–2583.

Date: March 6, 1989.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology & Policy Analysis.

FR Doc. 89–6170 Filed 3–15–89; 8:45 am]

BILLING CODE 3510-DT-M

Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held April 4, 1989, 9:30 a.m., Room 1617–F at the Herbert C. Hoover Building, 14th Street and Constitution Avenue NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to telecommunications and related equipment or technology.

Agenda

Open Session

1. Opening Remarks by the Chairman.
2. Presentation of Papers or Comments by the Public.
3. Discussion on Recent Regulatory Changes With Respect to Unilateral Controls.
4. Discussion on Fiber Optic Pigtails.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes, call Betty Ferrell at (202) 377–2583.

Date: March 6, 1989.

Betty Anne Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology & Policy Analysis.

[FR Doc. 89–6171 Filed 3–15–89; 8:45 am]

BILLING CODE 3510-DT-M

[C–122–607]

Postponement of Preliminary Countervailing Duty Determination: Fresh, Chilled, and Frozen Pork, From Canada

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce is postponing its preliminary determination in the countervailing duty investigation of fresh, chilled, and frozen pork from Canada. The preliminary determination will be made on or before May 1, 1989.

EFFECTIVE DATE: March 16, 1989.

FOR FURTHER INFORMATION CONTACT: Roy Malmrose or Barbara Tillman, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377–5414 or 377–2438.

SUPPLEMENTARY INFORMATION: On January 25, 1989, the Department initiated a countervailing duty investigation of fresh, chilled, and frozen pork, from Canada. The notice stated that we would issue our preliminary determination on or before March 31, 1989 (54 FR 5537, February 3, 1989).

This investigation includes a large number of procedures, covers a broad range of alleged subsidy practices which are complex in nature, and raises novel issues regarding section 771B of the countervailing duty law. Section 771B was one of the amendments made to the countervailing duty law pursuant to the Omnibus Trade and Competitiveness Act of 1988. This is the first investigation under the amendment. Section 771B provides that:

> In the case of an agricultural product processed from a raw agricultural product in which (1) the demand for the prior stage product is substantially dependent on the demand for the latter stage product, and (2) the processing operation adds only limited value to the raw commodity, subsidies found to be provided to either producers or processors of the product shall be deemed to be provided with respect to the manufacture, production, or exportation of the processed product.

For purposes of our preliminary determination, we must first determine whether the elements of section 771B are met. We expect that additional time will be needed to analyze the novel and complex issues raised by the consideration of section 771B since this will be our first experience implementing its provisions.

We have determined that the Government of Canada and the other parties concerned are cooperating and that additional time is necessary to make the preliminary countervailing duty determination.

For these reasons, we determine that this investigation is extraordinarily complicated in accordance with section 703(c)(1)(B)(i) of the Act, and that additional time is necessary to make this preliminary determination in accordance with section 703(c)(1)(B)(ii) of the Act. Pursuant to the statutory provision cited above, the Department is postponing its preliminary determination until no later than May 1, 1989.

This notice is published pursuant to section 703(c)(2) of the Act.

March 10, 1989.

Timothy N. Bergan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 89–6172 Filed 3–15–89; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which Certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Thomas H. Stillman, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97–290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1223, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 89–00007." A summary of the application follows.

Summary of the Application:

Applicant: Valve Manufacturers Association of America ("VMA"), 1050 17th Street NW., Suite 701, Washington, DC 20036. Contact: Malcolm E. O'Hagan, President. Telephone: (202) 331–8105.

Application No.: 89–00007.

Date Deemed Submitted: March 2, 1989.

Members: See Appendix A.

Export Trade

1. *Products*

Industrial valves, actuators, and related parts (SIC code 3494A); automatic valves (regulating and control type) and parts (SIC code 34947); solenoid operated valves and parts (SIC code 34948); nuclear valves (SIC code 34949); and other industrial valve related products.

2. *Services*

Engineering, design, and services related to Products and to turn-key contracts that substantially incorporate Products; servicing of Products; and training with respect to the use of Products.

3. *Export Trade Facilitation Services (as they relate to the export of Products and Services)*

Consulting; international market research; marketing and trade promotion; trade show participation; insurance; legal assistance; services related to compliance with customs requirements; transportation; trade documentation and freight forwarding; communication and processing of sales leads and export orders; warehousing; foreign exchange; financing; taking title to goods; and liaison with foreign government agencies, trade associations, and banking institutions.

4. *Technology Rights*

Patents, trade marks, service marks, trade names, copyrights (including neighboring rights), trade secrets, know-how, semiconductor mask works, utility models, industrial designs, petty patents, appellations of origin, plant breeder rights, and *sui generis* forms of computer software protection associated with Products or Services.

Export Markets

The Export Markets include all parts of the world except (a) the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands) and (b) Canada.

Export Trade Activities and Methods of Operation

1. VMA and/or one or more of its Members may:

a. Engage in joint bidding or other joint selling arrangements for Products and/or Services in Export Markets and allocate sales resulting from such arrangements;

b. Establish export prices for sales of Products and/or Services by the Members in Export Markets, with each Member being free to deviate from such prices by whatever amount it sees fit;

c. Discuss and reach agreements relating to the interface specifications and engineering requirements demanded by specific potential customers for Products for Export Markets;

d. With respect to Products and/or Services, refuse to quote prices for, or to market or sell in, Export Markets;

e. Solicit non-member Suppliers to sell their Products and/or Service or offer their Export Trade Facilitation Services through the certified activities of VMA and/or its Members;

f. Coordinate with respect to the installation and servicing of Products in Export Markets, including the establishment of joint warranty, service, and training centers in such markets;

g. License associated Technology Rights:

(1) *Unilateral Licensing.* VMA and/or its Members ("Licensors") may license and sub-license Technology Rights in Export Markets. Such licenses and sub-licenses may: convey exclusive or non-exclusive rights in Export Markets; impose requirements as to the prices at which Products or Services incorporating, or Manufactured or produced using, Technology Rights may be sold or leased in Export Markets; impose requirements as to pricing and other terms and conditions of sub-licenses of Technology Rights in Export Markets; restrict licensees and sub-licensees as to fields of use, or maximum sales or operations, in Export Markets; impose territorial restrictions (relating to any part of the world) on foreign licensees and sub-licensees; require the assignment back or exclusive or non-exclusive grantback of rights (in Export Markets) to all improvements in Technology Rights, whether or not such improvements fall within the field of use authorized in such license; require package licensing of Technology Rights; and require products or services (including, but not limited to, Products and Services) to be used, sold, or leased as a condition of the license of Technology Rights.

(2) *Joint and Coordinated Licensing.* Licensors may jointly establish the price and other terms and conditions upon which each Licensor's Technology Rights will be licensed or sub-licensed in Export Markets, including, without limitation, jointly determining whether such licenses or sub-licenses will include provisions specified in subparagraph (1) above. Licensors may coordinate their efforts to license or sub-license Technology Rights in Export Markets, including, without limitation, coordination of licensing for specific

foreign projects, and coordination and allocation of licensing for particular foreign customers or particular Export Markets.

(3) *Cross-Licensing.* Licensors may grant cross-licenses among themselves for purposes of engaging in licensing or sub-licensing of Technology Rights in Export Markets; may jointly set the prices and other terms and conditions upon which cross-licensed Technology Rights are licensed or sub-licensed in Export Markets, including, without limitation, jointly determining whether such licenses or sub-licenses will include provisions specified in subparagraph (1) above; and may allocate among themselves all rights in Export Markets to improvements in cross-licensed Technology Rights that are to be assigned back or granted back to Licensors

h. Engage in joint promotional activities, such as advertising and trade shows, aimed at developing existing or new Export Markets; and

i. Bring together from time to time groups of Members to plan and discuss how to fulfill the technical Product, Service, and/or Technology Rights requirements of specific export customers or particular Export Markets.

2. One or more Members may enter into agreements wherein one or more Members agree to act in certain countries or Export Markets as the Members' exclusive or non-exclusive Export Intermediary for Products and/or Services in that country or Export Market. In such agreements, (i) the Member(s) acting as an exclusive Export Intermediary may agree not to represent any other Supplier for sale in the relevant country or market, and (ii) Members may agree that they will export for sale in the relevant country or market only through the Member(s) acting as exclusive Export Intermediary and that they will not export independently to the relevant country or market, either directly or through any other Export Intermediary.

3. The Members may exchange and discuss the following types of information solely about Export Markets:

a. Information (other than information about the costs, output, capacity, inventories, domestic prices, domestic sales, domestic orders, terms of domestic marketing or sale, or United States business plans, strategies, or methods) that is already generally available to the trade or public;

b. Information about sales and marketing efforts for Export Markets; activities and opportunities for sales of Products and Services in Export Markets; selling strategies for Export Markets; pricing in Export Markets; projected demand in Export Markets; customary terms of sale in Export Markets; the types of Products available from competitors for sale in particular Export Markets, and the prices for such Products; and customer specifications for Products in Export Markets;

c. Information about the export prices, quality, quantity, source, available capacity to produce and delivery dates of Products available from Members for export, provided, however, that exchanges of information and discussions as to Product quantity, source, available capacity to produce, and delivery dates must be on a transaction-by-transaction basis only and involve only those Members that are participating or have a genuine interest in participating in such transaction;

d. Information about terms and conditions of contracts for sales in Export Markets to be considered and/or bid on by Members;

e. Information about joint bidding, selling, or servicing arrangements for Export Markets and allocation of sales resulting from such arrangements among Members;

f. Information about expenses specific to exporting to and within Export Markets, including without limitation transportion, intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing, customs, duties, and taxes;

g. Information about U.S. and foreign legislation and regulations affecting sales in Export Markets; and

h. Information about Members' export operations, including without limitations sales and distribution networks established by Members in Export Markets and prior export sales by Members (including export price information).

4. VMA may provide its Members or other Suppliers the benefit of any Export Trade Facilitation Service to facilitate the export of Products and/or Services to Export Markets. This may be accomplished by VMA itself, or by agreement with one or more Members, or other parties.

5. The Members may meet to engage in the activities described in paragraphs one through four above.

6. VMA and/or its Member may forward to the appropriate individual Member requests for information received from a foreign government or its agent (including private pre-shipment inspection firms) concerning the Member's domestic or export activities (including prices and/or costs), and if such individual Member elects to respond, it shall respond directly to the requesting foreign government or its agent with respect to such information.

7. VMA and/or its Members may refuse to provide Export Trade Facilitation Services or participation in the other activities described in paragraphs one through five above to non-members.

Definitions:

1. "Export Intermediary" means a person who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. "Members" means the member companies of VMA, subject to the provisions of this paragraph. A list of current VMA members is attached hereto as Appendix A and is incorporated herein by reference. New VMA members and current VMA members not listed in Appendix A may from time to time be incorporated in this Certificate pursuant to the abbreviated amendment procedure described below. An abbreviated amendment shall consist of any annual written notification to the Secretary of Commerce and the Attorney General stating changes in VMA membership, identifying all new VMA members that desire to become a Member under this Certificate pursuant to the abbreviated amendment procedure, and certifying for each new VMA member so identified the number of its employees and/or other relevant data. Notice of members so identified shall be published in the **Federal Register**. However, VMA may withdraw one or more individual members from the application for the abbreviated amendment. If 30 days or more following publication in the **Federal Register**, the Secretary of Commerce, with the concurrence of the Attorney General, determines that the incorporation in the Certificate of these members through the abbreviated amendment procedure is consistent with the standards of the Act, the Secretary of Commerce shall amend the Certificate of Review to incorporate such members, effective as of the date on which the application for amendment is deemed submitted. If the Secretary of Commerce does not, within 60 days, of publication in the **Federal Register**, so amend the Certificate of Review, such amendment must be sought through the non-abbreviated amendment procedure. This same procedure may be used by VMA to delete one or more Members from the Certificate.

3. "Supplier" means a person who produces, provides, or sells a Product, Service, Technology Rights and/or Export Trade Facilitation Services, whether a Member or nonmember.

Date: March 13, 1989.

Thomas H. Stillman,

Director, Office of Export Trading Company Affairs.

Appendix A

AC Valve Inc., York, PA
American Cast Iron Pipe Co., Birmingham, AL (including American-Darling Valve, Birmingham, AL; and American Valve & Hydrant Mfg. Co., Beaumont, TX)
Anchor/Darling Valve Co., Rosemont, PA
Armstrong International, Inc., Three Rivers, MI (including Everlasting Valve Company, Inc., South Plainfield, NJ)
Atwood & Morrill Co., Inc., Salem, MA
Automax, Inc., Cincinnati, OH
BW/IP International, Inc., Pump Division, Vernon, CA
C & S Valve Company, Westmont, IL
Cameron Iron Works, Inc., Houston, Texas
Cashco, Inc., Ellsworth, KS
Chicago Fluid Power Corporation, Fluid Torque Division, Streamwood, IL
Clow Corporation, Division of McWane Inc., Oskaloosa, IA
Control Components, Inc., Rancho Santa Margarita, CA
Contromatics, East Hartford, CT
Conval, Inc., Somers, CT
Copes-Vulcan, Inc., Lake City, PA
Crane Co., King of Prussia, PA
Crosby Valve & Gage Company, Moorco Company, Wrentham, MA
Daniel Industries, Inc., Houston, TX (including Daniel Flow Products, Inc., Houston, TX; and Daniel Valve Company, Houston, TX)
DeZURIK, a unit of General Signal, Sartell, MN
Dresser Industries, Inc., Dresser Valve & Controls Division, The Woodlands, TX (including Industrial Valve Operations, Alexandria, LA; and Masoneilan North American Operations, Canton, MA)
Durabla Manufacturing Company, Lionville, PA
The Duriron Company, Inc., Cookeville, TN
Dyna-Torque Co., Muskegon, MI
EIM Valve Controls, Inc., Missouri City, TX
Fisher Controls International, Inc., Marshalltown, IA (including Posi-Seal International, Inc., North Stonington, CT)
Foster Oilfield Equipment Company, Houston, TX
Foxboro/Jordan, a division of Foxboro Co., Milwaukee, WI
GH Bettis, Waller, TX
Garlock, Inc.—Valve & Industrial Plastics, Camden, NJ
General Valve Company, Brookshire, TX
Grinnell Corporation, Exeter, NH (including Grinnell Supply Sales Co., Cranston, RI)
Groth Corporation, Houston, TX
Harold Beck & Sons, Inc., Newtown, PA
Henry Pratt Company, Aurora, IL
ITT Barton Instruments, City of Industry, CA
ITT Engineered Valves, Lancaster, PA
J.M. Huber Corporation, Equipment Division, Borger, TX
Jordan-Hex-Bestobell, Divisions of Richards Industries, Cincinnati, OH
Kennedy Valve, Elmira, NY
Kerotest Manufacturing Corp., Pittsburgh, PA
Keystone International, Inc., Houston, TX (including Anderson, Greenwood & Co., Bellaire, TX; Keystone Valve USA, Houston, TX; and Yarway Corporation, Blue Bell, PA)
Kunkle Industries, Inc., Kunkle Valve Division, Fort Wayne, IN (including Lonergan Valve Division, Fort Wayne, IN)
Leslie Controls, Inc., Tampa, FL
Limitorque Corporation, Lynchburg, VA
M&H Valve Company, Anniston, AL (including McWane, Inc., Birmingham, AL)
Mark Controls Corporation, Skokie, IL (including Center Line Unit, Tulsa, OK; and Pacific Valves/Flowseal Unit, Long Beach, CA)
The Mastergear Corporation, Stanardsville, VA
Milwaukee Valve Company, Inc., Milwaukee, WI
Mueller Water & Gas Products Division, Decatur, IL
Mueller Steam Specialty, Division of Core Industries, Lumberton, NC
Neles-Jamesbury, Worcester, MA
NIBCO Inc., Elkhart, IN
Norris/O'Bannon, Tulsa, OK
Orbit Valve Company, Little Rock, AR
Plast-O-Matic Valves, Inc., Totowa, NJ
Red Valve Company, Inc. Carnegie, PA
Rockwell International Corp., Measurement & Flow Control Division (including Edward Globe, Gate and Check, Raleigh, NC; MARPAC Business Unit, Niles IL; McCanna Valve and Actuator Products Business Unit, Carpentersville, IL; and Plug Valves and Trunnion-Mounted Ball Valves Business Unit, Sulphur Springs, TX)
Rotork Controls, Inc., Rochester, NY
Smith Valve Corporation, Whitinsville, MA
Spirax Sarco, Inc., Allentown, PA
Stockham Valves & Fittings, Birmingham, AL
Target Rock Corporation, E. Farmingdale, NY
Technaflow Inc., Rovalve Division, Portland, OR (including L&M Division, Salem, VA)
Teledyne Farris Engineering, Palisades Park, NJ
Tom Wheatley Valve Company, Houston, TX
United States Pipe and Foundry Co., Birmingham, AL (including Valve & Fittings Plant, Chattanooga, TN)
Val-Matic Valve & Manufacturing Corp., Elmhurst, IL
Valtek Incorporated, Springville, UT
Valvcon Corporation, Milford, NH
Velan Valve Corporation, Williston, VT
Victaulic Company of America, Easton, PA (including TBV, Inc., Sutton, MA)
The Walworth Company, Houston, TX
Waterous Company, South Saint Paul, MN
The Wm. Powell Company, Cincinnati, OH
Worcester Controls Corp., Marlborough, MA
Xomox Corporation, Cincinnati, OH

[FR Doc. 89-6231 Filed 3-15-89; 8:45 am]
BILLING CODE 3510-DR-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Thomas H. Stillman, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the

Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. An original and five (5) copies should be submitted not later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1223, Washington, DC 20230. Information submitted to any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 89–00006." A summary of the application follows.

Summary of the Application

Applicant: Sun International Trading, Ltd. (SITL), P.O. Box 2230, Wilmington, North Carolina 28402. Contact: Mary Lynn Landgraf, President. Telephone: (919) 763–3694.

Application No.: 89–00006.

Date Deemed Submitted: March 2, 1989.

Members (in addition to applicant): Sun Brokers, Inc. and Sun Galleries, Ltd., both of Wilmington, North Carolina.

Export Trade:

Products and Services

All products and services.

Export Trade Facilitation Services (as they relate to the export of Products and Services)

Consulting; international market research; financing; export licensing; warehousing; shipping; transportation; taking title to goods; arranging for after-sales product servicing; providing information on the mechanics of exporting and on duties and other fees applicable to exporters; and providing information and training concerning quality control, advertising, and distribution.

Export Markets

The Export Markets include all parts of the world except the Untied States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

SITL and/or any of its Members may:

1. Enter into exclusive and/or non-exclusive agreements with Suppliers individually to provide Export Trade Facilitation Services;

2. Enter into exclusive and/or non-exclusive agreements with Suppliers individually to act as an Export Intermediary for Products and Services wherein:

a. SITL and/or any of its Members may agree not to represent any competitor of such Supplier for Products and Services unless authorized by the Supplier, and/or

b. The Supplier may agree not to sell, directly or indirectly, through any other Export Intermediary into any Export Market in which SITL and/or any of its Members exclusively represents the Supplier as an Export Intermediary unless authorized by SITL and/or any of its Members;

3. Enter into exclusive and/or non-exclusive agreements with Suppliers individually to act as license or licensing agent for Products and Services in Export Trade;

4. Enter into exclusive agreements with Export Intermediaries whereby:

a. SITL and/or any of its Members may agree to deal in Products and Services in particular Export Markets only through that Export Intermediary, and/or

b. The Export Intermediary may agree not to deal in particular Products and Services in particular Export Markets with anyone except SITL and/or any of its Members;

5. Enter into (and terminate) exclusive and/or non-exclusive agreements with individual foreign buyers to act as a purchasing agent in any Export Market with respect to particular transactions for the individual buyers;

6. Enter into exclusive and/or non-exclusive agreements with individual end-users of Products and Services located in any Export Market under which such end-users may agree to purchase all or part of their requirements of Products and Services from or through SITL and/or any of its Members;

7. Enter into agreements mentioned in items 1 through 6 above that contain territorial, customer, price, and/or quantity or quality restrictions in the Export Markets;

8. Act as an agent (on behalf of any individual Supplier) to identify and appoint exclusive and/or non-exclusive Export Intermediaries to deal in the Supplier's Products and Services in the Export Markets; and/or

9. Respond, as they become aware of invitations to bid or of sales opportunities existing in the Export Markets, by:

a. Contacting individual Suppliers of the Products and Services listed in the invitation to bid,

b. Inviting the Suppliers to provide independent price quotations for the Products and Services, and/or

c. Entering into agreements with individual Suppliers whereby SITL and/or any of its Members will submit a response to the bid invitation or request for quotation.

Definitions

1. "Export Intermediary" means a person who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Products and Services to foreign buyers.

2. "Supplier" means a person who produces, provides, or sells Products and Services and/or provides Export Trade Facilitation Services.

3. "Agreements with Suppliers individually" means agreements that have been entered into independently of agreements with other Suppliers.

Date: March 13, 1989.

Thomas H. Stillman,

Director, Office of Export Trading Company Affairs.

[FR Doc. 89–6232 Filed 3–15–89; 8:45 am]

BILLING CODE 3510–DR–M

National Oceanic and Atmospheric Administration

Coastal Zone Management: Federal Consistency Appeal by Paul Copenhagen From and Objection by the New York State, Department of State

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Dismissal of appeal.

On April 4, 1988, Paul Copenhagen (Appellant) appealed to the Secretary of Commerce under section 307(c)(3)(A) of the Coastal Zone Management Act, as amended, 16 U.S.C. 1456(c)(3)(A), from an objection by the New York State Department of State (State) to Appellant's consistency certification for the construction of a retaining wall in Greece, New York, on Lake Ontario. Appellant subsequently requested and received a stay of the appeal. Appellant recently informed the Department of Commerce that the dispute has been

resolved. Appellant has agreed to modify his proposed activity, and the State has agreed to issue a notice of consistency with the State coastal management program.

On February 14, 1989, the Department accordingly dismissed the appeal. Appelant is barred from filing another appeal from the State's objection to his consistency certification.

FOR ADDITIONAL INFORMATION CONTACT: Stephanie S. Campbell, Attorney/Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1825 Connecticut Avenue, NW., Suite 603, Washington, DC 20235, (202) 673–5200.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance)

Dated: March 7, 1989.

B. Kent Burton,

Assistant Secretary for Oceans and Atmosphere.

[FR Doc. 89–6075 Filed 3–15–89; 8:45 am]

BILLING CODE 3510–08–M

Coastal Zone Management, Federal Consistency Appeal by Cynthia B. Thompson From an Objection by the South Carolina Coastal Council

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of appeal.

On December 7, 1988, W.B. Bazzle, on behalf of Cynthia B. Thompson (Appellant), filed with the Secretary of Commerce a notice of appeal under section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, as amended (Act), 16 U.S.C. 1456(c)(3)(A), and the Act's pertinent implementing regulations, 15 CFR Part 930, Subpart H. The appeal arises from an objection by the South Carolina Coastal Council (State) to Appellant's consistency certification for a U.S. Army Corps of Engineers (Corps) permit to alter a freshwater wetlands in order to provide access to deep water by creating a boat channel to Lake Moultrie in Berkeley County, South Carolina. The proposal includes construction of a concrete boat ramp at the upland end of the channel. The State's objection precludes the Corps from issuing the permit unless the Secretary of Commerce overrides the objection.

If Appellant perfects the appeal by filing a brief and supporting data and information, the Department of Commerce will solicit public comments on the issues raised by the appeal via notices in the **Federal Register** and a local newspaper.

FOR FURTHER INFORMATION CONTACT: Stephanie S. Campbell, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1825 Connecticut Avenue, NW., Suite 603, Washington, DC 20236, (202) 673–5200.

[Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance]

Date: March 7, 1989.

B. Kent Burton,

Assistant Secretary for Oceans and Atmosphere.

[FR Doc. 89–6074 Filed 3–15–89; 8:45 am]

BILLING CODE 3510–08–M

Western Pacific Precious Corals

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

ACTION: Notice of availability of a draft environmental assessment and request for comments.

SUMMARY: The Southwest Region of the National Marine Fisheries Service has prepared an environmental assessment (EA) of a proposed action to issue an experimental fisheries permit to harvest 50,000 kilograms (kg) of precious coral in the conditional, established, and exploratory coral beds of the western Pacific. The purpose of this notice is to solicit public comments on the EA, which summarizes management of coral under the Fishery Management Plan for the Precious Corals Fisheries of the Western Pacific Region (FMP) and the effects the experimental fishery might have on corals and associated resources.

DATE: Comments on the draft EA are due by April 5, 1989.

ADDRESSES: Send comments to E.C. Fullerton, Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: A copy of the EA may be obtained from Doyle Gates, Pacific Islands Coordinator, 2570 Dole Street, Room 106, Honolulu, Hawaii 96822–2396, 808–955–8831, or James Morgan, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, 213–514–6667.

SUPPLEMENTARY INFORMATION: On November 30, 1988, a notice of receipt of an application for an experimental fishing permit and request for comments was published in the **Federal Register** (53 FR 48285). The applicant for the permit wishes to selectively harvest 50,000 kg of precious coral, primarily from the exploratory areas of the western Pacific, with an unmanned submersible vessel. Under the proposed alternative in the EA, size limits are imposed on the coral to be harvested, and each coral colony would be measured before being harvested. A small quota would be imposed on the harvest of those coral species which are not target species. The permit holder would be required to collect and submit data to the NMFS, and may be required to carry an observer on any or all trips.

The application was reviewed by the Western Pacific Fishery Management Council (Council) at its 63rd regular meeting in Honolulu, Hawaii on November 28–30, 1988. The Council recommended that an experimental fishing permit be issued with the condition that all video tapes obtained during the fishing operation be made available to NMFS scientists for analysis, and that the permittee work closely with scientists to achieve effective assessment data from the tapes.

As a part of its review of the permit under 50 CFR Part 680 of the rules implementing the FMP, the NMFS has prepared an EA on the proposed fishing operations for public review. Comments obtained on the EA and the application will help determine if the application for a permit should be approved, and if approved, what terms and conditions should be included in the permit.

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

Dated: March 10, 1989.

Alan Dean Parsons,

Acting Director of Office Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89–6092 Filed 3–15–89; 8:45 am]

BILLING CODE 3510–22–M

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council will meet on April 5–6, 1989, at the Holiday Inn Virginia Beach on the Beach. The meeting will begin on April 5 at 8:30 a.m., and adjourn in the afternoon of April 6. The meeting may be lengthened or shortened depending on progress on the agenda.

The Council will discuss striped bass legal issues, the *Loligo* squid fishery,

and other fishery management and administrative matters in open session. The Council may also meet in closed session to discuss personnel and/or national security matters.

FOR FURTHER INFORMATION CONTACT: John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, 300 South New Street, Room 2115, Federal Building, Dover, DE 19901–6790; telephone: (302) 674–2331.

Date: March 9, 1989.

Alan Dean Parsons,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89–6093 Filed 3–15–89; 8:45 am]

BILLING CODE 3510–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Coastal Engineering Research Board, Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of Committee: Coastal Engineering Research Board.

Date of Meeting: April 11–14, 1989.

Place: Coastal Engineering Research Center, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Mississippi.

Time: 8:30 a.m. to 5:00 p.m. on April 11; 8:30 a.m. to 5:00 p.m. on April 12; 8:30 a.m. to 5:00 p.m. on April 13; 8:30 a.m. to 12:00 noon on April 14.

Proposed Agenda: The 1990 Program Review is to be held April 11–14, 1989. On Tuesday, April 11, the Coastal Research and Development Programs will be discussed. They include Coastal Flooding and Storm Protection, and Harbor Entrances and Coastal Channels.

Review of these programs continues on Wednesday, April 12, with the Shore Protection and Restoration, and Coastal Structures Evaluation and Design.

On Thursday, April 13, Monitoring Completed Coastal Projects and the Coastal Field Data Collection Program will be reviewed.

On Friday, April 14, three will be a review of activities of the Coastal Geology and Geotechnology Program.

This meeting is open to the public, but since seating capacity of the meeting room is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

Inquiries and notice of intent to attend the meeting may be addressed to Dr. James R. Houston, Chief, Coastal Engineering Research Center, U.S. Army Engineer Waterways Experiment Station, P.O. Box 631, Vicksburg, Mississippi 39181–0631.

John O. Roach,

Army Liaison Officer with the Federal Register.

[FR Doc. 89–6062 Filed 3–15–89; 8:45 am]

BILLING CODE 3710–08–M

Notice of Intent To Grant an Executive License to Great Lakes IPM

The Department of the Army announces its intention to grant an exclusive license to James Hansel, d.b.a. Great Lakes IPM, having a place of business at 10220 Church Road, NE., Vestaburg, Michigan 48891, under U.S. Patent No. 4,788,789, "Collapsible Inspect Trap", issued 6 December 1988.

The proposed exclusive license will comply with the terms and conditions of 36 U.S.C. 209 and the Department of Commerce's regulations at 37 CFR 404.7. The proposed license may be granted unless within 60 days from the date of this notice, the Department of the Army receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest. All comments and materials must be submitted to the Intellectual Property Counsel of the Army, Patents, Copyrights, and Trademarks Division, Office of the Judge Advocate General, Department of the Army, 5611 Columbia Pike, Room 332–A, Falls Church, VA 22041–5013.

For further information concerning this notice contact: Earl T. Reichert, Patents, Copyrights, and Trademarks Division, Office of the Judge Advocate General, Department of the Army, 5611 Columbia Pike, Room 332–A, Falls Church, VA 22041–5013. The telephone number is (202) 756–2619.

John O. Roach,

Army Liaison Officer with the Federal Register.

[FR Doc. 89–6061 Filed 3–15–89; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Government-Owned Inventions; Availability for Licensing

AGENCY: Department of the Navy.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of Navy and are made available for licensing by the Department of the Navy.

Copies of patents cited are available from Commissioner of Patents and Trademarks, Washington, DC 20231, for $1.50 each. Requests for copies of patents must include the patent number. Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Copies also may be ordered by telephone request to (703) 487–4650. Requests for copies of patent applications must include the patent application serial number. Claims are deleted from the patent application copies sold to avoid premature disclosure.

DATE: March 16, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217–5000, telephone (202) 696–4001.

Patent 4,214,928: DIMETHYL HYDANTOIN BONDING AGENTS IN SOLID PROPELLANTS; filed 29 November 1976; patented 29 July 1980.

Patent 4,388,889: ELECTRICAL ACTUATOR FOR SHIP ROLL STABILIZATION; filed 31 March 1981; patented 21 June 1983.

Patent 4,391,136: THREE-AXIS CURRENT METER; filed 18 June 1981; patented 5 July 1983.

Patent 4,398,486: MECHANICAL ACTUATION DEVICE FOR SHIP ROLL STABILIZATION; filed 24 March 1981; patented 16 August 1983.

Patent 4,413,184: OPTICAL FIBER RADIATION DETECTOR AND REAL-TIME DOSIMETER; filed 11 May 1981; patented 1 November 1983.

Patent 4,416,631: SMALL ARMS FIRING EFFECTS SIMULATOR; filed 8 May 1982; patented 22 November 1983.

Patent 4,423,650: MACHINING PROCESS FOR METAL MIRROR SURFACES; filed 18 September 1981; patented 3 January 1984.

Patent 4,423,683: ENCLOSURE FOR A WARHEAD CASE; filed 28 December 1981; patented 3 January 1984.

Patent 4,425,544: DUAL-GATE DEEP-DEPLETION TECHNIQUE FOR CARRIER-GENERATION-LIFETIME MEASUREMENT; filed 6 March 1981; patented 10 January 1984.

Patent 4,435,045: BUILT-UP MIRROR WITH REDUCED TEMPERATURE GRADIENT; filed 29 April 1982; patented 6 March 1984.

Patent 4,436,049: SIMULATOR FOR TESTING SONOBUOYS; filed 20 May 1982; patented 13 March 1984.

Patent 4,436,766: PLATED BRIDGE STEP-OVER CONNECTION FOR MONOLITHIC DEVICES AND METHOD FOR MAKING THEREOF; filed 15 May 1981; patented 13 March 1984.

Patent 4,439,156: ANTI-ARMOR WEAPONS TRAINER; filed 11 January 1982; patented 27 March 1984.

Patent 4,439,157: HELMET MOUNTED DISPLAY PROJECTOR; filed 3 May 1982; patented 27 March 1984.

Patent 4,439,341: SMOKE-GENERATOR FOR USE WITH WATER AND SMOKE GENERANT; filed 21 March 1983; patented 27 March 1984.

Patent 4,446,624: SINGLE HANDED SET-UP APPARATUS; filed 26 August 1982; patented 8 May 1984.

Patent 4,447,407: PERFLUOROAMMONIUM SALTS; filed 11 October 1983; patented 8 May 1984.

Patent 4,449,209: UTILIZATION OF ENTIRE TRANSMITTED BANDWIDTH IN CONTINUOUS TRANSMISSION FM SONAR; filed 11 January 1982; patented 15 May 1984.

Patent 4,449,469: MECHANICAL CLUTCH/DECOUPLER FOR HYDRAULIC PUMPS; filed 25 March 1981; patented 22 May 1984.

Patent 4,451,847: AUTOMATIC STROBE/CAMERA CONTROL UNIT; filed 17 June 1982; patented 29 May 1984.

Patent 4,454,835: INTERNAL PHOTOLYSIS REACTOR; filed 13 September 1982; patented 19 June 1984.

Patent 4,455,572: FLICKER FREE STRETCHED GRAMS; filed 15 January 1982; patented 19 June 1984.

Patent 4,457,334: PRESSURE SENSITIVE VALVE ACTUATOR; filed 24 September 1982; patented 3 July 1984.

Patent 4,461,750: INFRARED WINDOW MATERIALS AND THEIR FABRICATION; filed 23 August 1982; patented 24 July 1984.

Patent 4,462,265: MULTIPLE DEPTH WATER SAMPLING SYSTEM; filed 28 February 1983; patented 31 July 1984.

Patent 4,463,358: CONVERTIBLE TERMINATION TIP FOR SUBMARINE BUOYANT CABLE ANTENNA SYSTEM; filed 9 November 1981; patented 31 July 1984.

Patent 4,466,083: LOW FREQUENCY, BROADBAND UNDERWATER SOUND TRANSDUCER; filed 31 May 1983; patented 14 August 1984.

Patent 4,469,888: PROCESS FOR THE PREPARATION OF 2–4,DINITRO–2,4–DIAZAPENTANE; filed 25 June 1982; patented 4 September 1984.

Patent 4,470,816: THERMAL SIGHT TRAINER; filed 14 March 1983; patented 11 September 1984.

Patent 4,477,818: DEPLOYMENT MECHANISM FOR AN ELECTRONIC ARRAY; filed 26 September 1982; patented 16 October 1984.

Patent 4,480,056: ORGANOTIN ANTIFOULING COATINGS WITH NOVOLAC AND BISPHENOL; filed 29 January 1981; patented 30 October 1984.

Patent 4,482,319: MATRIX BAND INSET; filed 22 April 1983; patented 13 November 1984.

Patent 4,483,364: HEATER FOR ULTRA HIGH PRESSURE COMPRESSED GAS; filed 26 March 1982; patented 20 November 1984.

Patent 4,484,140: BATTERY SCANNING SYSTEM; filed 23 April 1982; patented 20 November 1984.

Patent 4,484,317: MULTIBEAM LENS/FILTER COMBINATION FOR SONAR SENSOR; filed 7 April 1980; patented 20 November 1984.

Patent 4,484,523: DETONATOR, SOLID STATE TYPE I FILM BRIDGE; filed 28 March 1983; patented 27 November 1984.

Patent 4,484,801: PANORAMIC LENS; filed 20 September 1982; patented 27 November 1984.

Patent 4,485,321: BROAD BANDWIDTH COMPOSITE TRANSDUCERS; filed 29 January 1984; patented 27 December 1984.

Patent 4,495,809: DEEP DEPTH INDEX SIMULATOR; filed 29 March 1983; patented 29 January 1985.

Patent 4,520,513: AUTOMATIC VACUUM URINAL FLUSH MECHANISM; filed 2 June 1983; patented 4 June 1985.

Patent 4,528,080: PHOTOCHEMICAL METHOD FOR THE SEPARATION OF MIXTURES OF XENON AND KRYPTON; filed 1 May 1984; patented 9 July 1985.

Patent 4,624,754: IONIC LIQUID COMPOSITIONS FOR ELECTRODEPOSITION; filed 5 June 1985; patented 25 November 1986.

Patent 4,626,611: SHORT DURATION THERMOELECTRIC GENERATOR; filed 2 July 1985; patented 2 December 1986.

Patent 4,631,662: SCANNING ALARM ELECTRONIC PROCESSOR; filed 5 July 1984; patented 23 December 1986.

Patent 4,635,182: APPARATUS FOR CONTROLLING MULTIPLE TIMEVARYING PROCESSES; filed 3 July 1984; patented 6 January 1987.

Patent 4,638,173: ELECTROMECHANICAL POWER SOURCE; filed 14 May 1985; patented 20 January 1987.

Patent 4,638,316: RADAR REFLECTING ELECTROLYTES; filed 30 October 1973; patented 20 January 1987.

Patent 4,639,675: SUPERCONDUCTING CONDUCTIVITY ANOMALY DETECTION SYSTEM; filed 11 July 1984; patented 27 January 1987.

Patent 4,643,072: SUBMARINE MISSILE EJECT SYSTEM; filed 3 June 1985; patented 17 February 1987.

Patent 4,649,701: THRUST NOZZLE WITH INSULATION; filed 11 February 1986; patented 17 March 1987.

Patent 4,651,332: SECTOR SCAN COMPUTER; filed 2 June 1972; patented 17 March 1987.

Patent 4,652,257: MAGNETICALLY-LOCALIZABLE: POLYMERIZED LIPID VESICLES AND METHOD OF DISRUPTING SAME; filed 21 March 1985; patented 24 March 1987.

Patent 4,653,034: REMOTE MONITOR UNIT; filed 4 November 1985; patented 24 March 1987.

Patent 4,654,103: TRIDENT II BASELINE POWER EMBEDMENT CASE BOND SYSTEM; filed 5 July 1985; patented 31 March 1987.

Patent 4,656,851: ALARM CAPABILITY FOR PIN TUMBLER LOCKS; filed 24 April 1986; patented 14 April 1987.

Patent 4,658,261: CIRCUMFERENTIAL SLOTTED RIDGED WAVEGUIDE ARRAY ANTENNA; filed 25 January 1985; patented 14 April 1987.

Patent 4,659,994: BATTERY TESTER; filed 12 August 1985; patented 21 April 1987.

Patent 4,661,789: MICROWAVE RECURSIBLE FILTER; filed 17 July 1985; patented 28 April 1987.

Patent 4,663,486: CONVERSION OF PROSTAGLANDIN ANALOGS INTO A BICARBONATE INSOLUBLE OLIGOMERIC MIXTURE; filed 6 May 1983; patented 5 May 1987.

Patent 4,667,678: ARTERIAL BLOOD VELOCITY TO VOLUME FLOW CONVERTER; filed 28 August 1985; patented 26 May 1987.

Patent 4,692,885: OPTICAL FLOATING-POINT MATRIX-VECTOR MULTIPLIER; filed 27 December 1985; patented 8 September 1987.

Patent 4,693,119: LITHIUM BATTERY ENERGY MONITOR; filed 17 January 1986; patented 15 September 1987.

Patent 4,693,436: PARACHUTE FLY-AWAY DEPLOYMENT AID; filed 15 August 1986; patented 15 September 1987.

Patent 4,693,957: TRANSITION AND INNER TRANSITION METAL CHELATE POLYMERS FOR HIGH ENERGY RESIST LITHOGRAPHY; filed 14 March 1985; patented 15 September 1987.

Patent Application 104,210: SUBMARINE LAUNCHED SEA-STATE BUOY; filed 2 October 1987.

Patent Application 137,919: AN ARTICLE CONSISTING OF A

SILICON CARBIDE LAYER ON A HIGH RESISTIVITY SUBSTRATE AND A PROCESS FOR MAKING SUCH ARTICLE; filed 28 December 1987.

Patent Application 146,012: ANISOTROPIC MAGNETORESISTANCE MEASUREMENT APPARATUS AND METHOD THEREOF; filed 20 January 1988.

Patent Application 147,967: ANCHOR WITH FOLDING SELF DEPLOYING STABILIZERS; filed 25 January 1988.

Patent Application 150,121: ELEVATED TEMPERATURE ALUMINUM-TITANIUM ALLOY BY POWDER METALLURGY PROCESS; filed 29 January 1988.

Patent Application 158,483: SUBSTANTIALLY SINGLE PHASE SUPERCONDUCTING OXIDE CERAMICS HAVING A TC ABOVE 85K AND A METHOD OF MAKING THE CERAMIC; filed 22 February 1988.

Patent Application 161,934: METHOD OF MAKING LIPID TUBULES BY COOLING PROCESS; filed 29 February 1988.

Patent Application 161,936: METHOD OF PREPARING SUPERCONDUCTING ORTHORHOMIBIC TYPE COMPOUNDS IN BULK; filed 29 February 1988.

Patent Application 162,701: SOLID STATE HARMONIC AMPLIFIER; filed 1 March 1988.

Patent Application 176,057: SELF MOISTENING COMPOSITION FOR DEACTIVATING TOXIC SUBSTANCES AND METHOD OF USE; filed 31 March 1988.

Patent Application 211,026: COMBINATION PRIMER/TOPCOAT COATING; filed 16 June 1988.

Patent Application 262,400: PLATINUM AND PLATINUM SILICIDE CONTACTS ON B-SILICON CARBIDE; filed 25 October 1988.

Patent Application 303,191: A MEMBRANE BASED DOT IMMUNOASSAY AND METHOD OF USE; filed 30 January 1989.

Date: March 9, 1989.

Sandra M. Kay,

Department of the Navy,

Alternate Federal Register Liaison Officer.

[FR Doc. 89-6045 Filed 3-15-89; 8:45 am]

BILLING CODE 3810-AE-M

Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Navy Strategy Formation Task Force will meet April 6, 1989 from 9 a.m. to 5 p.m. at the Naval War College, Newport, Rhode Island and April 7, 1989 from 9 a.m. to 5 p.m. at the JFK School, Harvard University, Cambridge, Massachusetts. All sessions will be closed to the public.

The purpose of this meeting is to discuss the Formation of Navy Strategy. The entire agenda for the meeting will consist of discussions of key issues regarding formation of Navy Strategy in support of U.S. national security and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Faye Buckman, Secretary to the CNO Executive Panel Advisory Committee, 4401 Ford Avenue, Room 601, Alexandria, Virginia 22302-0268. Phone (703) 756-1205.

Date: March 13, 1989.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 89-6043 Filed 3-15-89; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Naval Research Advisory Committee Panel on Countermine Capabilities for Amphibious Operations will meet on April 4-5, 1989. The meeting will be held at the Center for Naval Analyses, 4401 Ford Avenue, Alexandria, Virginia. The meeting will commence at 8:30 a.m. and terminate at 4:30 p.m. on April 4; and commence at 8:30 a.m. and terminate at 5:00 p.m. on April 5, 1989. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to provide briefings for the panel members related to an assessment of the mine/countermine threat and current capabilities and limitations, and an evaluation of the technological approaches to detection, neutralization, marking and reporting problems. The agenda will include briefings and discussions related to amphibious concepts and doctrine, an assessment of the threat, applicable technologies and systems, investment strategy, and highlights of previous studies. These briefings and discussions contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander L.W. Snyder, U.S. Navy, Office of Naval Research, 800 North Quincy Street, Arlington, VA 22217-5000, Telephone Number: (202) 696-4870.

Date: March 9, 1989.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 89-6044 Filed 3-15-89; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before April 17, 1989.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Jim Houser, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland

Avenue SW., Room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 732–3915.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: March 13, 1989.

George Sotos,

Acting Director, for Office of Information Resources Management.

Office of Educational Research and Improvement

Type of Review: Revision
Title: Application for Grants under Library Literacy Program
Frequency: Annually
Affected Public: Non-profit institutions
Reporting Burden: Responses: 600 *Burden Hours:* 9,600
Recordkeeping Burden: Recordkeepers: 0 *Burden Hours:* 0
Abstract: This application will be used by eligible institutions of higher education to apply for grants under the Library Literacy Program

Office of Postsecondary Education

Type of Review: Extension
Title: Application for Grants under the "Grants to Institutions to Encourage Minority Participation in Graduate Education"
Frequency: Annually
Affected Public: Non-profit institutions
Reporting Burden: Responses: 94 *Burden Hours:* 376
Recordkeeping Burden: Recordkeepers: 0 *Burden Hours:* 0
Abstract: This form will be used by institutions of higher education to apply for funding under the Institutions to Encourage minority Participation in Graduate Education Program. The Department will use the information to make grant awards.

[FR Doc. 89–6233 Filed 3–15–89; 8:45 am]
BILLING CODE 4000–01–M

International Education Programs National Advisory Board; Meeting

AGENCY: National Advisory Board on International Education Programs.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule of a forthcoming meeting of the National Advisory Board on International Education Programs (NABIEP). Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is also intended to notify the general public of their opportunity to attend.

DATES: April 6–7, 1989.

Location: The Rosslyn Westpark Hotel, April 6th—The Dogwood Room, April 7th—The Clubroom, 1900 North Fort Myer Drive, Arlington, Virginia 22209, Telephone: 703–527–4814.

FOR FURTHER INFORMATION CONTACT: Dr. Harry M. Gardner, Executive Director, NABIEP, Postsecondary Relations Staff, 7th & D Streets, SW., Room 4907, Washington, DC 20203–5100, Telephone: 202–732–1862.

SUPPLEMENTARY INFORMATION: The National Advisory Board on International Education Programs is established under section 621 of the Higher Education Act of 1965, as amended by the Education Amendments of 1986 (P.L. 99–498; 20 U.S.C. 1131). The Board's mandate is to advise the Secretary of Education on the conduct of programs under this title.

This meeting of the National Advisory Board on International Education Programs is open to the public.

The agenda includes: (1) An update on Title VI grants and the Center for International Education; Board review in relation to the various categories of the Federal Role * * * Report to the Secretary; (2) an extensive update of CAFLIS activities including various position papers presented at CAFLIS meetings; (3) a detailed review by the Board of CAFLIS activities; (4) an overview of Department of Education issues; and (5) other Board business.

Records are kept on the Board's proceedings and are available for public inspection at the Postsecondary Relations Staff Office, from 8 a.m. to 4 p.m., Regional Office Building #3, 7th & D Streets, SW., Room 4907, Washington, DC.

Signed in Washington, DC, on March 13, 1989.

Kenneth D. Whitehead,

Assistant Secretary for Postsecondary Education.

[FR Doc. 89–6090 Filed 3–15–89; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Fossil Energy

[Docket No. PP–90]

Application by Imperial Irrigation District for a Presidential Permit

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Application by Imperial Irrigation District for a permit to construct, connect, operate and maintain electric transmission facilities at the international border between the United States and Mexico.

SUMMARY: Imperial Irrigation District (IID) has applied to the Office of Fossil Energy of the Department of Energy (DOE) for a Presidential permit to construct, connect, operate and maintain electric transmission facilities at the international border between the U.S. and Mexico. Specifically, IID seeks permission to extend a 34.5-kilovolt (kV) electric transmission line approximately 100 feet from its existing border substation, across the U.S.-Mexican border, to similar facilities owned and operated by the Comision Federal de Electricidad (CFE). The purpose of the proposed transmission line is to provide a radial back-up power supply to cope with outages which occur from time to time on the IID and CFE systems.

FOR FURTHER INFORMATION CONTACT:

Anthony J. Como, Office of Fuels Programs (FE–52), Office of Fossil Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–5935.

Lise Courtney M. Howe, Department of Energy, Office of General Counsel (GC–41), 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–2900.

SUPPLEMENTARY INFORMATION: On February 6, 1989, IID applied to the Office of Fossil Energy of the DOE pursuant to Executive Order 10485, as amended, for a Presidential permit to construct, connect, operate and maintain a 34.5-kV transmission line from its existing border substation located in Calexico, California, to the international border between the U.S. and Mexico, and there connect with the CFR 34.5-kV system. The proposed facility would consist of one 50-foot Class 2, wood pole and approximately 100 feet of conductor, extending from the international border to IID's existing border substation. The transmission line is intended to be operated radially, with a pole-mounted tie switch operated in the normally open mode. Upon loss of electric service to either the U.S. or Mexican Port of Entry, this tie switch would be closed, thus providing electric service from the opposite side of the border. The interconnection is intended to carry a maximum of 30 megawatts at any given time. The applicant claims that this is sufficient capacity to meet the electrical requirements of the Ports of Entry in either Mexicali, Mexico, or Calexico, USA. The applicant claims that it is essential that electric service be maintained on both sides of the Mexican and U.S. Ports of Entry.

Any person desiring to be heard or to protest this application for a Presidential permit should file a petition to intervene or protest with the Office of Fuels Programs, Room 3H–087, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, in accordance with § 385.211 or § 385.214 of the Rules of Practice and Procedure (18 CFR 385.211, 385.214).

Any such petitions and protests should be filed on or before April 17, 1989. An additional copy of such petitions to intervene or protests also should be filed with:

Henry Legaspi, Manager, Power Department, Imperial Irrigation District, P.O. Box 937, Imperial, California 92251.

John Penn Carter, Imperial Irrigation District, P.O. Box 937, Imperial, California 92251.

Protests will be considered by the DOE 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 petition to intervene. Pursuant to 18 CFR 385.211, protests and comments will be considered by the DOE 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 petition to intervene under 18 CFR 385.214. Section 385.214 requires that a petition to intervene must state, to the extent known, the position taken by the petitioner and the petitioner's interest in sufficient factual detail to demonstrate either that the petitioner has a right to participate because it is a State Commisson; that it has or represents an interest which may be directly affected by the outcome of the proceeding, including any interest as a consumer, customer, competitor, or security holder of a party to the proceeding; or that the petitioner's participation is in the public interest.

Before a Presidential permit may be issued, the environmental impacts of the proposed DOE action (i.e., granting the Presidential permit, with any conditions and limitations, or denying the permit) must be evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA). The NEPA compliance process is a cooperative, non-adversarial process involving members of the public, state governments and the Federal government. The process affords all persons interested in or potentially affected by the environmental consequences of a proposed action an opportunity to present their views, which will be considered in the preparation of the environmental documentation for the proposed action. Intervening and becoming a party to this proceeding will not create any special status for the petitioner with regard to the NEPA process. Notices of upcoming NEPA activities and information on how the public can participate in those activities will be published in the **Federal Register**, local newspapers and public libraries and/or reading rooms in the vicinity of the proposed transmission line.

Copies of this application will be made available, upon request, for public inspection and copying at the DOE's Freedom of Information Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 9, 1989.

J. Allen Wampler,

Assistant Secretary, Fossil Energy.

[FR Doc. 89–6190 Filed 3–15–89; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 89–07–NG]

Chevron Natural Gas Services, Inc.; Application To Import Natural Gas From and Export Natural Gas to Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application for blanket authorization to import natural gas from and export natural gas to Mexico.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on February 1, 1989, of an application filed by Chevron Natural Gas Services, Inc. (CNGS), for blanket authorization to import up to 100 Bcf of Mexican natural gas and to export up to 100 Bcf of domestic natural gas to Mexico over a two-year period beginning on the date of first import or export. The CNGS intends to utilize existing pipeline facilities for the transportation of the volumes to be imported or exported and to submit quarterly reports detailing each transaction.

The application was filed pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–1111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed no later than April 17, 1989.

FOR FURTHER INFORMATION CONTACT:

John Boyd, Office of Fuels Programs, Office of Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F–070, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–4523.

Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: CNGS, a Delaware corporation with its principal place of business in Houston, Texas, is a marketer of natural gas. Under the blanket authority sought, CNGS intends to import or export gas from or to Mexico, either as a broker or agent, or for its own account, for short-term, spot sales to either United States or Mexican customers, including, but not limited to, gas distribution companies, pipelines and commercial and industrial end-users. According to CNGS, some of the exported domestic gas may not be sold

in Mexico but would be transported through the country and re-enter the U.S.

The specific terms of each import and export sale would be negotiated on an individual basis at prices responsive to the market. No contracts have been executed and therefore the application does not identify the suppliers, buyers, or prices, although CNGS notes some of the gas sold in Mexico may be supplied by CNGS' affiliate, Chevron U.S.A., Inc.

In support of its application, CNGS asserts that there is no present national need for the gas to be exported and the short term of the authorization ensures that the gas would be available for domestic consumtpion should the current oversupply situation reverse itself. In addition, the applicant states that the proposed exports would reduce the current U.S. trade deficit. CNGS asserts that the proposed imports would not be inconsistent with the public interest because it would give consumers expanded access to competitively-priced Mexican gas.

CNGS requests that an authorization be granted on an expedited basis. A decision on CNGS' request for expedited treatment will not be made until all responses to this notice have been received and evaluated.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing natural gas export applications, the domestic need for the gas to be exported is considered, and any other issue determined to be appropriate in a particular case. Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines for the requested import authority, and on the domestic need for gas the applicant proposes to export. As noted above, the applicant asserts that import and export arrangements transacted under the requested authority will be competitive, and that there is no current need for domestic gas that would be exported under the proposed short-term arrangements. Parties opposing the arrangement bear the burden of overcoming these assertions.

All parties should be aware that the approval of this application may permit the import or export of the gas at any international border point where existing transmission facilities are located.

NEPA Compliance

On August 9, 1988, the DOE published in the **Federal Register** (53 FR 29934) a notice of proposed amendments to its guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, effective on an interim basis upon publication. In the notice, the DOE proposed to amend the department's NEPA guidelines to add to its list of categorical exclusions the approval or disapproval of an import/export authorization for natural gas in cases not involving new construction. Application of the categorical exclusion in any particular case raises a rebuttable presumption that the action is not a major Federal action under NEPA. Unless we receive comments indicating the presumption does not or should not apply in this case, no further NEPA review will be conducted by the DOE.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices on intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590.

Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs, Fossil Energy, Room 3F–056, FE–50, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585. They must be filed no later than 4:30 p.m., e.s.t. April 17, 1989.

A decisional record on the application will be developed through responses to this notice by parties, including the parties written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of CNGS' application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, at the above address. The docket room is open between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March, 1989.

J. Allen Wampler,

Assistant Secretary, Fossil Energy.

[FR Doc. 89–6189 Filed 3–15–89; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. FE C&E 89–01; Certification Notice No. 32]

Filing of a Certification of Compliance; Coal Capability of New Electric Powerplants

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended ("FUA" or "the Act") (42 U.S.C. 8301 *et seq*), provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (section 201(a), 42 U.S.C. 8311(a), Supp. V. 1987). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to

section 201(d), to the Secretary of Energy prior to construction, or prior to operation as to base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the Federal Register a notice reciting that the certifications have been filed. Five owners and operators of proposed new electric base load powerplants have filed self-certifications in accordance with section 201(d).

Further information is provided in the SUPPLEMENTARY INFORMATION section below.

SUPPLEMENTARY INFORMATION:

The following companies have filed self-certifications:

Name	Date received	Type of facility	Megawatt capacity	Location
Empire Energy Niagara Limited Partnership Vestal, NY.	02-10-89	Combined Cycle Cogen	166.7	Lockport, NY.
Cumberland Cogen, Inc. New York, NY	02-21-89	Combined Cycle Cogen	79	Vineland, NJ.
Onondaga Cogeneration Company, Inc. New York, NY.	02-21-89	Combined Cycle Cogen	79	Geddes, NY.
Ramapo Cogeneration, Inc. New York, NY....	02-21-89	Combined Cycle Cogen	79	Ramapo, NY.
Long Island Cogeneration, Inc. New York, NY.	02-21-89	Combined Cycle Cogen	79	Oyster Bay, NY.

Amendments to the FUA on May 21, 1987, (Pub. L. 100-42) altered the general prohibitions to include only new electric base load powerplants and to provide for the self-certification procedure.

Issued in Washington, DC, on March 8, 1989.

J. Allen Wampler,

Assistant Secretary, Fossil Energy.

[FR Doc. 89-6188 Filed 3-15-89; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Notice of Proposed Consent Order With Howell Corp.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for public comment.

SUMMARY: The Economic Regulatory Administration (ERA) announces a proposed Consent Order between the Department of Energy (DOE) and Howell Corporation (Howell). The agreement proposes to resolve matters relating to Howell's compliance with the Federal petroleum price and allocation regulations for the period January 1, 1973, through January 27, 1981. If this Consent Order is approved, Howell will pay a total of $19,375,000 over seven years. DOE's Office of Hearings and Appeals (OHA) will be petitioned to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in which proceedings any persons who claim to have suffered injury from Howell's alleged overcharges would have the opportunity to submit claims for payment.

Pursuant to 10 CFR 205.199J. ERA will receive written comments on the proposed Consent Order for thirty (30) days following publication of this Notice. ERA will consider all comments received from the public in determining whether to accept the settlement and issue a final Order, renegotiate the agreement and issue a modified agreement as a final Order, or reject the settlement. DOE's final decision will be published in the Federal Register, along with an analysis of and response to the significant written comments, as well as any other considerations that were relevant to the final decision.

FOR FURTHER INFORMATION CONTACT: Dorothy Hamid, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-4167.

SUPPLEMENTARY INFORMATION:

I. Resolution of Regulatory Issues.

II. Determination of Reasonable Settlement Amount.

III. Terms and Conditions of the Consent Order.

I. Resolution of Regulatory Issues

Howell is a petroleum refiner and crude oil reseller subject to the audit jurisdiction of ERA to determine compliance with the Federal Petroleum Price and Allocation Regulations. During the period covered by this proposed Order, January 1, 1973, through January 27, 1981, Howell engaged in, among other things, the purchase, sale, and refining of crude oil, and the sale of various refined petroleum products.

ERA previously audited certain aspects of Howell's compliance with Federal petroleum price and allocation regulations. As a result, the DOE and Howell entered into Consent Orders dated March 28, 1979, and May 10, 1979 for a total of approximately $8 million. ERA initiated another audit in 1981 to examine Howell's compliance for the period beginning in January 1, 1978 through January 27, 1981. During this audit, ERA identified certain areas in the pricing, refining, and sales of crude oil in which it believed that Howell had failed to comply with the requirements of the Federal price and allocation regulations.

On June 24, 1988, ERA issued a Proposed Remedial Order (PRO) to Howell, Howell Hydrocarbons, Inc. (which operated a refinery in San Antonio, Texas), Howell Industries, Inc., and the Quintana-Howell Joint Venture (hereinafter Joint Venture), a Texas joint venture composed of Quintana Refinery Co. and Howell Corporation, which operated a refinery in Corpus Christi, Texas. The PRO alleged violations of 10 CFR 211.66(b) and (h), 205.202, and 210.62(c), as a result of the Joint Venture's and Howell Hydrocarbons' significant understatement on their respective entitlements reports of their receipts of controlled tier crude oil at the two refineries. Specifically, ERA alleged that during April 1978 through December 1979 the Joint Venture failed to correctly report the volumes of controlled tier certification associated with substantial volumes of its crude oil receipts at its Corpus Christi, Texas refinery. Instead, the Joint Venture reported such volumes as uncontrolled crude oil. Likewise, the PRO alleges that Howell Hydrocarbons engaged in similar conduct for the period April 1978, through November 1980, at it San Antonio, Texas refinery.

ERA alleges that the Joint Venture's and Howell Hydrocarbons' actions circumvented and contravened, or resulted in the circumvention and contravention of, the requirements of the Entitlements Program. As a remedy for these alleged violations, the Proposed Remedial Order sought to recover jointly

and severally from Howell and Quintana Refinery Co., $10.3 million plus interest of nearly $19 million. Howell's interest in the Joint Venture represents approximately $5.4 million of the principal refund sought, plus interest of approximately $10 million.[1] As well, the PRO sought $31.0 million in refunds and interest from Howell Hydrocarbons for similar alleged violations in its own reporting of crude oil receipts.

In addition, the PRO alleges that during the period April 1978 through December 1979, Howell Industries improperly charged prices for crude oil in excess of its actual purchase prices by failing to provide any service or other function traditionally and historically associated with the resale of crude oil, in violation of 10 CFR 212.186, 210.62(c) and 205.202. The amount of this alleged violation is approximately $7 million with interest of an additional $13 million. Thus, ERA would seek $15.4 million from Howell, $31.0 million from Howell Hydrocarbons, and $20 million from Howell Industries.

II. Determination of Reasonable Settlement Amount

The settlement calls for Howell and its subsidiaries to pay $19,375,000, over a period of seven years to discharge in full its obligations under the price and allocation regulations. ERA has preliminarily agreed to the settlement amount after considering the factual aspects related to the various issues, assessing the litigation risks associated with establishing the alleged overcharges, and considering the benefit to the public from a significant settlement of the issues which would take years of continued litigation to resolve.

Additional considerations include the current and projected economic conditions of Howell and its subsidiaries. Nearly half of ERA's claim ($31.0 million) is against Howell Hydrocarbons, which was an approximate current worth of $4 million. Howell Industries has been inactive and without substantial assets since 1981. Howell's consolidated net worth, largerly contingent on crude oil values, was $38 million at the end of the third quarter of 1988. By December 1, its net worth had declined further to approximately $37.5 million, and because of fluctuating crude oil prices, its worth increased in January 1989 to approximately $41 million. These factors also were considerations in determining to allow payments over a period of time. Significantly, however, approximately 40% of the total amount required to be paid pursuant to the proposed Consent Order would be paid within the first eighteen months of the term.

Based on all of these considerations, ERA has tentatively concluded that the resolution of these matters for $19,375,000 is an appropriate settlement and in the public interest.

III. Terms and Conditions of the Consent Order

If the Consent Order is made final, Howell will pay DOE $2 million within thirty (30) days of the effective date of the Consent Order, $4 million, plus interest within six (6) months of the effective date and $2.5 million plus interest within eighteen (18) months of the effective date. Remaining payments would be made as specified in the proposed Consent Order, the text of which is published herewith.

ERA will petition OHA to implement Special Refund Procedures under the provision of Subpart V of the regulations. In these proceedings, OHA would develop procedures for the receipt and evaluation of applications for refund in order to distribute the settlement monies. To ensure that OHA has sufficient information to evaluate the claims, the proposed Consent Order requires that Howell provide customer identification and purchase volume information to OHA upon request.

Howell and DOE mutually release each other from claims and actions arising under the subject matters covered by the proposed Consent Order. The proposed Order does not affect the right of any other party to take action against Howell, or of Howell or the DOE to take action against any other party.

Submission of Written Comments:

The proposed Consent Order cannot be made effective until the conclusion of the public review process, of which this Notice is a part.

Interested parties are invited to submit written comments concerning this proposed Consent Order to: Howell Consent Order Comments, RG–30, Economic Regulatory Administration, 1000 Independence Avenue SW., Washington, DC 20585. All comments received the thirtieth day following publication of this Notice in the **Federal Register**, will be considered before determining whether to drop the proposed Consent Order as a final Order. Any modifications of the proposed Consent Order which significantly alter its terms or impact will be published for additional comments. If, after considering the comments it has received, ERA determines to issue the proposed Consent Order as a final Order, the proposed Order will be made final and effective by publication of a Notice in the **Federal Register**.

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the provisions of 10 CFR 205.9(f).

Issued in Washington, DC, on March 9, 1989.

Milton C. Lorenz,

Chief Counsel for Enforcement Litigation, Economic Regulatory Administration.

Consent Order With Howell Corp.

I. Introduction

101. This Consent Order is entered into between Howell Corporation (hereinafter referred to as "Howell") and the United States Department of Energy ("DOE"). Except as otherwise provided herein, this Consent Order settles and finally resolves all civil and administrative claims and disputes, whether or not heretofore asserted, between the DOE, as hereinafter defined, and Howell, as hereinafter defined, relating to Howell's compliance with the Federal petroleum price and allocation regulations, as hereinafter defined, during the period January 1, 1973, through January 27, 1981 (all the matters settled and resolved by this Consent Order are referred to hereinafter as "the matters covered by this Consent Order").

II. Jurisdiction, Regulatory Authority and Definitions

201. This Consent Order is entered into by the DOE pursuant to the authority conferred upon it by sections 301 and 503 of the Department of Energy Organization Act ("DOE Act"), 42 U.S.C. 7151 and 7193; Executive Order No. 12009, 42 FR 46267 (1977); Executive Order No. 12038, 43 FR 4957 (1978); and 10 CFR 205.199J.

202. For purposes of this Consent Order, the phrase "Federal petroleum price and allocation regulations" means all statutory requirements and administrative regulations and orders regarding the pricing and allocation of crude oil, refined petroleum products, natural gas liquids, and natural gas liquid products, including the entitlements and mandatory oil import programs, administered by the DOE. The Federal petroleum price and allocation regulations include (without limitation) the pricing, allocation, reporting, certification, and recordkeeping requirements imposed by or under the

[1] Quintana Refinery Company's share of the joint venture's total liability, $4.9 million plus interest of nearly $9 million, was resolved by Consent Order made effective on March 9, 1989 for payment of $3.8 million.

Economic Stabilization Act of 1970, the Emergency Petroleum Allocation Act of 1973, the Federal Energy Administration Act of 1974, Presidential Proclamation 3279, all applicable DOE regulations codified in 6 CFR Parts 130 and 150 and 10 CFR Parts 205, 210, 211, 212, and 213, and all rules, rulings, guidelines, interpretations, clarifications, manuals, decisions, orders, notices, forms, and subpoenas relating to the pricing and allocation of petroleum products. The provisions of 10 CFR 205.199J and the definitions under the Federal petroleum price and allocation regulations shall apply to this Consent Order except to the extent inconsistent herewith. Reference herein to "DOE" includes, besides the Department of Energy, the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, the Office of Special Counsel, the Economic Regulatory Administration and all predecessor and successor agencies. References in this Consent Order to "Howell" shall include: (1) Howell Corporation and all of its subsidiaries and affiliates, (2) the Quintana-Howell Joint Venture, (3) all of Howell's petroleum-related activities as refiner, producer, operator, working interest or royalty interest owner, reseller, retailer, natural gas processor, or otherwise, and (4) except for purposes of Article IV, *infra*, Howell's directors, officers, and employees.

III. Facts

The stipulated facts upon which this Consent Order is based are as follows:

301. During the period covered by this Consent Order, Howell was a "refiner," "producer," and "reseller" as those terms are defined in the Federal petroleum price and allocation regulations and was subject to the jurisdiction of the DOE. Howell engaged in, among other things, the production, importation, sale, and refining of crude oil, the sale of residual fuel oil, motor gasoline, middle distillates, aviation fuel, propane, and other refined petroleum products.

302. The DOE previously audited certain aspects of Howell's compliance with the Federal petroleum price and allocation regulations. As a result, the DOE and Howell entered into consent orders dated March 28, 1979, and May 10, 1979. In 1981, the DOE initiated another audit to examine Howell's compliance with the Federal petroleum price and allocation regulations, particularly during the period of January 1, 1978 through January 27, 1981. As a result of that audit, on June 24, 1988, the DOE issued a Proposed Remedial Order to Howell. In that Proposed Remedial Order, and during the course of ensuing discussions with Howell, the DOE raised certain issues with respect to Howell's application of the Federal petroleum price and allocation regulations. Howell had believed that its calculations of costs, determinations of prices, sales of crude oil and petroleum products, and other operations were in accordance with the Federal petroleum price and allocation regulations. Howell has now determined, however, that certain of the DOE's allegations likely would be sustained in the event that Howell chose to contest them. Rather than doing so, therefore, Howell has agreed to enter into this Consent Order. The DOE believes this Consent Order constitutes a satisfactory resolution of the matters covered herein and is in the public interest.

IV. Remedial Provisions

401. In full and final settlement of all matters covered by this Consent Order, and in lieu of all other remedies which have been or might be sought by the DOE against Howell for such matters under 10 CFR 205.199I or otherwise, Howell shall pay a total principal amount of nineteen million three hundred seventy-five thousand dollars ($19,375,000), plus interest, to the DOE in the manner specified in paragraphs 402 through 406. It is mutually agreed that Howell's payments to DOE pursuant to this Consent Order shall have a net present value, with interest at the rate of 9.38 percent per annum compounded on the unpaid balance as of each scheduled payment interval, of nineteen million three hundred seventy-five thousdand dollars ($19,375,000) as of the payment date prescribed by paragraph 402.

402. Howell shall pay an initial principal amount of two million dollars ($2,000,000) to the DOE within thirty (30) days after the effective date of this Consent Order.

403. Howell shall pay the remaining principal sum of seventeen million three hundred seventy-five thousand dollars ($17,375,000), plus interest at the rate of 9.38 percent per annum compounded on the unpaid balance as of each scheduled payment interval, to the DOE in eight installments of principal and interest as follows, except as modified pursuant to paragraph 404 or 405:

Payment Number	Scheduled Payment	Scheduled interest	Scheduled Principal
1	$4,189,000.00	$679,072.92	$3,509,927.08
2	2,875,000.00	1,300,543.84	1,574,456.16
3	2,000,000.00	1,152,859.85	847,140.15
4	2,500,000.00	1,073,398.11	1,426,601.89
5	2,500,000.00	939,582.85	1,560,417.15
6	2,500,000.00	793,215.72	1,706,784.28
7	3,775,976.17	633,119.35	3,142,856.82
8	3,775,976.16	169,159.69	3,606,816.47

(a) Payment 1: The first scheduled payment shall be made five months after the payment date prescribed by paragraph 402 and shall be equal to the sum of three million five hundred nine thousand nine hundred twenty-seven dollars and eight cents ($3,509,927.08) principal plus interest of six hundred seventy-nine thousand seventy-two dollars and ninety-two cents ($679,072.92).

(b) Payment 2: The second scheduled payment shall be made one year after the payment date prescribed by paragraph 403(a) and shall be equal to the sum of one million five hundred seventy-four thousand four hundred fifty-six dollars and sixteen cents ($1,574,456.16) of principal plus interest of one million three hundred thousand five hundred forty-three dollars and eighty-four cents ($1,300,543.84).

(c) Payment 3: The third scheduled payment shall be made one year after the payment date prescribed by paragraph 403(a) and shall be equal to the sum of eight hundred forty-seven thousand one hundred forty dollars and fifteen cents ($847,140.15) of principal plus interest of one million one hundred fifty-two thousand eight hundred fifty-nine dollars and eighty-five cents ($1,152,859.85).

(d) Payment 4: The fourth scheduled payment shall be made one year after the payment date prescribed by paragraph 403(c) and shall be equal to the sum of one million four hundred twenty-six thousand six hundred one

dollars and eighty-nine cents ($1,426,601.89) of principal plus interest of one million seventy-three thousand three hundred ninety-eight dollars and eleven cents ($1,073,398.11).

(e) Payment 5: The fifth scheduled payment shall be made one year after the payment date prescribed by paragraph 403(d) and shall be equal to the sum of one million five hundred sixty thousand four hundred seventeen dollars and fifteen cents ($1,560,417.15) of principal plus interest of nine hundred thirty-nine thousand five hundred eighty-two dollars and eighty-five cents ($939,582.85).

(f) Payment 6: The sixth scheduled payment shall be made one year after the payment date prescribed by paragraph 403(e) and shall be equal to the sum of one million seven hundred six thousand seven hundred eighty-four dollars and twenty-eight cents ($1,706,784.28) of principal plus interest of seven hundred ninety-three thousand two hundred fifteen dollars and seventy-two cents ($793,215.72).

(g) Payment 7: The seventh scheduled payment shall be made one year after the payment date prescribed by paragraph 403(f) and shall be equal to the sum of three million one hundred forty-two thousand eight hundred fifty-six dollars and eighty-two cents ($3,142,856.82) of principal plus interest of six hundred thirty-three thousand one hundred nineteen dollars and thirty-five cents ($633,119.35).

(h) Payment 8: The eighth scheduled payment shall be made six months after the payment date prescribed by paragraph 403(g) and shall be equal to the sum of three million six hundred six thousand eight hundred sixteen dollars and forty-seven cents ($3,606,816.47) of principal plus interest of one hundred sixty-nine thousand one hundred fifty-nine dollars and sixty-nine cents ($169,159.69).

404. Howell may elect at any time, without penalty, to prepay or make advance payments of any portion of the remaining balance payable to the DOE under this Consent Order. Such prepayment shall include interest at the rate of 9.38 percent per annum compounded on the unpaid balance as of the date of such prepayment. Each such prepayment by Howell, as well as each prepayment made by Howell pursuant to the terms of paragraph 405, shall be credited against Howell's next scheduled payment under paragraph 403, but only to the extent thereof, and if the entire balance remaining payable after such next scheduled payment is less than the entire balance that would have been remaining after such next scheduled payment absent the prepayment, the remaining scheduled payments shall be reduced prorata to reflect such decrease.

405. Upon any sales, exchanges or other transfers of its property, plant and equipment, Howell's payment of the remaining balance owed to the DOE under paragraphs 401 through 404 shall be accelerated in the following manner: Howell shall pay sixty percent (60%) of its total net cash receipts which total, in part or in the aggregate, in excess of one million five hundered thousand dollars ($1,500,000) derived from any such transactions occurring within a calendar year to the DOE within thirty (30) days after the receipt thereof. Howell's payment to the DOE shall be accompanied by a copy of the closing statement pertaining to the transaction and a report, certified by a senior financial officer, reflecting the calculation of gross cash receipts, net cash receipts and the portion thereof payable to the DOE. As used herein, "net cash receipts" means the total cash receipts received by Howell on any sale, exchange or other transfer for more than ten thousand dollars ($10,000.00) less the sum of (1) twenty percent (20%) of such total cash receipts, which will be retained by Howell to provide for payment by Howell of Federal income taxes payable on the sale, exchange or other transfer, (2) the portion of such cash receipts, if any, required by Howell's current secured lender to retire current indebtedness payable to such lender, (3) the portion of such cash receipts used to retire indebtedness the proceeds of which were used by Howell to satisfy previous payment obligations to the DOE under paragraphs 402 and 403, (4) the portion of such cash receipts used to pay amounts owed DOE under this Consent Order, and (5) the portion of such cash receipts used to retire other indebtedness the retirement of which has been approved in advance by DOE. Any sale, exchange or other transfer of such assets shall be made only to unaffiliated purchasers at fair market value unless approved in advance by DOE. If Howell is a party to a business combination, the above provisions of paragraph 405 shall be applied solely to the portion of the business combination contributed by Howell. "Business combination" shall mean and include a merger, consolidation or similar transaction in which Howell is a party.

406. The payment to the DOE pursuant to paragraphs 402 through 405 shall be made by wire transfer in accordance with instructions furnished to Howell by the DOE in a timely manner. Late payments will bear interest at the rate of 18.76 percent per annum from the day following the due date through the date of payment, with interest deemed earned each day as of 2:00 p.m. Eastern Time.

407. If Howell's long-term-debt-to-shareholders'-equity ratio, as such terms are defined under generally accepted accounting principles, equals or exceeds fifty percent (50%) at the end of the month in which (i) the term of Howell's existing secured indebtedness expires, (ii) Howell's existing secured lender releases its security to permit a sale by Howell not encompassed by paragraph 405, or (iii) a sale encompassed by paragraph 405 is made and Howell's existing secured lender releases existing secured assets in value equal to or greater than the remaining balance then owed to the DOE by Howell, then, unless waived by the DOE, Howell agrees to then grant the DOE a senior security interest in Howell assets having a fair market value equal to the remaining balance then owed to the DOE by Howell, with the asset value to be determined in accordance with an independent appraisal or study or in accordance with another methodology to be agreed upon by DOE and Howell. Further, prior to the end of such month and prior to security being provided to the DOE if such be required, Howell shall not use any of its existing assets as security for new sources of credit.

408. Payments made by Howell pursuant to this Consent Order shall be distributed by the DOE pursuant to the special refund procedures prescribed by 10 CFR Part 205, Subpart V.

V. Issues Resolved

501. All pending and potential civil and administrative claims, whether or not known, demands, liabilities, causes of action or other proceedings by the DOE against Howell regarding Howell's compliance with an obligations under the Federal petroleum price and allocation regulations during the period covered by this Consent Order, whether or not heretofore raised by an issue letter, Notice of Probable Violation, Notice of Proposed Disallowance, Proposed Remedial Order, Remedial Order, action in court or otherwise, including DOE's claim against Howell as a joint venturer in the Quintana-Howell Joint Venture, are resolved and extinguished as to Howell by this Consent Order.

502. (a) Except as otherwise provided herein, compliance by Howell with this Consent Order shall be deemed by the DOE to constitute full compliance for administrative and civil purposes with all Federal petroleum price and allocation regulations for matters covered by this Consent Order. In

consideration for performance as required under this Consent Order by Howell, the DOE hereby releases Howell completely and for all purposes from all administrative and civil judicial claims, demands, liabilities or causes of action, including without limitation claims for civil penalties, that the DOE has asserted or might otherwise be able to assert against Howell before or after the date of this Consent Order for alleged violations of the federal petroleum price and allocation regulations with respect to matters covered by this Consent Order. The DOE will not initiate or prosecute any such administrative or civil judicial matter against Howell or cause or refer any such matter to be initiated or prosecuted, nor will the DOE or its successors directly or indirectly aid in the initiations of any such administrative or civil judicial matter against Howell or participate voluntarily in the prosecution of such actions. The DOE will not assert voluntarily in any administrative or civil judicial proceeding that Howell has violated the Federal petroleum price and allocation regulations with respect to the matters covered by this Consent Order or otherwise take any action with respect to Howell in derogation of this Consent Order. However, nothing contained herein shall preclude the DOE from defending the validity of the Federal petroleum price and allocation regulations.

(b) The DOE will not seek or recommend any criminal fines or penalties based on information or evidence presently in its possession for the matters covered by this Consent Order, provided, however, that nothing in this Consent Order precludes the DOE from (1) seeking or recommending such criminal fines or penalties if information subsequently coming to its attention indicates, either by itself or in combination with information or evidence presently known to DOE, that a criminal violation may have occurred or (2) otherwise complying with its obligations under law with regard to forwarding information of possible criminal violations of law to appropriate authorities. Nothing contained herein may be construed as a bar, estoppel, or defense against any criminal or civil action brought by an agency of the United States other than the DOE under (i) section 210 of the Economic Stabilization Act of 1970 or (ii) any statute or regulation other than the Federal petroleum price and allocation regulations. Finally, this Consent Order does not prejudice the rights of any third party or Howell in any private action, including an action for contribution by or against Howell.

(c) Howell releases the DOE completely and for all purposes from all administrative and judicial claims, liabilities, or causes of action that Howell has asserted or may otherwise be able to assert against the DOE relating to the DOE's administration of the Federal petroleum price and allocation regulations. This release, however, does not preclude Howell from asserting any factual or legal position or argument as a defense to any action, claim, or proceeding brought by the DOE, the United States, or any agency of the United States. Nor does it preclude Howell from asserting a defense, counterclaim or offset to any action, claim or proceeding brought by any other person.

(d) Howell hereby releases any and all claims that Howell may have for refunds pursuant to any special refund procedures implemented pursuant to 10 CFR Part 205, Subpart V.

503. (a) Within thirty (30) days after the Effective Date of this Consent Order, Howell and the DOE will file or cause to be filed appropriate pleadings and will take all other steps necessary to withdraw all claims and dismiss with prejudice all proceedings against Howell covered by this Consent Order then pending before the DOE's Office of Hearings and Appeals ("OHA") or the Federal Energy Regulatory Commission ("FERC") and to dismiss with prejudice any court proceeding then pending against Howell involving an appeal from or seeking review of a decision by the OHA or the FERC in any such proceeding.

(b) Within five (5) days after the execution of the Consent Order by both parties, DOE agrees to join with Howell in written notification to OHA, the FERC and any appropriate court of the fact of such execution, which notice shall request that said administrative or judicial tribunal stay all further action against Howell in the proceedings covered by this Consent Order until such time as DOE provides notice to said tribunals that the Consent Order has become effective or has been withdrawn pursuant to Article IX of this Consent Order.

504. Execution of this Consent Order constitutes neither an admission by Howell nor a finding by the DOE of any violation by Howell of any statute or regulation. The DOE has determined that it is not appropriate to seek to impose civil penalties for the matters covered by this Consent Order, and the DOE will not seek any such civil penalties. None of the payments or expenditures made by Howell pursuant to this Consent Order are to be considered for any purpose as penalties, fines, or forfeitures or as settlement of any potential liability for penalties, fines or forfeitures.

505. Notwithstanding any other provision herein, with respect to the matters covered by this Consent Order, DOE reserves the right to initiate an enforcement proceeding or to seek appropriate penalties for any newly discovered regulatory violations committed by Howell, but only if Howell has concealed facts relating to such violations. DOE also reserves the right to seek appropriate judicial remedies, other than full rescission of this Consent Order, for any misrepresentation of fact material to this Consent Order during the course of the audit or the negotiations that preceded this Consent Order.

VI. Recordkeeping, Reporting and Confidentiality

601. Howell shall maintain such records as are necessary to demonstrate compliance with the terms of this Consent Order and records related to Howell's purchases, sales, exchanges or other transfers of crude oil during the period January 1, 1978 through January 27, 1981. To assist DOE in the distribution of the monies paid pursuant to this Consent Order, Howell shall also retain sales volume data and customers' names and addresses regarding its sales of covered products for the transactions covered by this Consent Order until thirty (30) days after final distribution by DOE of such monies. If requested, Howell shall make such information available to DOE. Except as otherwise provided in this paragraph, upon timely payment to DOE of the amounts required to be paid under paragraphs 402 and 403 of this Consent Order, Howell is relieved of its obligation to comply with the recordkeeping requirements of the Federal petroleum price and allocation regulations relating to the matters settled by this Consent Order.

602. Except for formal requests for information regarding other firms subject to the DOE's information gathering and reporting authority, Howell will not be subject to any audit requests, reports orders, subpoenas, or other administrative discovery by DOE relating to Howell's compliance with the Federal petroleum price and allocation regulations relating to the matters settled by this Consent Order.

603. The DOE will treat the sensitive commercial and financial information provided by Howell pursuant to

negotiations which were conducted with respect to this Consent Order or obtained by the DOE in its audit of Howell and related to matters covered by this Consent Order as confidential and proprietary and will not disclose such information unless required to do so by law, including a request by a duly authorized committee or subcommittee of Congress. If a request or demand for release of any such information is made pursuant to law, the DOE will claim any privilege or exemption reasonably available to it. The DOE will provide Howell with ten (10) days' actual notice, if possible, of any pending disclosure of such information, unless prohibited or precluded from doing so by law or request of Congress. The DOE will retain the audit information which it has acquired during its review of Howell's compliance with the Federal petroleum price and allocation regulations in accordance with the DOE's established records retention procedures. Notwithstanding the otherwise confidential treatment afforded such information by the terms of this Consent Order, the DOE will make such information available to the Department of Justice ("DOJ") in response to a request pursuant to the DOJ's statutory authority by a duly authorized representative of the DOJ. If requested by the DOJ, the DOE shall not disclose that such a request has been made. Nothing in this paragraph shall be deemed to waive or prejudice any right Howell may have independent of this Consent Order regarding the disclosure of sensitive commercial and financial information.

VII. Contractual Undertaking

701. It is the understanding and express intention of Howell and the DOE that this Consent Order constitutes a legally enforceable contractual undertaking that is binding on the parties and their successors and assigns. Notwithstanding any other provision herein, Howell (and its successors and assigns) and the DOE agree that the sole and exclusive remedy for the breach of this Consent Order shall be the filing of a civil action in an appropriate United States district court, and the DOE also reserves the right to seek appropriate penalties and interest for any failure to comply with the terms of this Consent Order. The DOE will undertake the defense of the Consent Order, as made effective, in response to any litigation challenging the Consent Order's validity in which the DOE is named a party. Howell agrees to cooperate with the DOE in the defense of any such challenge.

VIII. Final Order

801. Upon becoming effective, this Consent Order shall be a final order of DOE having the same force and effect as a remedial order issued pursuant to section 503 of the DOE Act, 42 U.S.C. 7193, and 10 CFR 205.199B. Howell hereby waives its rights to administrative or judicial review of this Order, but Howell reserves the right to participate in any such review initiated by a third party.

IX. Effective Date

901. This Consent Order shall become effective as a final order of the DOE upon notice to that effect being published in the **Federal Register**. Prior to that date, the DOE will publish notice in the **Federal Register** that it proposes to make this Consent Order final and, in that notice, will provide not less than thirty (30) days of members of the public to sumbit written comments and to appear at a public hearing conducted by ERA. The DOE will consider all written comments and the statements made at the hearing to determine whether to adopt the Consent Order as a final order, to withdraw agreement to the Consent Order, or to attempt to renegotiate the terms of the Consent Order.

902. Until the effective date, the DOE reserves the right to withdraw consent to this Consent Order by written notice to Howell, in which event this Consent Order shall be null and void. If this Consent Order is not made effective on or before the one hundred fiftieth (150th) day following execution by Howell, Howell may, at any time thereafter until the effective date, withdraw its agreement to this Consent Order by written notice to the DOE, in which event this Consent Order shall be null and void.

I, the undersigned, a duly authorized representative of Howell, hereby agree to and accept on behalf of Howell the foregoing Consent Order.

Paul W. Funkhouser,

Executive Vice President, Howell Corporation.

Dated: February 21, 1989.

I, the undersigned, a duly authorized representative of DOE, hereby agree to and accept on behalf of the DOE the foregoing Consent Order.

Chandler van Orman,

Administrator, Economic Regulatory Administration.

Dated: February 23, 1989.

[FR Doc. 89-6187 Filed 3-15-89; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER88-75-003 et al.]

Northern States Power Co. et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Northern States Power Company

[Docket No. ER88-75-003]

March 10, 1989.

Take notice that on March 3, 1989, Northern States Power Company (NSP) tendered for filing its refund compliance report pursuant to the Commission's order issued on January 31, 1989.

Comment date: March 27, 1989, in accordance with Standard Paragraph E at the end of this notice.

2. Mississippi Power Company

[Docket No. ER87-573-000]

March 10, 1989.

Take notice that on February 27, 1989, Mississippi Power Company (Mississippi) tendered for filing its refund compliance report pursuant to a settlement agreement approved by the Commission on March 23, 1988.

Comment date: March 27, 1989, in accordance with Standard Paragraph E at the end of this notice.

3. Wisconsin Electric Power Company and Wisconsin Public Service Corporation

[Docket No. EC89-8-000]

March 10, 1989.

Take notice that on March 6, 1989, Wisconsin Electric Power Company (Wisconsin Electric) and Wisconsin Public Service Corporation (Public Service) filed an application for an order of the Federal Energy Regulatory Commission pursuant to section 203 of the Federal Power Act authorizing Wisconsin Electric and Public Service to exchange transmission facilities. These facilities are used for the purpose of transmitting power and energy within and between the systems of the parties. The facilities will be exchanged at an agreed exchange value of each party's respective electrical facilities and interests there including real property or interest therein determined as of June 30, 1987. Additionally, Public Service will pay Wisconsin Electric $220,291 for the difference in agreed exchange value existing between the parties.

Comment date: March 30, 1989, in accordance with Standard Paragraph E at the end of this notice.

4. Idaho Power Company

[Docket No. ER89-263-000]

March 10, 1989.

Take notice that on March 2, 1989, Idaho Power Company (Idaho) tendered for filing, pursuant to section 205 of the Federal Power Act, Agreements for supply of Power and Energy with Utah Associated Municipal Power Systems and Washington City, Utah.

IPC has requested waiver of the notice requirements of the Commission's regulations in order to permit the agreements to become effective April 1, 1989, the date service is to commence.

Comment date: March 27, 1989, in accordance with Standard Paragraph E at the end of this notice.

5. PacifiCorp, doing business as Pacific Power & Light Company and Utah Power & Light Company

[Docket No. ER89-259-000]

March 10, 1989.

Take notice that on March 1, 1989, PacifiCorp doing business as Pacific Power & Light Company and Utah Power & Light Company (PacifiCorp), tendered for filing, in accordance with 18 CFR 35.12 of the Commission's Regulations, an Agreement for Mitigation of Major Loop Flow (Agreement) among Pacific Gas and Electric Company, Pacific Power & Light Company, Southern California Edison Company and Utah Power & Light Company dated February 12, 1988, and a First Amendment to the Agreement dated February 27, 1989.

PacifiCorp requests that the Commission waive its notice requirements and accept the Agreement and the First Amendment to the Agreement to become effective on February 28, 1989, the date the phase shifting transformer equipment is to be ordered.

Copies of this filing have been served upon Pacific Gas and Electric Company, Southern California Edison Company, the Public Utilities Commission of the State of California and the Utah Public Service Commission.

Comment date: March 27, 1989, in accordance with Standard Paragraph E at the end of this notice.

6. Southwestern Electric Power

[Docket No. ER89-262-000]

March 10, 1989.

Take notice that on March 1, 1989, Southwestern Electric Power Company (SWEPCO) tendered for filing the final return on common equity ("Final ROE") to be used in redetermining or "truing-up" cost-of-service formula rates for wholesale service in 1986 to Northeast Texas Electric Cooperative, Inc., the City of Bentonville, Arkansas, the City of Hope, Arkansas, the Oklahoma Municipal Power Authority, Rayburn Country Electric Cooperative, Inc., Cajun Electric Power Cooperative, Inc. and TEX-LA Electric Cooperative of Texas Inc. SWEPCO provides service to these customers under contracts which provide for periodic changes in rates and charges determined in accordance with cost-of-service formulas, including a formulaic determination of the return on common equity.

Copies of the filing were served upon the affected wholesale customers, the Public Utility Commission of Texas, the Oklahoma Corporation Commission, the Louisiana Public Service Commission and the Arkansas Public Service Commission.

Comment date: March 27, 1989, in accordance with Standard Paragraph E at the end of this notice.

7. Arizona Public Service Company

[Docket No. ER89-265-000]

March 13, 1989.

Take notice that on March 3, 1989, Arizona Public Service Company (APS) tendered for filing proposed changes in rates for wholesale power services and transmission services, to its wholesale customers and administrative services to certain wholesale customers.

APS states that it has provided the cost support to justify an increase in Period II test year revenue from its wholesale customers in the amount of $23.4 million at claimed rates; APS states, however, that it is proposing to defer approximately $4.3 million of this increase for future recovery.

Copies of this filing have been served on the affected customers and the applicable state regulatory agencies governing such customers.

Comment date: March 29, 1989, in accordance with Standard Paragraph E at the end of this notice.

8. Joseph J. Pinola

[Docket No. ID-2382-000]

March 13, 1989.

Take notice that on February 13, 1989, Joseph P. Pinola ("Applicant"), filed an application under the provisions of section 305(b) of the Federal Power Act, and in the form provided by § 45.8 of the Commission's regulations, 18 CFR 45.8 seeking an order of this Commission authorizing the Applicant to continue to hold the positions of Director of Southern California Edison Company, a public utility as defined under the Federal Power Act, and as a Director, Chairman of the Board and Chief Executive Officer of First Interstate Bancorp and a Director of First Interstate Bancorp's wholly-owned subsidiaries, First Interstate Bank, Ltd., First Interstate Bank of California, and First Interstate Bank of Washington, N.A.

First Interstate Bancorp, First Interstate Bank, Ltd., First Interstate Bank of California and First Interstate Bank of Washington, N.A. are not authorized by law to underwrite or participate in the marketing of the securities of a public utility. However, First Interstate Bank, Ltd. owns all of the shares of First Interstate Trust Company of New York, which, in turn, owns all of the shares of FIL Holding Company, which, in turn, owns all of the shares of First Interstate Capital Markets Limited ("FICML"), a corporation chartered in the United Kingdom and based in London. FICML (formerly continental Illinois Limited) became a part of the First Interstate Bancorp corporate structure in August, 1984. Applicant has very recently learned that, on one occasion, in January, 1985, FICML served as co-manager of an underwriting syndicate for $75,000,000 (U.S.) of 13% Notes due 1992 issued by Gulf States Utilities Company. Applicant believes that Gulf States Utilities Company is a "public utility" within the meaning of section 201(e) of the Federal Power Act. That transaction is the only underwriting of securities of a "public utility" by any affiliate of First Interstate Bancorp and First Interstate Bank, Ltd. A chart showing the relationship of the relevant entities in the First Interstate Bancorp corporate structure is included in the application.

Comment date: March 29, 1989, in accordance with Standard Paragraph E at the end of this notice.

9. Norman Barker, Jr.

[Docket No. ID-2381-000]

March 13, 1989.

Take notice that on February 13, 1989, Norman Barker, Jr. ("Applicant") filed an application under the provisions of section 305(b) of the Federal Power Act, and in the form provided by § 45.8 of the Commission's regulations, 18 CFR 45.8, seeking an order of this Commission authorizing the Applicant to continue to hold the positions of Director of Southern California Edison Company, a public utility as defined under the Federal Power Act, and as a Director of First Interstate Bank of California, a wholly-owned subsidiary of First Interstate Bancorp.

First Interstate Bank of California is not authorized by law to underwrite or participate in the marketing of the securities of a public utility. However, First Interstate Bank, Ltd., also a wholly-

owned subsidiary of First Interstate Bancorp, owns all of the shares of First Interstate Trust Company of New York, which, in turn, owns all of the shares of FIL Holding Company, which, in turn, owns all of the shares of First Interstate Capital Markets Limited ("FICML"), a corporation chartered in the United Kingdom and based in London. FICML (formerly continental Illinois Limited) became a part of the First Interstate Bancorp corporate structure in August, 1984. Applicant has very recently learned that, on one occasion, in January, 1985, FICML served as co-manager of an underwriting syndicate for $75,000,000 (U.S.) of 13% Notes due 1992 issued by Gulf States Utilities Company. Applicant believes that Gulf States Utilities Company is a "public utility" within the meaning of section 201(e) of the Federal Power Act. That transaction is the only underwriting of securities of a "public utility" by any affiliate of First Interstate Bancorp and First Interstate Bank, Ltd. A chart showing the relationship of the relevant entities in the First Interstate Bancorp corporate structure is included in the application.

Comment date: March 29, 1989, in accordance with Standard Paragraph E at the end of this notice.

10. Roy A. Anderson

[Docket No. ID-2383-000]

March 13, 1989.

Take notice that on February 13, 1989, Roy A. Anderson ("Applicant") filed an application under the provisions of section 305(b) of the Federal Power Act, and in the form provided by § 45.8 of the Commission's regulations, 18 CFR 45.8, seeking an order of this Commission authorizing the Applicant to continue to hold the positions of Director of Southern California Edison Company, a public utility as defined under the Federal Power Act, and as a Director of First Interstate Bancorp and its wholly-owned subsidiary, First Interstate Bank of California.

First Interstate Bancorp and First Interstate Bank of California are not authorized by law to underwrite or participate in the marketing of the securities of a public utility. However, First Interstate Bank, Ltd., a wholly-owned subsidiary of First Interstate Bancorp, owns all of the shares of First Interstate Trust Company of New York, which, in turn, owns all of the shares of FIL Holding Company, which, in turn, owns all of the shares of First Interstate Capital Markets Limited ("FICML"), a corporation chartered in the United Kingdom and based in London. FICML (formerly continental Illinois Limited) became a part of the First Interstate Bancorp corporate structure in August, 1984. Applicant has very recently learned that, on one occasion, in January, 1985, FICML served as co-manager of an underwriting syndicate for $75,000,000 (U.S.) of 13% Notes due 1992 issued by Gulf States Utilities Company. Applicant believes that Gulf States Utilities Company is a "public utility" within the meaning of section 201(e) of the Federal Power Act. That transaction is the only underwriting of securities of a "public utility" by any affiliate of First Interstate Bancorp and First Interstate Bank, Ltd. A chart showing the relationship of the relevant entities in the First Interstate Bancorp corporate structure is included in the application.

Comment date: March 29, 1989, in accordance with Standard Paragraph E at the end of this notice.

11. Warren Christopher

[Docket No. ID-2384-000]

March 13, 1989.

Take notice that on February 13, 1989, Warren Christopher ("Applicant") filed an application under the provisions of section 305(b) of the Federal Power Act, and in the form provided by § 45.8 of the Commission's regulations, 18 CFR 45.8, seeking an order of this Commission authorizing the Applicant to continue to hold the positions of Director of Southern California Edison Company, a public utility as defined under the Federal Power Act, and as a Director of First Interstate Bancorp and its wholly-owned subsidiary, First Interstate Bank of California.

First Interstate Bancorp and First Interstate Bank of California are not authorized by law to underwrite or participate in the marketing of the securities of a public utility. However, First Interstate Bank, Ltd., a wholly-owned subsidiary of First Interstate Bancorp, owns all of the shares of First Interstate Trust Company of New York, which, in turn, owns all of the shares of FIL Holding Company, which, in turn, owns all of the shares of First Interstate Capital Markets Limited ("FICML"), a corporation chartered in the United Kingdom and based in London. FICML (formerly continental Illinois Limited) became a part of the First Interstate Bancorp corporate structure in August, 1984. Applicant has very recently learned that, on one occasion, in January, 1985, FICML served as co-manager of an underwriting syndicate for $75,000,000 (U.S.) of 13% Notes due 1992 issued by Gulf States Utilities Company. Applicant believes that Gulf States Utilities Company is a "public utility" within the meaning of section 201(e) of the Federal Power Act. That transaction is the only underwriting of securities of a "public utility" by any affiliate of First Interstate Bancorp and First Interstate Bank, Ltd. A chart showing the relationship of the relevant entities in the First Interstate Bancorp corporate structure is included in the application.

Comment date: March 29, 1989, in accordance with Standard Paragraph E at the end of this document.

Standard Paragraphs

E. Any person desiring to be head 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 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. 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. 89-6195 Field 3-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP89-917-000 et al.]

Panhandle Eastern Pipe Line Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Panhandle Eastern Pipe Line Company

[Docket No CP89-917-000]

March 9, 1989.

Take notice that on February 28, 1989, Panhandle Eastern Pipe Line Company (Panhandle), Post Office Box 1642, Houston, Texas 77251-1642 filed in Docket No. CP89-917-000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for amended certificates of public convenience and necessity and permission and approval for partial and total abandonment of sales service provided to fifty-one of its existing jurisdictional sales customers under Panhandle's Rate Schedule SG (SG customers) effective April 1, 1989, to the type and level of service as

indicated in the application which is on file with the Commission and open to public inspection.

Panhandle states that on September 30, 1988, it filed a general rate application in Docket No. RP88–262–000 which *inter alia*, created new opportunities for SG customers to transport gas on the Panhandle system by eliminating the sole supplier provision from the SG Sales Tariff. The Commission's order of October 31, 1988, in that proceeding provided for the implementation of a three-part rate structure with demand charges to be effective April 1, 1989, subject to refund. In conjunction with that filing, Panhandle states that it met with the SG customers to discuss the implementation of the Commission's order and their desired type and level of service.

According to Panhandle, thirty of the SG customers elected to continue service under Rate Schedules SG–1 SG–2 or SG–S3, but at a reduced sales contract demand (CD) level. Of the remaining twenty-one SG customers, nineteen elected to terminate their firm sales service with Panhandle and convert to firm transportation which will be provided under Panhandle's Rate Schedule PT–Firm, in accordance with its blanket certificate in Docket No. CP86–585–000. One SG customer elected to partially abandon its existing CD, converting the remainder to the applicable Rate Schedule G. The remaining customer elected (1) to convert to sales service under the Rate Schedule G, at a reduced CD, and (2) to convert a portion of its existing CD to firm transportation.

In order to implement the changes for its SG customers, Panhandle requests approval of the abandonment and partial abandonment of sales CD for the fifty-one SG customers, and approval of the conversion from Rate Schedule SG to Rate Schedule G for the two affected SG customers. Upon approval of the authorizations requested herein, Panhandle will make the appropriate corresponding changes to its FERC Gas Tariff Original Volume No. 1.

Panhandle states that the current firm sales CD service to the SG customers, as reflected in Exhibit X of its application, is 46,283,240 Mcf. The proposed abandonment will reduce the CD level to 8,326,430 Mcf, in accordance with the new nominations of the SG customers.

Panhandle further states that in Docket Nos. RP88–240–000, RP88–241–000, RP88–9–000 and RP89–10–000, Panhandle filed revised tariff sheets to recover portions of prudently incurred take-or-pay (TOP) costs from each of its customers, including the SG customers. The portion of such costs attributable to the SG customers is described therein, and may be amended, supplemented, revised or modified pursuant to Commission authorizations or as required by law. By this filing, Panhandle states that it is not waiving any of its rights to recover from the SG customers prudently incurred TOP costs or any other costs properly attributable to the SG customers. Panhandle requests that the abandonment authorization sought herein should be conditioned on the ultimate recovery by Panhandle of the residual costs associated with the service to the SG customers in addition to any amounts payable pursuant to the gas sales contracts between the parties.

Pursuant to 18 CFR 284.10(d)(2) the exercise of the customer's option to convert constitutes consent to the proposed abandonment.

Comment date: March 24, 1989, in accordance with Standard Paragraph F at the end of this notice.

2. Northern Natural Gas Company Division of Enron Corp.

[Docket No. CP89–955–000]

March 10, 1989.

Take notice that on March 6, 1989, Northern Natural Gas Company, Division of Enron Corp., (Northern) 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188 filed in Docket No. CP89–955–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Enron Gas Marketing, Inc. (Enron), under the authorization 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 which is on file with the Commission and open to public inspection.

Northern would perform the proposed interruptible transportation service for Enron, marketer of natural gas, pursuant to an interruptible transportation agreement IT–1 dated February 11, 1989 (transportation agreement number 69909). The term of the transportation agreement is for two years from the date of initial delivery, and month to month thereafter unless terminated upon 30 days prior written notice to the other party. Northern proposes to transport on a peak day up to 100,000 MMBtu; on an average day up to 75,000 MMBtu; and on an annual basis 36,500,000 MMBtu of natural gas for Enron. Northern proposes to receive the subject gas from various receipt points in Oklahoma, Texas, Kansas, New Mexico, and Iowa. Northern would then transport and redeliver such volumes for Enron and existing points in Irion, Pecos, and Carson City Counties, Texas. Northern avers that construction of facilities would not be 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. Northern commenced such self-implementing service on February 24, 1989, as reported in Docket No. ST89–2389–000.

Comment date: April 24, 1989, in accordance with Standard Paragraph G at the end of this notice.

3. Northwest Pipeline Corporation

[Docket No. CP89–933–000]

March 10, 1989.

Take notice that on March 1, 1989, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP89–933–000, a request, pursuant to § § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide interruptible transportation service for Presidio Exploration, Inc. (Presidio), a producer of natural gas, under Northwest's blanket certificate issued in Docket No. CP–86–578–000, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northwest states that pursuant to a transportation service agreement dated November 3, 1986, as amended December 27, 1988, it proposes to transport up to 64,000 MMBtu per day of natural gas for Presidio under its Rate Schedule TI–1. Northwest proposes to transport the subject gas from wells located in the big Piney area of Sublette County, Wyoming to the Opal Plant delivery point located in Lincoln County, Wyoming. Northwest estimates that the average day, and annual tranportation volumes would be 4,000 MMBtu and 1,500,000 MMBtu, respectively. Northwest advises that the service commenced January 1, 1989, as reported in Docket No. ST89–2204–000, pursuant to § 284.223(a) of the Commission's Regulations.

Comment date: April 24, 1989, in accordance with Standard Paragraph G at the end of this notice.

4. Transcontinental Gas Pipe Line Corporation

[Docket No. CP88–760–001]

March 10, 1989.

Take notice that on March 1, 1989, Transcontinental Gas Pipe Line

Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP88–760–001 an amendment to its pending application filed September 2, 1988, in Docket No. CP88–760–000 so as to reflect certain changes in the nominations of customers which have subscribed to Transco's proposed firm winter season transportation service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that on November 16, 1988, Atlanta Gas Light Company (Atlanta) requested and Transco agreed to reduce Atlanta's transportation contract demand for winter season transportation from 30,000 Mcf per day (Mcfd) to 15,000 Mcfd. As a result of such reduction, Transco explains, it made a general offer of the newly available 15,000 Mcfd of firm transportation capacity to all other customers participating in the winter season transportation project. Transco states that the general offer resulted in requests by five customers for additional firm transportation capacity, Fort Hill Natural Gas Authority; City of Greenwood; South Carolina; City of Lexington, North Carolina; Public Service Company of North Carolina; and City of Shelby, North Carolina. The reallocation of the 15,000 Mcfd to these five customers is reflected in the attached appendix, which provides an update of all shippers' nominations for winter season transportation service. Transco requests authority in this docket to implement the winter season service reflecting the revised nominations.

In addition to seeking authority to reflect the reallocation of transportation capacity, Transco notes that the amended application includes (1) executed letter agreements which reflect the reallocation of capacity, (2) completed copies of Exhibit A to the precedent agreements originally submitted in Docket No. CP88–760–000 which specify receipts points and associated daily quantities, and (3) corrections in Transco's assertions in Docket No. CP88–760–000 as to the availability of mainline capacity between Transco's Compressor Station Nos. 65 and 80.

Comment date: March 31, 1989, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

Appendix

Shipper	Contract quantities (mcf/d)	
	Peak months	Shoulder months
Atlanta Gas Light Co	15,000	13,500
City of Buford	2,000	1,800
Clinton Newberry Natural Gas Authority	1,700	1,530
City of Commerce	390	351
City of Covington	1,500	1,350
Fort Hill Natural Gas Authority	6,526	5,873
City of Fountain Inn	250	225
City of Greenwood	3,875	3,488
City of Greer	1,000	900
City of Kings Mountain	1,000	900
City of Lawrenceville	4,000	3,600
City of Lexington	2,000	1,800
Lynchburg Gas Company	1,059	953
City of Monroe	750	675
North Carolina Natural Gas Corp	16,300	14,670
Piedmont Natural Gas Corp	50,000	45,000
Public Service of North Carolina	38,000	34,200
City of Shelby	3,500	3,150
South Carolina Pipeline Corp	10,000	9,000
City of Social Circle	250	225
City of Sugar Hill	1,000	900
Tri-County Natural Gas Co	850	765
City of Union	1,000	900
Georgia United Cities Gas Co	3,800	3,420
S.C. United Cities Gas Co	750	675
City of Winder	500	450

5. Pelican Interstate Gas System

[Docket No. CP89–925–000]

March 10, 1989.

Take notice that on March 1, 1989, Pelican Interstate Gas System (Pelican), 1600 Smith, Suite 4775, Houston, Texas 77002, filed in Docket No. CP89–925–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to partially abandon a transportation service performed by Pelican for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pelican proposes to reduce the firm transportation service it provides Natural under Rate Schedule No. 1 from 145,750 Mcf of natural gas per day to 100,000 Mcf of natural gas per day due to reduced deliverability based on the operating pressures Pelican is required to maintain on its pipeline system.

Comment date: March 31, 1989 in accordance with Standard Paragraph F at the end of the notice.

6. El Paso Natural Gas Company

[Docket No. CP89–877–000]

March 10, 1989.

Take notice that on February 21, 1989, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas, 79978, filed in Docket No. CP89–877–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain segments of mainline transmission pipeline facilities, certain gas sales facilities, and the related natural gas services rendered by these facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

El Paso states that it proposes to abandon: (1) Approximately 0.27 mile of 6⅝-inch and 0.10 mile of 4½-inch segments of the Chandler pipeline located in Maricopa County, Arizona; (2) approximately 5.85 miles of 12¾-inch segment of the Douglas "B" pipeline located in Dona Ana County, New Mexico; (3) approximately 7.97 miles of 10¾-inch segement of the Tucson-Phoenix pipeline located in Pima County, Arizona; (4) approximately 67.86 miles of 5-inch and 1.20 miles of 6⅝-inch segments of the Yuma pipeline located in Yuma, County, Arizona; (5) approximately 1.45 miles of 16-inch segments of the Rio Grande power plant line and 0.04 mile of 6⅝-inch segment of the Del Norte No. 2 meter station line located in the downtown area of El Paso, Texas. El Paso further proposes to abandon the gas sales facilities consisting of the Del Norte No. 2 meter station and the Overland Mainline Sales tap located in the downtown area of El Paso, Texas. El Paso also states that it proposes to abandon the natural gas services rendered by these facilities.

El Paso states that it proposes to abandon in place a majority of these facilities with the remaining facilities being abandoned either by removal and sale or by scrapping the non-sellable items. The total estimated cost of the abandonment of these facilities is $894,516, it is indicated.

El Paso indicates that these facilities and services are no longer required due to inefficiency in operations, leakage, high cost of repair, changes in load conditions and existing interconnects and/or expiration of or changes in services.

Comment date: March 31, 1989 in accordance with Standard Paragraph F at the end of the notice.

7. United Gas Pipe Line Company

[Docket No. CP89–937–000]

March 10, 1989.

Take notice that no March 2, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP89–937–000 a request pursuant to § 157.205 of the Commission's Regulations for

authorization to provide transportation on behalf of Natural Gas Clearinghouse, Inc. (clearinghouse), 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 application which is on file with the Commission and open to public inspection.

United requests authorization to transport, on an interruptible basis, up to a maximum of 103,000 MMBtu of natural gas per day for Clearinghouse from receipt points located in Louisiana to delivery points located in Louisiana and Texas. United anticipated transporting, on an average day 103,000 MMBtu and an annual volume of 37,595,000 MMBtu.

United states that the transportation of natural gas for commenced December 30, 1988, as reported in Docket No. ST89–2266–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to United in Docket No. CP88–6–000.

Comment date: April 24, 1989, in accordance with Standard Paragraph G at the end of this notice.

8. CNG Transmission Corporation

[Docket No. CP89–888–000]

March 10, 1989.

Take notice that on February 23, 1989, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP89–888–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline and regulation facilities by sale to Hope Gas Inc. (Hope), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CNG states that it proposes to abandon, by sale to Hope, certain pipeline and regulating facilities, namely line DM–1700, a portion of line DM–215 and regulating station XS–2160, located in Wood County, West Virginia.

Comment date: March 31, 1989, in accordance with Standard Paragraph F at the end of this notice.

9. United Gas Pipe Line Company

[CP89–905–000]

March 10, 1989.

Take notice that on February 24, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP89–905–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 FR 157.205) for authorization to provide interruptible transportation service on behalf of Elizabeth Natural Gas Company (Elizabeth), a local distribution company, 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 which is on file with the Commission and open for public inspection.

Pursuant to an interruptible gas transportation agreement dated December 14, 1988, United proposes to transport up to 515 MMBtu of natural gas per day for Elizabeth from an existing point of receipt located in Rapides Parish, Louisiana to an existing point of delivery also located in Rapides Parish, Louisiana. Elizabeth has informed United that it expects to have the full 515 MMBtu transported on an average day and, based thereon, estimates that the annual transportation quantity would be 187,975 MMBtu. United advises that the transportation service commenced on January 12, 1989, as reported in Docket No. ST89–2267–000, pursuant to § 284.223(a) of the Commission's Regulations.

Comment date: April 24, 1989, in accordance with Standard Paragraph G at the end of this notice.

10. Northwest Pipeline Corporation

[Docket No. CP89–880–000]

March 10, 1989.

Take notice that on February 22, 1989, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP89–880–000, an application pursuant to section 7(c) of the Natural Gas Act for authorization to construct and operate a new meter station near Portland, Oregon to establish a new point of delivery to Oregon Steel Mills, Inc. (Oregon Steel) and Ash Grove Cement West, Inc. (Ash Grove), industrial transportation customers.

Northwest states that it initiated transportation services on behalf of Oregon Steel and Ash Grove pursuant to its blanket certificate under Subpart G of Part 284 of the Commission's Regulations. Northwest further states that it currently delivers the transportation volumes, up to 7,000 MMBtu per day for Oregon Steel and up to 23,000 MMBtu per day for Ash Grove, to Northwest Natural Gas Company, a local distribution company, at Northwest's Portland Meter Station delivery point near Sauvies Island, Oregon. It is asserted that Oregon Steel and Ash Grove plan to extend their plant facilities by constructing a jointly-owned pipeline approximately two miles to Northwest's transmission system near the Portland Meter Station and have requested that Northwest construct and operate the proposed meter station at that point.

Northwest states that the meter station would consist of a 4-inch tap, meter, and appurtenant facilities and would be capable of delivering up to 10,000 MMBtu of gas per day. Northwest advises that Oregon Steel and Ash Grove would reimburse it for the cost of constructing the meter station, which is estimated to be $166,650.

Comment date: March 31, 1989 in accordance with Standard Paragraph F at the end of the notice.

11. Southern Natural Gas Company

[Docket No. CP89–963–000]

March 10, 1989.

Take notice that on March 8, 1989, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP89–963–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Warner Robbins, Georgia (Warner Robbins), a local distribution company, under the blanket certificate issued in Docket No. CP88–316–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Southern states that pursuant to a service agreement dated December 30, 1988, under its Rate Schedule IT, it proposes to transport up to 23,753 MMBtu per day equivalent of natural gas for Warner Robbins. Southern states that it would transport the gas from various receipt points in Louisiana, offshore Louisiana, Texas, offshore Texas, Mississippi and Alabama, and would deliver the gas to various points in Georgia.

Southern advises that service under § 284.223(a) commenced January 5, 1989, as reported in Docket No. ST89–2247–000. Southern further advises that it would transport 10,000 MMBtu on an average day and 3,650,000 MMBtu annually.

Comment date: April 24, 1989 in accordance with Standard Paragraph G at the end of the notice.

12. Tennessee Gas Pipeline Company

[Docket No. CP89–934–000]

March 10, 1989.

Take notice that on March 2, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP89–

934–000 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 gas for ANR Gathering Company (ANR Gathering), a marketer of natural gas, under Tennessee's blanket certificate issued in Docket No. CP87–115–000 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.

Tennessee proposes to transport on an interruptible basis up to 100,000 dekatherm (dkt) of natural gas per day on behalf of ANR Gathering pursuant to a transportation agreement dated December 21, 1988, between Tennessee and ANR. Tennessee would receive gas at various existing points of receipt on its system in Louisiana, offshore Louisiana and Mississippi and redeliver equivalent volumes, less fuel and lost and unaccounted for volumes, at various existing points in Tennessee.

Tennesse further states that estimated average daily and annual quantities would be 100,000 dkt and 36,500,000 dkt, respectively. Service under § 284.223(a) commenced on January 11, 1989 as reported in Docket No. ST89–2003, it is stated.

Comment date: April 24, 1989, in accordance with Standard Paragraph G at end of this notice.

13. Southern Natural Gas Company

[Docket No. CP89–958–000]

March 10, 1989.

Take notice that on March 7, 1989, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP89–958–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for PSI, Inc. (PSI), a marketer, under the blanket certificate issued in Docket No. CP89–316–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Southern states that pursuant to a transporation agreement dated December 19, 1988, under its Rate Schedule IT, it proposes to transport up to 200 MMBtu per day equivalent of natural gas for PSI. Southern states that it would transport the gas from various receipt points in Louisana, offshore Louisiana, Texas, offshore Texas, Mississippi, Georgia and Alabama, and would deliver the gas to a point in Tallapoosa County, Alabama.

Southern advises that service under § 284.223(a) commenced January 11, 1989, as reported in Docket No. ST89–2250–000. Southern further advises that it would transport 200 MMBtu on an average day and 73,000 MMBtu annually.

Comment date: April 24, 1989, in accordance with Standard Paragraph G at end of this notice.

14. Chandeleur Pipe Line Company

[Docket No. CP89–929–000]

March 10, 1989.

Take notice that on March 1, 1989, Chandeleur Pipe Line Company (Chandeleur), P.O. Box 7141, San Francisco, California 94120–7141, filed in Docket No. CP89–929–000 an application pursuant to section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction and operation of certain facilities, for permission and approval to abandon certain facilities, and to perform other minor transactions eligible thereunder, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that such a certificate would allow Chandeleur, among other things, to make minor alterations and additions to its facilities with a minimum of delay in order to connect its system to additional suppliers and interconnect with other pipeline systems. Chandeleur states that it has no outstanding budget-type certificates, makes no sales for resale, and has no storage facilities. Chandeleur states that it will comply with the terms, conditions, and procedures specified in Subpart F of Part 157 of the Commission's Regulations. Chandeleur is requesting a blanket facilities certificate under § 157.201 so that it can implement, on its existing system, its blanket transportation certificate issued to it under § 284.301 in the most expeditious and economic manner.

Comment date: April 24, 1989, in accordance with Standard Paragraph G at end of this notice.

15. Northwest Pipeline Corporation

[Docket No. CP89–943–000]

March 10, 1989.

Take notice that on March 2, 1989, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP89–943–000, a request, pursuant to § 157.205 and 284.223 of the Commission's Regulations, for authorization to provide a transportation service for Universal Frozen Foods Corporation (Universal), an end user of natural gas, under Northwest's blanket certificate issued in Docket No. CP86–578–000 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northwest states that pursuant to a Transportation Agreement dated February 10, 1988, as amended December 5, 1988 and January 9, 1989, it proposes to transport up to 8,000 MMBtu per day of natural gas for Universal under Rate Schedule TI–1, for a term continuing on a month to month basis, subject to termination upon 30 business days written notice by either party.

Northwest will transport the subject gas through its transmission system from any transportation receipt point on its system to any transportation delivery point on its system.

Northwest also states that no construction of new facilities will be required to provide this transportation service.

Northwest further states that the maximum day, average day, and annual transportation volumes would be approximately 8,000 MMBtu, 30 MMBtu and 12,000 MMBtu, respectively.

Northwest advises that service under § 284.223(a) commenced January 27, 1989, as reported in Docket No. ST89–2277–000 (filed February 17, 1989).

Comment date: April 24, 1989, in accordance with Standard Paragraph G at end of this notice.

16. Great River Gas Company

[Docket No. CP89–882–000]

March 10, 1989.

Take notice that on February 22, 1989, Great River Gas Company (Great River), 10th and Johnson Streets, P.O. Box 967, Keokuk, Iowa 52632, filed in Docket No. CP89–882–000 an application pursuant to section 7 of the Natural Gas Act (NGA) and § 284.224 of the Commission's Regulations under the NGA (18 CFR 284.224) for a blanket certificate of public convenience and necessity authorizing the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Great River requests authority to use its distribution facilities located in the States of Iowa and Missouri to engage in self-implementing interruptible transportation of natural gas pursuant to section 311 of the Natural Gas Policy Act, as though Great River were an

intrastate pipeline transporting on behalf of interstate pipelines or local distribution companies served by an interstate pipeline.

Comment date: March 31, 1989, in accordance with Standard Paragraph F at the end of this notice.

17. Algonquin Gas Transmission Company

[Docket No. CP89-948-000]

March 13, 1989.

Take notice that on March 6, 1989, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP89-948-000 an application pursuant to section 7(c) of the Natural Gas Act (NGA) for a blanket certificate of public convenience and necessity authorizing it to render transportation on behalf of others pursuant to § 284.221 of the Commission's Regulations under the NGA (18 CFR 284.221), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Algonquin proposes to render firm and interruptible transportation of natural gas on behalf of others under its currently effective Rate Schedules AFT-1 and AIT-1, under which Algonquin is currently rendering self-implementing transportation under section 311 of the Natural Gas Policy Act of 1978, modified only to reflect the expanded scope of authorization.

Comment date: April 3, 1989, in accordance with Standard Paragraph F at the end of this notice.

K N and NGC state that the order issued October 30, 1987, authorizes them to engage in the exchange of natural gas between two gas supply areas in the State of Wyoming, Beaver Creek and Sand Draw. It is further stated that the order issued October 5, 1988, amended the original certificates to provide for a term of unlimited duration.

K N and NGC state that they are requesting that their existing certificates be amended to authorize an additional exchange delivery point from K N to NGC at an existing point of interconnection between K N and NGC's facilities near Casper, Wyoming. Petitioners are proposing herein to exchange gas at the outlet of K N's Casper Plant in Natorna County, Wyoming. The petitioners state the proposed alternative point would permit NGC to receive gas from K N at a location where NGC can best utilize the exchange gas to meet its customers' requirements in Wyoming in the most efficient and cost effective manner.

Comment date: April 3, 1989, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

20. Moraine Pipeline Company

[Docket No. CP89-945-000]

March 13, 1989.

Take notice that on March 3, 1989, Moraine Pipeline Company (Moraine), 701 East 22nd Street, Lombard, Illinois, 60148, filed in Docket No. CP89-945-000 a request pursuant to §§ 157.205 and 284.223(b) of the Commission's Regulations for authorization to transport, on an interruptible basis, up to a maximum of 150,000 MMBtu (plus any additional volumes accepted pursuant to the overrun provisions of Moraine's Rate Schedule ITS) for ARCO Oil and Gas Company (ARCO), a producer of natural gas, under its certificate issued in Docket No. CP86-492-000 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.

It is stated that the receipt point would be located in Illinois and the delivery point would be located at the Wisconsin-Illinois boundary.

It is further stated that Moraine commenced the transportation of natural gas for ARCO on February 1, 1989 under Docket No. ST89-2514-000, for a 120-day period, pursuant to § 284.223(a)(1) of the Commission's Regulations.

Comment date: April 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

21. Tennessee Gas Pipeline Company

[Docket No. CP89-951-000]

March 13, 1989.

Take notice that on March 6, 1989, Tennessee Gas Pipeline Company (Applicant), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP89-951-000 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 provide a transportation service for Shell Western E & P, Inc. (Shell), a producer, under Applicant's blanket certificate issue in Docket No. CP87-115-000 pursuant to section 7 of the Natural Gas Act, 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 gas transportation agreement dated January 16, 1989, it proposes to transport natural gas for Shell through existing facilities from points of receipt located in the states of Louisiana and Texas to points of delivery interconnecting with (1) Transcontinental Gas Pipe Line Corporation at (a) Crowley, Acadia Parish, Louisiana, (b) Kinder, Allen Parish, Louisiana, (c) North Louise, Wharton County, Texas, and (d) Wharton, Wharton County, Texas, and (2) Southern Natural Gas at (a) Lake Washington, Plaquemines Parish, Louisiana, (b) Franklin, St. Mary Parish, Louisiana, (c) Patterson Plant, St. Mary Parish, Louisiana, and (d) Toca Plant, St. Bernard Parish, Louisiana. The locations of the ultimate delivery points of the gas are in multiple states.

The Applicant states that the maximum daily quantity is 5,000 dt equivalent of natural gas, the average day quantity is 5,000 dt equivalent of natural gas, and the annual quantity is 1,825,000 dt equivalent of natural gas. The Applicant further states that service commenced February 1, 1989, under the 120-day automatic provisions of Section 284.223(a), as reported in Docket No. ST89-2351 (filed February 23, 1989).

Comment date: April 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

22. Texas Eastern Transmission Corporation

[Docket No. CP89-931-000]

March 13, 1989.

Take notice that on March 1, 1989, Texas Eastern Transmission Corporation (TETCO), Post Office Box 2521, Houston, Texas 77252, filed in Docket No. CP89-931-000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act for authorization to provide an additional delivery point and reassign volumes of gas delivered to Carnegie Natural Gas Company (Carnegie) under the certificate issued in Docket No. CP89-535-000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

TETCO proposes to add a new delivery point to its existing Rate Schedule SS-2 service agreement with Carnegie and to reassign volumes to be delivered among existing delivery points (M&R Station Nos. 008 and 1275) and the proposed delivery point (M&R Station No. 2637). TETCO indicates that the M&R Station No. 2637 delivery point would be located in Pickaway County, Ohio at mileposts 987.74 and 66.91 on TETCO's Line No. 2 and 3, respectively.

It is stated that M&R Station No. 2637 would consist of a tap and valve to be constructed and owned by TETCO and a measuring and regulating station which is currently being constructed by Columbia Gas of Ohio, Inc., for the

purpose of receiving transportation service pursuant to section 311(a) of the Natural Gas Policy Act of 1978 (NGPA). TETCO states that upon completion, these facilities would be used solely for NGPA Section 311(a) service until TETCO receives Commission authorization to use the M&R Station No. 2637 delivery point to deliver natural gas to Carnegie under TETCO's Rate Schedule SS–2, as requested herein. TETCO indicates that upon the receipt of such authorization, TETCO would use the delivery point for service under Rate Schedule SS–2 as well as for transportation service.

TETCO states that upon receipt of Commission authorization, TETCO and Carnegie would implement a superseding Rate Schedule SS–2 service agreement which would reflect the reassignment and establishment of maximum daily delivery obligations (MDDO) for the new delivery point and the existing delivery points as shown below.

Points of delivery	MDDO (dekatherms)	
	Presently certificated	Superseding service agreement
M&R Station No. 2637	0	20,000
M&R Station No. 008	21,000	0
M&R Station No. 1275	21,000	21,000

TETCO states that the new Rate Schedule SS–2 service agreement also provides that TETCO's aggregate maximum delivery obligations under this service agreement and all other service agreements existing between TETCO and Carnegie shall not exceed 20,000 dt equivalent and 46,714 dt equivalent for M&R Station Nos. 2637 and 1275, respectively; provided further that interruptible deliveries of the maximum daily withdrawal quantity (21,000 dt equivalent) over and above the aggregate MDDO levels set forth above would be made at any time when TETCO has capacity available.

TETCO indicates that the natural gas quantities to be delivered to Carnegie would be utilized as Carnegie's general system supply. TETCO asserts that the addition of the new delivery station and the reassignment of volumes would not cause TETCO's daily deliveries to Carnegie to exceed the authorized daily quantities inasmuch as deliveries through the two measuring stations would remain within the maximum daily withdrawal quantity of 21,000 dt equivalent approved by the Commission order issued June 16, 1980 in Docket No. CP80–170 (11 FERC ¶61,284). TETCO further states that the total volumes that it would deliver to Carnegie would not exceed the total volumes authorized prior to this request. TETCO submits that its proposal herein would be accomplished without detriment or disadvantage to TETCO's other customers.

Comment date: April 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

23. Trunkline Gas Company

[Docket No. CP89–921–000]

March 13, 1989.

Take notice that on February 28, 1989, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP89–921–000, an application pursuant to section 7(b) of the Natural Gas Act, as amended, for an order permitting and approving abandonment of certain compression facilities offshore Texas, by sale to Shell Offshore, Inc. (Shell), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Trunkline specifically requests authority to abandon its 49.637% undivided interest in the 3,500 Horsepower compressor unit located at the High Island Block A–350 Platform (Compressor Unit). Shell and Trunkline have entered into a Facilities Purchase Agreement dated November 1, 1988 (Purchase Agreement), wherein Shell has agreed to purchase the Compressor Unit from Trunkline. Shell will provide a compression service to Trunkline, to the extent compression is necessary.

Comment date: April 3, 1989, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the 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. 89–6196 Filed 3–15–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ST89–1044–000 et al.]

Natural Gas Pipeline Co. of America et al.; Self-Implementing Transactions

March 10, 1989.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations, and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).[1]

[1] Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the noticed filing is in compliance with the Commission's Regulations.

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to § 284.102 of the Commission's Regulations and section 311(a)(1) of the NGPA.

A "C" indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's Regulations and section 311(a)(2) of the NGPA. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and the expiration date of the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a motion to intervene with the Secretary of the Commission on or before March 31, 1989.

A "D" indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.222 and a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.224 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.224 of the Commission's Regulations.

Lois D. Cashell,

Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST89-1044	LONE STAR GAS CO	NATURAL GAS PIPELINE CO. OF AMERICA.	12-01-88	C		
ST89-1045	LONE STAR GAS CO	MICHIGAN CONSOLIDATED GAS CO., ET AL.	12-01-88	C		
ST89-1046	QUESTAR PIPELINE CO	NORTHWEST NATURAL GAS CO	12-01-88	B		
ST89-1047	WEBB/DUVAL GATHERERS	TENNESSEE GAS PIPELINE CO	12-01-88	C		
ST89-1048	TRANSCONTINENTAL GAS PIPE LINE CORP.	LOUISIANA GAS SYSTEM, INC	12-01-88	B		
ST89-1049	TRANSCONTINENTAL GAS PIPE LINE CORP.	SOUTH CAROLINA PIPELINE CORP	12-01-88	B		
ST89-1050	TRANSCONTINENTAL GAS PIPE LINE CORP.	WASHINGTON GAS LIGHT CO	12-01-88	B		
ST89-1051	PANHANDLE EASTERN PIPE LINE CO	BATTLE CREEK GAS CO	12-01-88	B		
ST89-1052	PANHANDLE EASTERN PIPE LINE CO	EAST OHIO GAS CO	12-01-88	B		
ST89-1053	PANHANDLE EASTERN PIPE LINE CO	MICHIGAN GAS STORAGE CO	12-01-88	G		
ST89-1054	PANHANDLE EASTERN PIPE LINE CO	EAST OHIO GAS CO	12-01-88	B		
ST89-1055	PANHANDLE EASTERN PIPE LINE CO	OHIO VALLEY GAS CORP	12-01-88	B		
ST89-1056	PANHANDLE EASTERN PIPE LINE CO	ILLINOIS POWER CO	12-01-88	B		
ST89-1057	NATURAL GAS PIPELINE CO. OF AMERICA.	UNITED TEXAS TRANSMISSION CO	12-01-88	B		
ST89-1058	NATURAL GAS PIPELINE CO. OF AMERICA.	RELIANCE PIPELINE CO	12-01-88	B		
ST89-1059	TAFT PIPELINE CO	NORTHERN NATURAL GAS CO	12-01-88	C	04-30-89	10.00
ST89-1060	ANR PIPELINE CO	TOTAL MINATOME CORP	12-01-88	G-S		
ST89-1061	ANR PIPELINE CO	AMOCO PRODUCTION CO	12-01-88	G-S		
ST89-1062	ANR PIPELINE CO	BATTLE CREEK GAS CO	12-01-88	B		
ST89-1063	UNITED GAS PIPE LINE CO	LOUISIANA STATE GAS CORP	12-01-88	G-S		
ST89-1064	UNITED GAS PIPE LINE CO	ARKLA ENERGY MARKETING	12-01-88	G-S		
ST89-1065	UNITED GAS PIPE LINE CO	TEXACO GAS MARKETING, INC	12-01-88	G-S		
ST89-1066	UNITED GAS PIPE LINE CO	HOUSTON GAS EXCHANGE CORP	12-01-88	G-S		
ST89-1067	UNITED GAS PIPE LINE CO	SUPERIOR NATURAL GAS CORP	12-01-88	G-S		
ST89-1068	UNITED GAS PIPE LINE CO	TEXACO GAS MARKETING, INC	12-01-88	G-S		
ST89-1069	TENNESSEE GAS PIPELINE CO	STELLAR GAS CO	12-01-88	B		
ST89-1070	TENNESSEE GAS PIPELINE CO	RELIANCE GAS MARKETING CO	12-01-88	G-S		
ST89-1071	TENNESSEE GAS PIPELINE CO	TRUNKLINE GAS CO	12-01-88	G		
ST89-1072	TENNESSEE GAS PIPELINE CO	PSI, INC	12-01-88	G-S		
ST89-1073	TENNESSEE GAS PIPELINE CO	UNION TEXAS PETROLEUM CORP	12-01-88	G-S		
ST89-1074	TENNESSEE GAS PIPELINE CO	O & R ENERGY DEVELOPMENT, INC	12-01-88	G-S		
ST89-1075	TENNESSEE GAS PIPELINE CO	PENNSYLVANIA GAS AND WATER CO	12-01-88	B		
ST89-1076	TENNESSEE GAS PIPELINE CO	AMOCO PRODUCTION CO	12-01-88	G-S		
ST89-1077	TENNESSEE GAS PIPELINE CO	DIAMOND SHAMROCK OFFSHORE PARTNERS LTD.	12-01-88	G-S		
ST89-1078	TENNESSEE GAS PIPELINE CO	SOUTHERN NATURAL GAS CO	12-01-88	G		
ST89-1079	TENNESSEE GAS PIPELINE CO	PSI, INC	12-01-88	G-S		
ST89-1080	TENNESSEE GAS PIPELINE CO	RELIANCE GAS MARKETING CO	12-01-88	G-S		
ST89-1081	TENNESSEE GAS PIPELINE CO	CORONADO TRANSMISSION CO	12-01-88	B		
ST89-1082	TENNESSEE GAS PIPELINE CO	TOTAL MINATOME CORP	12-01-88	G-S		
ST89-1083	TENNESSEE GAS PIPELINE CO	NORTHERN NATURAL GAS CO	12-01-88	G		
ST89-1084	TENNESSEE GAS PIPELINE CO	DISTRIGAS OF MASSACHUSETTS CORP	12-01-88	G		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST89-1085	BP GAS TRANSMISSION CO	ANR PIPELINE CO., ET AL	12-01-88	C	04-30-89	13.70
ST89-1086	BP GAS TRANSMISSION CO	ANR PIPELINE CO., ET AL	12-01-88	C	04-30-89	13.70
ST89-1087	BP GAS TRANSMISSION CO	ANR PIPELINE CO., ET AL	12-01-88	C	04-30-89	13.70
ST89-1088	TEXAS GAS TRANSMISSION CORP	PENTEX PETROLEUM, INC	12-01-88	G-S		
ST89-1089	TEXAS GAS TRANSMISSION CORP	WEST OHIO GAS CO	12-01-88	B		
ST89-1090	TEXAS GAS TRANSMISSION CORP	FORD MOTOR CO	12-01-88	G-S		
ST89-1091	TEXAS GAS TRANSMISSION CORP	COASTAL GAS MARKETING CO	12-01-88	G-S		
ST89-1092	TEXAS GAS TRANSMISSION CORP	ACCESS ENERGY PIPELINE CORP	12-01-88	B		
ST89-1093	TEXAS GAS TRANSMISSION CORP	KIMBALL RESOURCES, INC	12-01-88	G-S		
ST89-1094	TEXAS GAS TRANSMISSION CORP	ATLANTA GAS LIGHT CO., ET AL	12-01-88	B		
ST89-1095	TEXAS GAS TRANSMISSION CORP	COASTAL STATES GAS TRANSMISSION CO.	12-01-88	B		
ST89-1096	NORTHWEST PIPELINE CORP	SEATTLE STEAM CORP	12-01-88	G-S		
ST89-1097	NORTHWEST PIPELINE CORP	WYOMING INDUSTRIAL GAS CO	12-01-88	B		
ST89-1098	NORTHWEST PIPELINE CORP	UNION OIL CO. OF CA	12-01-88	G-S		
ST89-1099	EL PASO NATURAL GAS CO	MERIDIAN OIL HYDROCARBONS, INC	12-01-88	B		
ST89-1100	EL PASO NATURAL GAS CO	COASTAL STATES GAS TRANSMISSION CO.	12-01-88	B		
ST89-1101	WILLIAMS NATURAL GAS CO	GOLDEN GAS ENERGIES, INC	12-01-88	B		
ST89-1102	WILLIAMS NATURAL GAS CO	KANSAS POWER AND LIGHT CO	12-01-88	G-S		
ST89-1103	WILLIAMS NATURAL GAS CO	CONOCO, INC	12-01-88	G-S		
ST89-1104	TEXAS EASTERN TRANSMISSION CORP	PHILADELPHIA GAS WORKS, INC	12-01-88	B		
ST89-1105	TEXAS EASTERN TRANSMISSION CORP	NIAGARA MOHAWK POWER CORP	12-01-88	B		
ST89-1106	TEXAS EASTERN TRANSMISSION CORP	CINCINNATI GAS AND ELECTRIC CO	12-01-88	B		
ST89-1107	TEXAS EASTERN TRANSMISSION CORP	NIAGARA MOHAWK POWER CORP	12-01-88	B		
ST89-1108	TEXAS EASTERN TRANSMISSION CORP	WASHINGTON GAS LIGHT CO	12-01-88	B		
ST89-1109	UNITED TEXAS TRANSMISSION CO	UNITED GAS PIPELINE CO., ET AL	12-01-88	C		
ST89-1110	UNITED TEXAS TRANSMISSION CO	UNITED GAS PIPE LINE CO	12-01-88	C		
ST89-1111	PANHANDLE EASTERN PIPE LINE CO	CONSUMERS POWER CO	12-01-88	B		
ST89-1112	PANHANDLE EASTERN PIPE LINE CO	COLUMBIA GAS OF OHIO, INC	12-01-88	G-S		
ST89-1113	COLUMBIA GAS TRANSMISSION CORP	PUBLIC SERVICE CO. OF N. CAROLINA	11-30-88	B		
ST89-1114	TRANSCONTINENTAL GAS PIPE LINE CORP.	KOGAS INC	12-02-88	G-S		
ST89-1115	TRANSCONTINENTAL GAS PIPE LINE CORP.	AMOCO PRODUCTION CO	12-02-88	G-S		
ST89-1116	NATURAL GAS PIPELINE CO. OF AMERICA.	AMERICAN CENTRAL GAS MARKETING CO.	12-02-88	G-S		
ST89-1117	CAVALLO PIPELINE CO	ENRON INDUSTRIAL NATURAL GAS CO	12-02-88	C		
ST89-1118	EL PASO NATURAL GAS CO	V.H.C. PIPELINE, L.P	12-02-88	B		
ST89-1119	ENSERCH GAS TRANSMISSION CO	PEOPLES NATURAL GAS CO	12-02-88	C		
ST89-1120	ONG TRANSMISSION CO	NATURAL GAS PIPELINE CO. OF AMERICA.	12-02-88	C	05-01-89	24.32
ST89-1121	ANR PIPELINE CO	TEXLINE GAS CO	12-02-88	B		
ST89-1122	ANR PIPELINE CO	MICHIGAN GAS UTILITIES CO	12-02-88	B		
ST89-1123	ANR PIPELINE CO	PARIS-HENRY CO. PUBLIC UTILITY DIST	12-02-88	B		
ST89-1124	TEXAS EASTERN TRANSMISSION CORP	MIDWEST NATURAL GAS CO., INC	12-02-88	B		
ST89-1125	TEXAS EASTERN TRANSMISSION CORP	PUBLIC SERVICE ELECTRIC AND GAS CO	12-02-88	B		
ST89-1126	TEXAS EASTERN TRANSMISSION CORP	CINCINNATI GAS AND ELECTRIC CO	12-02-88	B		
ST89-1127	TRANSCONTINENTAL GAS PIPE LINE CORP.	STELLAR GAS CO	12-02-88	B		
ST89-1128	TENNESSEE GAS PIPELINE CO	ALABAMA GAS CORP., ET AL	12-05-88	B		
ST89-1129	UNITED GAS PIPE LINE CO	AMOCO PRODUCTION CO	12-05-88	G-S		
ST89-1130	SEA ROBIN PIPELINE CO	ALABAMA-TENNESSEE NATURAL GAS CO.	12-05-88	B		
ST89-1131	VALERO TRANSMISSION, L.P	TRUNKLINE GAS CO	12-05-88	C		
ST89-1132	DELHI GAS PIPELINE CORP	PANHANDLE EASTERN PIPE LINE CO	12-05-88	C	05-04-89	61.61
ST89-1133	TRANSWESTERN PIPELINE CO	SOUTHERN CALIFORNIA GAS CO	12-05-88	B		
ST89-1134	TENNESSEE GAS PIPELINE CO	MISSISSIPPI FUEL CO	12-05-88	B		
ST89-1135	ROCKY MOUNTAIN NATURAL GAS CO	LOUISIANA GAS MARKETING CO	12-05-88	G-HT		
ST89-1136	COLUMBIA GULF TRANSMISSION CO	CONNECTICUT NATURAL GAS CORP	12-02-88	B		
ST89-1137	TRANSCONTINENTAL GAS PIPELINE CORP.	PIEDMONT NATURAL GAS CO	12-05-88	B		
ST89-1138	TRANSCONTINENTAL GAS PIPELINE CORP.	EXCEL INTRASTATE PIPELINE CO	12-05-88	B		
ST89-1139	TRANSCONTINENTAL GAS PIPELINE CORP.	CATAMOUNT NATURAL GAS, INC	12-05-88	G-S		
ST89-1140	COLUMBIA GULF TRANSMISSION CO	ALABAMA-TENNESSEE NATURAL GAS CO.	12-05-88	B		
ST89-1141	NORTHERN NATURAL GAS CO	VENGAS MARKETING CO	12-05-88	G-S		
ST89-1142	NORTHERN NATURAL GAS CO	NGC INTRASTATE PIPELINE CO	12-05-88	B		
ST89-1143	NORTHERN NATURAL GAS CO	VIROQUA MUNICIPAL NATURAL GAS UTILITY.	12-05-88	B		
ST89-1144	NORTHERN NATURAL GAS CO	CENTRAN CORP	12-05-88	G-S		
ST89-1145	CHANNEL INDUSTRIES GAS CO	THC PIPELINE CO	12-06-88	C		
ST89-1146	TEXAS EASTERN TRANSMISSION CORP	COLUMBIA GAS OF PENNSYLVANIA, INC	12-06-88	B		
ST89-1147	TEXAS EASTERN TRANSMISSION CORP	ALLIED GAS CO	12-06-88	B		
ST89-1148	TENNESSEE GAS PIPELINE CO	EAST TENNESSEE NATURAL GAS CO	12-07-88	G		
ST89-1149	TENNESSEE GAS PIPELINE CO	CONNECTICUT NATURAL GAS CORP	12-07-88	B		
ST89-1150	NORTHERN NATURAL GAS CO	ST. CROIX VALLEY NATURAL GAS CO	12-07-88	B		
ST89-1151	WILLIAMS NATURAL GAS CO	PSI, INC., ET AL	12-07-88	G-S		
ST89-1152	WILLIAMS NATURAL GAS CO	WESTERN KRAFT-WILLAMOTTE INDUST. INC.	12-07-88	G-S		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST89-1153	WILLIAMS NATURAL GAS CO	MISSOURI PUBLIC SERVICE CO	12-07-88	G-S		
ST89-1154	WILLIAMS NATURAL GAS CO	KANSAS POWER AND LIGHT CO	12-07-88	G-S		
ST89-1155	WILLIAMS NATURAL GAS CO	PSI, INC	12-07-88	G-S		
ST89-1156	TENNGASCO GAS SUPPLY CO	SOUTHERN CALIFORNIA GAS CO., ET AL	12-07-88	C		
ST89-1157	CHANNEL INDUSTRIES GAS CO	AMOCO GAS CO	12-07-88	C		
ST89-1158	ANR PIPELINE CO	MICHIGAN GAS UTILITIES CO	12-07-88	B		
ST89-1159	ANR PIPELINE CO	CONSUMERS POWER CO	12-07-88	B		
ST89-1160	TRANSCONTINENTAL GAS PIPE LINE CORP.	SOUTH JERSEY GAS CO	12-07-88	B		
ST89-1161	TRANSCONTINENTAL GAS PIPE LINE CORP.	CITY OF RICHMOND	12-07-88	B		
ST89-1162	TRANSCONTINENTAL GAS PIPE LINE CORP.	CLINTON NEWBERRY NAT. GAS AUTHORITY.	12-07-88	B		
ST89-1163	TRANSCONTINENTAL GAS PIPE LINE CORP.	FLORIDA GAS TRANSMISSION CO	12-07-88	G		
ST89-1164	TRANSCONTINENTAL GAS PIPE LINE CORP.	COASTAL GAS MARKETING CO	12-07-88	G-S		
ST89-1165	TRANSCONTINENTAL GAS PIPE LINE CORP.	SOUTHWESTERN VIRGINIA GAS CO	12-07-88	B		
ST89-1166	TRANSCONTINENTAL GAS PIPE LINE CORP.	CATAMOUNT NATURAL GAS, INC	12-07-88	B		
ST89-1167	TRANSCONTINENTAL GAS PIPE LINE CORP.	BALTIMORE GAS AND ELECTRIC CO	12-07-88	B		
ST89-1168	TRANSCONTINENTAL GAS PIPE LINE CORP.	NORTH CAROLINA GAS SERVICE CO	12-07-88	B		
ST89-1169	TRANSCONTINENTAL GAS PIPE LINE CORP.	BALTIMORE GAS & ELECTRIC CO., ET AL	12-07-88	B		
ST89-1170	TRANSCONTINENTAL GAS PIPE LINE CORP.	SEAGULL LOUISIANA INTRA. PIPELINE CO	12-07-88	B		
ST89-1171	ONG TRANSMISSION CO	NATURAL GAS PIPELINE CO. OF AMERICA.	12-08-88	C	05-07-89	24.32
ST89-1172	VALERO TRANSMISSION, L.P	TEXAS EASTERN TRANSMISSION CORP	12-08-88	C		
ST89-1173	VALERO TRANSMISSION, L.P	TEXAS EASTERN TRANSMISSION CORP	12-08-88	C		
ST89-1174	VALERO TRANSMISSION, L.P	NATURAL GAS PIPELINE CO. OF AMERICA.	12-08-88	C		
ST89-1175	VALERO TRANSMISSION, L.P	TEXAS EASTERN TRANSMISSION CORP	12-08-88	C		
ST89-1176	TRANSCONTINENTAL GAS PIPE LINE CORP.	FRM, INC	12-08-88	G-S		
ST89-1177	NATURAL GAS PIPELINE CO. OF AMERICA.	ARKLA ENERGY MARKETING	12-08-88	G-S		
ST89-1178	NATURAL GAS PIPELINE CO. OF AMERICA.	NORTHERN ILLINOIS GAS CO	12-08-88	B		
ST89-1179	NATURAL GAS PIPELINE CO. OF AMERICA.	SOUTHERN CALIFORNIA GAS CO	12-08-88	B		
ST89-1180	NATURAL GAS PIPELINE CO. OF AMERICA.	NORTH SHORE GAS CO	12-08-88	B		
ST89-1181	UNITED GAS PIPE LINE CO	BRIDGELINE GAS DISTRIBUTION CO	12-08-88	B		
ST89-1182	UNITED GAS PIPE LINE CO	CITGO PETROLEUM CORP	12-08-88	G-S		
ST89-1183	WILLIAMS NATURAL GAS CO	PACIFIC GAS AND ELECTRIC CO	12-08-88	B		
ST89-1184	WILLIAMS NATURAL GAS CO	NATURAL GAS GATHERING CO. OF TEXAS, INC.	12-08-88	G-S		
ST89-1185	WILLIAMS NATURAL GAS CO	PETRUS OIL CO., L.P	12-08-88	G-S		
ST89-1186	WILLIAMS NATURAL GAS CO	TEXACO GAS MARKETING, INC	12-08-88	G-S		
ST89-1187	TEXAS GAS TRANSMISSION CORP	PEOPLES NATURAL GAS CO	12-08-88	B		
ST89-1188	TEXAS GAS TRANSMISSION CORP	WEST OHIO GAS CO	12-08-88	B		
ST89-1189	TEXAS GAS TRANSMISSION CORP	EAST OHIO GAS CO	12-08-88	B		
ST89-1190	TEXAS GAS TRANSMISSION CORP	EAST OHIO GAS CO	12-08-88	B		
ST89-1191	TEXAS GAS TRANSMISSION CORP	COLUMBIA GAS OF OHIO, INC	12-08-88	B		
ST89-1192	TEXAS GAS TRANSMISSION CORP	COLUMBIA GAS OF OHIO, INC	12-08-88	B		
ST89-1193	TEXAS GAS TRANSMISSION CORP	EAST OHIO GAS CO	12-08-88	B		
ST89-1194	TEXAS GAS TRANSMISSION CORP	COLUMBIA GAS OF OHIO, INC	12-08-88	B		
ST89-1195	TEXAS GAS TRANSMISSION CORP	EAST OHIO GAS CO	12-08-88	B		
ST89-1196	TEXAS GAS TRANSMISSION CORP	UGI CORP	12-08-88	B		
ST89-1197	TEXAS GAS TRANSMISSION CORP	COLUMBIA GAS OF OHIO, INC	12-08-88	B		
ST89-1198	TEXAS GAS TRANSMISSION CORP	BISHOP PIPELINE CORP	12-08-88	B		
ST89-1199	TEXAS GAS TRANSMISSION CORP	COLUMBIA GAS OF OHIO, INC	12-08-88	B		
ST89-1200	CAPROCK PIPELINE CO	CABOT GAS SUPPLY CO	12-09-88	B		
ST89-1201	WEST TEXAS GATHERING CO	CABOT PIPELINE CORP	12-09-88	B		
ST89-1202	NATURAL GAS PIPELINE CO. OF AMERICA.	IOWA-ILLINOIS GAS & ELECTRIC CO	12-09-88	B		
ST89-1203	NATURAL GAS PIPELINE CO. OF AMERICA.	FINA OIL AND CHEMICAL CO	12-09-88	G-S		
ST89-1204	NATURAL GAS PIPELINE CO. OF AMERICA.	ULTRAMAR OIL AND GAS LTD	12-09-88	G-S		
ST89-1205	UNITED TEXAS TRANSMISSION CO	NATURAL GAS PIPELINE CO. OF AMERICA.	12-09-88	C		
ST89-1206	TRANSCONTINENTAL GAS PIPE LINE CORP.	DISTRIGAS OF MASSACHUSETTS CORP	12-09-88	G		
ST89-1207	TRANSCONTINENTAL GAS PIPE LINE CORP.	PHILLIPS PETROLEUM CO	12-09-88	G-S		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST89-1208	TRANSCONTINENTAL GAS PIPE LINE CORP.	PHILADELPHIA ELECTRIC CO	12-09-88	B		
ST89-1209	TRANSCONTINENTAL GAS PIPE LINE CORP.	CLINTON NEWBERRY NAT. GAS AUTHORITY.	12-09-88	B		
ST89-1210	TRANSCONTINENTAL GAS PIPE LINE CORP.	PANHANDLE EASTERN PIPE LINE CO	12-09-88	G		
ST89-1211	TEXAS GAS TRANSMISSION CORP	BISHOP PIPELINE CORP	12-09-88	G-S		
ST89-1212	TEXAS GAS TRANSMISSION CORP	TEXACO GAS MARKETING, INC	12-09-88	G-S		
ST89-1213	TEXAS GAS TRANSMISSION CORP	CONSOLIDATED FUEL SUPPLY, INC	12-09-88	G-S		
ST89-1214	TEXAS GAS TRANSMISSION CORP	CENTRAL CORP	12-09-88	G-S		
ST89-1215	UNITED GAS PIPE LINE CO	TEXACO GAS MARKETING, INC	12-09-88	G-S		
ST89-1216	UNITED GAS PIPE LINE CO	SABINE-DESOTO PIPELINE CO., INC	12-09-88	B		
ST89-1217	UNITED GAS PIPE LINE CO	SONAT MARKETING CO	12-09-88	G-S		
ST89-1218	UNITED GAS PIPE LINE CO	TEXACO GAS MARKETING, INC	12-09-88	G-S		
ST89-1219	ARKLA ENERGY RESOURCES	MONUMENT NATURAL GAS	12-09-88	B		
ST89-1220	ARKLA ENERGY RESOURCES	B & A PIPELINE CO	12-09-88	B		
ST89-1221	ARKLA ENERGY RESOURCES	TRANSOK, INC	12-09-88	B		
ST89-1222	QUESTAR PIPELINE CO	MOUNTAIN FUEL SUPPLY CO	12-12-88	B		
ST89-1223	QUESTAR PIPELINE CO	AMPOLEX (TEXAS) INC	12-12-88	G-S		
ST89-1224	EQUITRANS, INC	AMERICAN ELECTRIC CO	12-12-88	G-S		
ST89-1225	EQUITRANS, INC	HOSPITAL LINEN SERVICE FACILITY	12-12-88	G-S		
ST89-1226	EQUITRANS, INC	HARMARVILLE REHABILITATION CENTER	12-12-88	G-S		
ST89-1227	WESTERN GAS SUPPLY CO	QUESTAR PIPELINE CO	12-12-88	C		
ST89-1228	WESTERN GAS SUPPLY CO	NORTHERN NATURAL GAS CO	12-12-88	C		
ST89-1229	COLORADO INTERSTATE GAS CO	VESGAS CO	12-09-88	B		
ST89-1230	COLORADO INTERSTATE GAS CO	MGTC, INC	12-09-88	B		
ST89-1231	COLORADO INTERSTATE GAS CO	ASSOCIATED INTRASTATE PIPELINE CO	12-09-88	B		
ST89-1232	ANR PIPELINE CO	ANADARKO TRADING CO	12-12-88	G-S		
ST89-1233	ALGONQUIN GAS TRANSMISSION CO	PUBLIC SERVICE ELECTRIC AND GAS CO	12-12-88	B		
ST89-1234	ALGONQUIN GAS TRANSMISSION CO	SOUTHERN CONNECTICUT GAS CO	12-12-88	B		
ST89-1235	ALGONQUIN GAS TRANSMISSION CO	CONSOLIDATED EDISON CO. OF NY, INC	12-12-88	B		
ST89-1236	UNITED GAS PIPE LINE CO	ENTRADE CORP	12-12-88	G-S		
ST89-1237	TRANSCONTINENTAL GAS PIPE LINE CORP.	TEJAS POWER CORP	12-12-88	G-S		
ST89-1238	TRANSCONTINENTAL GAS PIPE LINE CORP.	LAWRENCEBURG NATURAL GAS CO	12-12-88	B		
ST89-1239	NATURAL GAS PIPELINE CO. OF AMERICA.	CABOT ENERGY MARKETING CORP	12-12-88	G-S		
ST89-1240	NORTHERN NATURAL GAS CO	MICHIGAN GAS CO	12-12-88	B		
ST89-1241	NORTHERN NATURAL GAS CO	WESTERN GAS UTILITIES, INC	12-12-88	B		
ST89-1242	NORTHERN NATURAL GAS CO	WISCONSIN POWER AND LIGHT CO	12-12-88	B		
ST89-1243	NORTHERN NATURAL GAS CO	NATURAL GAS INC	12-12-88	B		
ST89-1244	NORTHERN NATURAL GAS CO	HIBBING PUBLIC UTILITIES COMMISSION	12-12-88	B		
ST89-1245	NORTHERN NATURAL GAS CO	SUPERIOR WATER, LIGHT AND POWER CO.	12-12-88	B		
ST89-1246	NORTHERN NATURAL GAS CO	NEW ULM PUBLIC UTILITIES COMMISSION.	12-12-88	B		
ST89-1247	NORTHERN NATURAL GAS CO	NORTHERN STATES POWER CO. OF WISCONSIN.	12-12-88	B		
ST89-1248	NORTHERN NATURAL GAS CO	CITY OF DULUTH	12-12-88	B		
ST89-1249	NORTHERN NATURAL GAS CO	ST. CROIX VALLEY NATURAL GAS CO	12-12-88	B		
ST89-1250	NORTHERN NATURAL GAS CO	PACIFIC GAS AND ELECTRIC CO	12-12-88	B		
ST89-1251	NORTHERN NATURAL GAS CO	NORTHERN STATES POWER CO	12-12-88	B		
ST89-1252	NORTHERN NATURAL GAS CO	NORTHERN STATES POWER CO	12-12-88	B		
ST89-1253	NORTHERN NATURAL GAS CO	MINNEGASCO, INC	12-12-88	B		
ST89-1254	TENNESSEE GAS TRANSMISSION CO	PENTEX PIPELINE CO	12-13-88	B		
ST89-1255	TENNESSEE GAS TRANSMISSION CO	NORTH PENN GAS CO	12-13-88	B		
ST89-1256	CAPROCK PIPELINE CO	CABOT GAS SUPPLY CORP	12-13-88	C	05-12-89	0.24
ST89-1257	CABOT PIPELINE CORP	CAPROCK PIPELINE CO	12-13-88	C	05-12-89	0.38
ST89-1258	NATURAL GAS PIPELINE CO. OF AMERICA.	IOWA-ILLINOIS GAS & ELECTRIC CO	12-13-88	B		
ST89-1259	PANHANDLE EASTERN PIPE LINE CO	AMGAS, INC	12-14-88	G-S		
ST89-1260	PANHANDLE EASTERN PIPE LINE CO	AMOCO PRODUCTION CO	12-14-88	G-S		
ST89-1261	PANHANDLE EASTERN PIPE LINE CO	KANSAS PIPELINE CO	12-14-88	B		
ST89-1262	PANHANDLE EASTERN PIPE LINE CO	AMGAS, INC	12-14-88	G-S		
ST89-1263	PANHANDLE EASTERN PIPE LINE CO	MOBILE NATURAL GAS, INC	12-14-88	G-S		
ST89-1264	PANHANDLE EASTERN PIPE LINE CO	MOBILE NATURAL GAS, INC	12-14-88	G-S		
ST89-1265	PANHANDLE EASTERN PIPE LINE CO	AMGAS, INC	12-14-88	G-S		
ST89-1266	TRUNKLINE GAS CO	APX CORP	12-14-88	G-S		
ST89-1267	TRUNK GAS CO	TXG GAS MARKETING CO	12-14-88	G-S		
ST89-1268	TRUNKLINE GAS CO	MOBILE NATURAL GAS, INC	12-14-88	G-S		
ST89-1269	NATURAL GAS PIPELINE CO. OF AMERICA.	TEJAS POWER CORP	12-14-88	G-S		
ST89-1270	TENNESSEE GAS PIPELINE CO	NATIONAL FUEL GAS SUPPLY CORP	12-14-88	G		
ST89-1271	LOUISIANA RESOURCES CO	LOUISIANA GAS SYSTEM, INC	12-14-88	C	05-12-89	26.43
ST89-1272	ARKLA ENERGY RESOURCES	KPL GAS SERVICE CO	12-14-88	B		
ST89-1273	UNITED GAS PIPE LINE CO	TEXICAN NATURAL GAS CO	12-14-88	G-S		
ST89-1274	UNITED GAS PIPE LINE CO	TEXICAN NATURAL GAS CO	12-14-88	G-S		
ST89-1275	COLUMBIA GAS TRANSMISSION CO	GULF OHIO CORP	12-14-88	G-S		
ST89-1276	TEXAS GAS TRANSMISSION CORP	INDUSTRIAL ENERGY SERVICES CO	12-14-88	G-S		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST89-1277	TEXAS GAS TRANSMISSION CORP	BISHOP PIPELINE CORP	12-14-88	G-S		
ST89-1278	TEXAS GAS TRANSMISSION CORP	WASHINGTON GAS LIGHT CO	12-14-88	B		
ST89-1279	TEXAS GAS TRANSMISSION CORP	BISHOP PIPELINE CORP	12-14-88	G-S		
ST89-1280	TEXAS GAS TRANSMISSION CORP	PEOPLES NATURAL GAS CO	12-14-88	B		
ST89-1281	TEXAS GAS TRANSMISSION CORP	PEOPLES NATURAL GAS CO	12-14-88	B		
ST89-1282	TEXAS GAS TRANSMISSION CORP	CORNING NATURAL GAS CORP., ET AL	12-14-88	B		
ST89-1283	TEXAS GAS TRANSMISSION CO	BISHOP PIPELINE CORP	12-14-88	G-S		
ST89-1284	TEXAS GAS TRANSMISSION CO	LADD GAS MARKETING	12-14-88	G-S		
ST89-1285	DELHI GAS PIPELINE CO	NORTHERN NATURAL GAS CO	12-13-88	C	05-12-89	35.00
ST89-1286	DELHI GAS PIPELINE CORP	TRANSWESTERN PIPELINE CO	12-13-88	C		
ST89-1287	TEXAS EASTERN TRANSMISSION CORP	DOW INTRASTATE GAS CO	12-13-88	B		
ST89-1289	EQUITRANS, INC	GENERAL ELECTRIC CO.—BRIDGEVILLE PLANT.	12-14-88	G-S		
ST89-1290	EQUITRANS, INC	CNG TRADING CO	12-14-88	G-S		
ST89-1291	EQUITRANS, INC	EQUITABLE GAS CO	12-14-88	B		
ST89-1292	EQUITRANS, INC	MCKEESPORT HOSPITAL	12-14-88	G-S		
ST89-1293	EQUITRANS, INC	CONSOLIDATED FUEL CORP	12-14-88	G-S		
ST89-1294	EQUITRANS, INC	PENTEX PETROLEUM, INC	12-14-88	G-S		
ST89-1295	TRUNKLINE GAS CO	V.H.C. GAS SYSTEM, L.P.	12-15-88	G-S		
ST89-1296	TENNESSEE GAS PIPELINE CO	CORNERSTONE PRODUCTION CORP	12-15-88	G-S		
ST89-1297	DELHI GAS PIPELINE CORP	BALTIMORE GAS & ELECTRIC CO., ET AL	12-15-88	D		
ST89-1298	NATURAL GAS PIPELINE CO. OF AMERICA.	CITY OF LORIMOR	12-15-88	B		
ST89-1299	NATURAL GAS PIPELINE CO. OF AMERICA.	IOWA-ILLINOIS GAS & ELECTRIC CO	12-15-88	B		
ST89-1300	NATURAL GAS PIPELINE CO. OF AMERICA.	MIDCON MARKETING CORP	12-15-88	G-S		
ST89-1301	UNITED GAS PIPE LINE CO	ENTRADE CORP	12-15-88	G-S		
ST89-1302	UNITED GAS PIPE LINE CO	CITY OF VICKSBURG, ET AL	12-15-88	B		
ST89-1303	UNITED GAS PIPE LINE CO	CABOT ENERGY MARKETING CORP	12-15-88	G-S		
ST89-1304	UNITED GAS PIPE LINE CO	NERCO OIL AND GAS, INC	12-15-88	G-S		
ST89-1305	UNITED GAS PIPE LINE CO	NATURAL GAS CLEARINGHOUSE, INC	12-15-88	G-S		
ST89-1306	UNITED GAS PIPE LINE CO	RALLY PIPELINE CORP	12-15-88	B		
ST89-1307	UNITED GAS PIPE LINE CO	SOUTH CAROLINA PIPELINE CORP., ET AL.	12-15-88	B		
ST89-1308	COLUMBIA GULF TRANSMISSION CO	MISSISSIPPI FUEL CO	12-15-88	B		
ST89-1309	COLUMBIA GULF TRANSMISSION CO	REYNOLDS METALS CO	12-15-88	G-S		
ST89-1310	UNITED GAS PIPE LINE CO	OLYMPIC PIPELINE CO	12-15-88	B		
ST89-1311	NORTHWEST PIPELINE CORP	SIERRA PACIFIC POWER CO	12-16-88	B		
ST89-1312	NORTHWEST PIPELINE CORP	SOUTHWEST GAS CORP	12-16-88	B		
ST89-1313	NORTHWEST PIPELINE CORP	SOUTHWEST GAS CORP	12-16-88	B		
ST89-1314	NORTHWEST PIPELINE CORP	SOUTHWEST GAS CORP	12-16-88	B		
ST89-1315	NORTHWEST PIPELINE CORP	SOUTHWEST GAS CORP	12-16-88	B		
ST89-1316	NORTHWEST PIPELINE CORP	SOUTHWEST GAS CORP	12-16-88	B		
ST89-1317	NORTHWEST PIPELINE CORP	WEYERHAUSER CO	12-16-88	G-S		
ST89-1318	NORTHWEST PIPELINE CORP	HARRAH'S CLUB	12-16-88	G-S		
ST89-1319	NORTHWEST PIPELINE CORP	HIGH SIERRA CASINO HOTEL	12-16-88	G-S		
ST89-1320	NORTHWEST PIPELINE CORP	SOUTHWEST GAS CORP	12-16-88	B		
ST89-1321	NORTHWEST PIPELINE CORP	BALL-ICON GLASS PACKAGING CORP	12-16-88	G-S		
ST89-1322	EL PASO NATURAL GAS CO	SOUTHERN CALIFORNIA GAS CO	12-16-88	B		
ST89-1323	EL PASO NATURAL GAS CO	CITY OF RANKIN	12-16-88	B		
ST89-1324	EL PASO NATURAL GAS CO	PACIFIC GAS AND ELECTRIC CO	12-16-88	B		
ST89-1325	EL PASO NATURAL GAS CO	SOUTHERN CALIFORNIA GAS CO	12-16-88	B		
ST89-1326	TEXAS EASTERN TRANSMISSION CORP	COLUMBIA GAS OF MARYLAND, INC	12-16-88	B		
ST89-1327	TEXAS EASTERN TRANSMISSION CORP	COLUMBIA GAS OF KENTUCKY, INC	12-16-88	B		
ST89-1328	TEXAS EASTERN TRANSMISSION CORP	COLUMBIA GAS OF PENNSYLVANIA, INC	12-16-88	B		
ST89-1329	TEXAS EASTERN TRANSMISSION CORP	COLUMBIA GAS OF OHIO, INC	12-16-88	B		
ST89-1330	TEXAS EASTERN TRANSMISSION CORP	COLUMBIA GAS OF NEW YORK, INC	12-16-88	B		
ST89-1331	TEXAS EASTERN TRANSMISSION CORP	COLUMBIA GAS OF VIRGINIA, INC	12-16-88	B		
ST89-1332	TEXAS EASTERN TRANSMISSION CORP	NEW YORK STATE ELECTRIC AND GAS CO.	12-16-88	B		
ST89-1333	TEXAS EASTERN TRANSMISSION CORP	LONG ISLAND LIGHTING CO	12-16-88	B		
ST89-1334	TEXAS EASTERN TRANSMISSION CORP	UGI CORP	12-16-88	B		
ST89-1335	VALERO TRANSMISSION, L.P.	TRANSCONTINENTAL GAS PIPE LINE CORP.	12-16-88	B		
ST89-1336	VALERO TRANSMISSION, L.P.	TRUNKLINE GAS CO	12-16-88	C		
ST89-1337	NATURAL GAS PIPELINE CO. OF AMERICA.	WESTERN KENTUCKY GAS CO	12-16-88	B		
ST89-1338	NATURAL GAS PIPELINE CO. OF AMERICA.	IOWA ELECTRIC LIGHT & POWER CO	12-16-88	B		
ST89-1339	TENNESSEE GAS PIPELINE CO	NY STATE ELECT. & GAS CORP., ET AL	12-16-88	B		
ST89-1340	TENNESSEE GAS PIPELINE CO	REED MINERALS DIV. HARSCO CORP	12-16-88	G-S		
ST89-1341	TENNESSEE GAS PIPELINE CO	NY STATE ELECT. & GAS CORP., ET AL	12-16-88	B		
ST89-1342	CHANNEL INDUSTRIES GAS CO	TENNESSEE GAS PIPELINE CO	12-16-88	C		
ST89-1343	CHANNEL INDUSTRIES GAS CO	CITIZENS GAS SUPPLY CORP	12-16-88	C		
ST89-1344	CHANNEL INDUSTRIES GAS CO	TENNESSEE GAS PIPELINE CO., ET AL	12-16-88	C		
ST89-1345	COLUMBIA GULF TRANSMISSION CO	TEXAS EASTERN GAS PIPELINE CO	12-16-88	G		
ST89-1346	COLUMBIA GULF TRANSMISSION CO	TENNESSEE GAS PIPELINE CO	12-16-88	G		
ST89-1347	COLUMBIA GULF TRANSMISSION CO	EAST OHIO GAS CO	12-16-88	B		
ST89-1348	COLUMBIA GULF TRANSMISSION CO	LOUISIANA STATE GAS CORP	12-16-88	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST89-1349	UNITED GAS PIPE LINE CO	GULF SOUTH PIPELINE CO	12-16-88	G-S		
ST89-1350	UNITED GAS PIPE LINE CO	GRAHAM ENERGY MARKETING CO	12-16-88	G-S		
ST89-1351	UNITED GAS PIPE LINE CO	KIMBALL RESOURCES, INC	12-16-88	G-S		
ST89-1352	COLORADO INTERSTATE GAS CO	GOLDEN GAS ENERGIES, INC	12-16-88	B		
ST89-1353	COLORADO INTERSTATE GAS CO	MGTC, INC	12-16-88	B		
ST89-1354	COLORADO INTERSTATE GAS CO	MGTC, INC	12-16-88	B		
ST89-1355	COLORADO INTERSTATE GAS CO	NORTHERN ILLINOIS GAS CO	12-16-88	B		
ST89-1356	COLORADO INTERSTATE GAS CO	COMINCO AMERICAN, INC	12-16-88	G-S		
ST89-1357	PAIUTE PIPELINE CO	UNITED ENGINE & MACHINE CO	12-19-88	G-S		
ST89-1358	PAIUTE PIPELINE CO	SOUTHWEST GAS CORP	12-19-88	B		
ST89-1359	PAIUTE PIPELINE CO	GOLD FIELDS OPERATING CO	12-19-88	G-S		
ST89-1360	PAIUTE PIPELINE CO	HARVEY'S RESORT HOTEL/CASINO	12-19-88	G-S		
ST89-1361	PAIUTE PIPELINE CO	EAGLE-PICHER MINERALS, INC	12-19-88	G-S		
ST89-1362	PAIUTE PIPELINE CO	SIERRA PACIFIC POWER CO	12-19-88	G-S		
ST89-1363	PAIUTE PIPELINE CO	HARRAH'S CLUB	12-19-88	G-S		
ST89-1364	PAIUTE PIPELINE CO	HIGH SIERRA CASINO HOTEL	12-19-88	G-S		
ST89-1365	SUPERIOR OFFSHORE PIPELINE CO	ACCESS ENERGY CORP	12-16-88	B		
ST89-1366	CAPROCK PIPELINE CO	CABOT GAS SUPPLY CORP	12-19-88	B		
ST89-1367	PHILLIPS NATURAL GAS CO	PHILLIPS GAS PIPELINE CO	12-16-88	C	5-15-89	35.00
ST89-1368	ALGONQUIN GAS TRANSMISSION CO	CONNECTICUT LIGHT & POWER CO	12-16-88	B		
ST89-1369	WEST TEXAS GATHERING CO	CABOT GAS SUPPLY CORP	12-19-88	B		
ST89-1370	TENNESSEE GAS PIPELINE CO	PENNSYLVANIA AND SOUTHERN GAS CO.	12-19-88	B		
ST89-1371	TENNESSEE GAS PIPELINE CO	CENTRAL HUDSON GAS AND ELECTRIC CO.	12-19-88	B		
ST89-1372	UNITED GAS PIPE LINE CO	INDIANA GAS CO., ET AL	12-19-88	B		
ST89-1373	UNITED GAS PIPE LINE CO	TEXACO GAS MARKETING, INC	12-19-88	G-S		
ST89-1374	UNITED GAS PIPE LINE CO	TEXACO GAS MARKETING, INC	12-19-88	G-S		
ST89-1375	UNITED GAS PIPE LINE CO	SUPERIOR NATURAL GAS CORP	12-19-88	G-S		
ST89-1376	UNITED GAS PIPE LINE CO	TEXACO GAS MARKETING, INC	12-19-88	G-S		
ST89-1377	WILLIAMS NATURAL GAS CO	DIAMOND SHAMROCK NAT. GAS MARKET, CO.	12-19-88	G-S		
ST89-1378	WILLIAMS NATURAL GAS CO	KANSAS INDUSTRIAL ENERGY SUPPLY CO.	12-19-88	G-S		
ST89-1379	TEXAS GAS TRANSMISSION CORP	SOUTHERN GAS CO	12-19-88	G-S		
ST89-1380	TEXAS GAS TRANSMISSION CORP	RMI CO	12-19-88	G-S		
ST89-1381	TEXAS GAS TRANSMISSION CORP	NRG CORP	12-19-88	G-S		
ST89-1382	TEXAS GAS TRANSMISSION CORP	CHEVRON U.S.A., INC	12-19-88	G-S		
ST89-1383	TEXAS GAS TRANSMISSION CORP	ATLAS GAS MARKETING, INC	12-19-88	G-S		
ST89-1384	TEXAS GAS TRANSMISSION CORP	WOODWARD MARKETING, INC	12-19-88	G-S		
ST89-1385	TEXAS GAS TRANSMISSION CORP	ENERGY BUYERS SERVICE CORP	12-19-88	G-S		
ST89-1386	TEXAS GAS TRANSMISSION CORP	STAND ENERGY CORP	12-19-88	G-S		
ST89-1387	TEXAS GAS TRANSMISSION CORP	OXY U.S.A., INC	12-19-88	G-S		
ST89-1388	TEXAS GAS TRANSMISSION CORP	NEVAMAR CORP	12-19-88	G-S		
ST89-1389	TEXAS GAS TRANSMISSION CORP	LAWRENCEBURG GAS CO	12-19-88	B		
ST89-1390	TENNESSEE GAS PIPELINE CO	CORNERSTONE PRODUCTION CORP	12-20-88	G-S		
ST89-1391	BLUE DOLPHIN PIPE LINE CO	NICOR EXPLORATION CO	12-20-88	G-S		
ST89-1392	UNITED GAS PIPE LINE CO	ELIZABETHTOWN GAS CO	12-20-88	B		
ST89-1393	ONG TRANSMISSION CO	ANR PIPELINE CO., ET AL	12-20-88	C	05-19-89	24.32
ST89-1394	NATURAL GAS PIPELINE CO. OF AMERICA.	TEJAS POWER CORP	12-20-88	G-S		
ST89-1395	NATURAL GAS PIPELINE CO. OF AMERICA.	ILLINOIS POWER CO	12-20-88	B		
ST89-1396	NATURAL GAS PIPELINE CO. OF AMERICA.	CENTRAL ILLINOIS LIGHT CO	12-20-88	B		
ST89-1397	NATURAL GAS PIPELINE CO. OF AMERICA.	BISHOP PIPELINE CORP	12-20-88	B		
ST89-1398	MID LOUISIANA GAS CO	WINTERSHALL CORP	12-21-88	G-S		
ST89-1399	TEXAS GAS TRANSMISSION CORP	TOTAL MINATOME CORP	12-21-88	G-S		
ST89-1400	TEXAS GAS TRANSMISSION CORP	LOUISIANA GAS MARKETING CO	12-21-88	B		
ST89-1401	TEXAS GAS TRANSMISSION CORP	STAND ENERGY CORP	12-21-88	G-S		
ST89-1402	TEXAS GAS TRANSMISSION CORP	STAND ENERGY CORP	12-21-88	G-S		
ST89-1403	TEXAS GAS TRANSMISSION CORP	SYSTEM SUPPLY FOR END-USERS, INC	12-21-88	G-S		
ST89-1404	TEXAS GAS TRANSMISSION CORP	UNICORP ENERGY, INC	12-21-88	G-S		
ST89-1405	TEXAS GAS TRANSMISSION CORP	CENTRAL SOYA COMPANY, INC	12-21-88	G-S		
ST89-1406	NATURAL GAS PIPELINE CO. OF AMERICA.	TEXACO PRODUCING, INC	12-21-88	G-S		
ST89-1407	UNITED GAS PIPE LINE CO	LASER MARKETING CO	12-21-88	G-S		
ST89-1408	PANHANDLE EASTERN PIPE LINE CO	AMGAS, INC	12-22-88	G-S		
ST89-1409	NATURAL GAS PIPELINE CO. OF AMERICA.	AMERICAN CENTRAL GAS MARKETING CO.	12-22-88	G-S		
ST89-1410	OASIS PIPE LINE CO	EL PASO NATURAL GAS CO	12-22-88	C		
ST89-1411	HOUSTON PIPE LINE CO	TENNESSEE GAS PIPELINE CO	12-22-88	C		
ST89-1412	HOUSTON PIPE LINE CO	TEXAS EASTERN TRANSMISSION CORP	12-22-88	C		
ST89-1413	NORTHERN NATURAL GAS CO	HUTCHINSON UTILITY COMMISSION	12-22-88	B		
ST89-1414	NORTHERN NATURAL GAS CO	CEDAR FALLS UTILITIES	12-22-88	B		
ST89-1415	NORTHERN NATURAL GAS CO	QUIVIRA GAS CO	12-22-88	B		
ST89-1416	NORTHERN NATURAL GAS CO	UNION TEXAS PETROLEUM CORP	12-22-88	G-S		
ST89-1417	NORTHERN NATURAL GAS CO	SEAGULL MARKETING SERVICES, INC	12-22-88	G-S		
ST89-1418	NORTHERN NATURAL GAS CO	OXY U.S.A., INC	12-22-88	G-S		
ST89-1419	NORTHERN NATURAL GAS CO	AMOCO PRODUCTION CO	12-22-88	G-S		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST89-1420	NORTHERN NATURAL GAS CO	NGC INTRASTATE PIPELINE CO	12-22-88	B		
ST89-1421	NORTHERN NATURAL GAS CO	PEOPLES NATURAL GAS CO	12-22-88	B		
ST89-1422	NORTHERN NATURAL GAS CO	OSAGE MUNICIPAL UTILITIES	12-22-88	B		
ST89-1423	UNITED GAS PIPE LINE CO	SABINE-DESOTO PIPELINE CO., INC	12-22-88	B		
ST89-1424	TEXAS EASTERN TRANSMISSION CORP	DOW CHEMICAL CO	12-22-88	B		
ST89-1425	VALERO TRANSMISSION, L.P	NATURAL GAS PIPELINE CO. OF AMERICA.	12-22-88	C		
ST89-1426	VALERO TRANSMISSION, L.P	TRUNKLINE GAS CO	12-22-88	C		
ST89-1427	TENNESSEE GAS PIPELINE CO	CLINTON GAS MARKETING, INC	12-22-88	G-S		
ST89-1428	COLUMBIA GAS TRANSMISSION CORP	OHIO CUMBERLAND GAS CO	12-23-88	B		
ST89-1429	PANHANDLE EASTERN PIPE LINE CO	INDIANA GAS CO., INC	12-23-88	B		
ST89-1430	PANHANDLE EASTERN PIPE LINE CO	CITY OF WHITE HALL	12-23-88	B		
ST89-1431	PANHANDLE EASTERN PIPE LINE CO	EASTEX GAS TRANSMISSION CO	12-23-88	B		
ST89-1432	PANHANDLE EASTERN PIPE LINE CO	INDIANA GAS CO	12-23-88	G-S		
ST89-1433	PANHANDLE EASTERN PIPE LINE CO	COLUMBIA GAS OF PENNSYLVANIA, INC	12-23-88	B		
ST89-1434	PANHANDLE EASTERN PIPE LINE CO	DELHI GAS PIPELINE CORP	12-23-88	B		
ST89-1435	PANHANDLE EASTERN PIPE LINE CO	EASTEX GAS TRANSMISSION CO	12-23-88	B		
ST89-1436	TRUNKLINE GAS CO	BALTIMORE GAS AND ELECTRIC CO	12-23-88	B		
ST89-1437	TRUNKLINE GAS CO	BISHOP PIPELINE CORP	12-23-88	B		
ST89-1438	TRUNKLINE GAS CO	ATLANTA GAS LIGHT CO., ET AL	12-23-88	B		
ST89-1439	TRUNKLINE GAS CO	RICHMOND GAS CORP	12-23-88	B		
ST89-1440	TRUNKLINE GAS CO	CONSUMERS POWER CO	12-23-88	B		
ST89-1441	VALERO TRANSMISSION, L.P	NATURAL GAS PIPELINE CO. OF AMERICA.	12-23-88	C		
ST89-1442	TRANS TEXAS PIPELINE	FLORIDA GAS TRANSMISSION CO	12-23-88	C		
ST89-1443	ENOGEX INC	NATURAL GAS PIPELINE CO OF AMERICA	12-23-88	C	05-22-89	28.50
ST89-1444	ENOGEX INC	PHILLIPS GAS PIPELINE CO	12-23-88	C	05-22-89	28.50
ST89-1445	ENOGEX INC	PHILLIPS GAS PIPELINE CO	12-23-88	C	05-22-89	28.50
ST89-1446	ENOGEX INC	ANR PIPELINE CO	12-23-88	C	05-22-89	28.50
ST89-1447	ENOGEX INC	PHILLIPS GAS PIPELINE CO	12-23-88	C	05-22-89	28.50
ST89-1448	ENOGEX INC	NORTHERN NATURAL GAS CO	12-23-88	C	05-22-89	28.50
ST89-1449	ENOGEX INC	NATURAL GAS PIPELINE CO. OF AMERICA.	12-23-88	C	05-22-89	28.50
ST89-1450	ENOGEX INC	PHILLIPS GAS PIPELINE CO	12-23-88	C	05-22-89	28.50
ST89-1451	ENOGEX INC	PHILLIPS GAS PIPELINE CO	12-23-88	C	05-22-89	28.50
ST89-1452	ENOGEX INC	NATURAL GAS PIPELINE CO. OF AMERICA.	12-23-88	C	05-22-89	28.50
ST89-1453	ENOGEX INC	NATURAL GAS PIPELINE CO. OF AMERICA.	12-23-88	C	05-22-89	28.50
ST89-1454	ENOGEX INC	NORTHERN NATURAL GAS CO	12-23-88	C	05-22-89	28.50
ST89-1455	ENOGEX INC	PHILLIPS GAS PIPELINE CO	12-23-88	C	05-22-89	28.50
ST89-1456	ENOGEX INC	NATURAL GAS PIPELINE CO. OF AMERICA.	12-23-88	C	05-22-89	28.50
ST89-1457	ENOGEX INC	NATURAL GAS PIPELINE CO. OF AMERICA.	12-23-88	C	05-22-89	28.50
ST89-1458	SOUTHERN CALIFORNIA GAS CO	POINT ARGUELLO NATURAL GAS LINE CO.	12-01-88	G-HT		
ST89-1459	TEXAS GAS TRANSMISSION CORP	CORNING NATURAL GAS CORP., ET AL	12-27-88	B	05-26-89	36.00
ST89-1460	RED RIVER PIPELINE	NATURAL GAS PIPELINE CO. OF AMERICA.	12-27-88	C		
ST89-1461	DELHI GAS PIPELINE CORP	PUBLIC SERVICE ELECTRIC AND GAS CO	12-27-88	D		
ST89-1462	COLUMBIA GULF TRANSMISSION CO	MISSISSIPPI RIVER TRANSMISSION CORP	12-27-88	G		
ST89-1463	COLUMBIA GULF TRANSMISSION CO	ASSOCIATED INTERSTATE PIPELINE CO	12-27-88	B		
ST89-1464	COLORADO INTERSTATE GAS CO	LLANO, INC	12-27-88	B		
ST89-1465	NATURAL GAS PIPELINE CO. OF AMERICA.	PSI, INC	12-28-88	G-S		
ST89-1466	TRANSOK, INC	WILLIAMS NATURAL GAS CO	12-28-88	C	05-27-89	32.50
ST89-1467	NATURAL GAS PIPELINE CO. OF AMERICA.	ASSOCIATED INTERSTATE PIPELINE CO	12-29-88	G-S		
ST89-1468	TRANSWESTERN PIPELINE CO	SOUTHERN CALIFORNIA GAS CO	12-29-88	B		
ST89-1469	TRANSWESTERN PIPELINE CO	SOUTHERN CALIFORNIA GAS CO	12-29-88	B		
ST89-1470	TENNESSEE GAS PIPELINE CO	MOUNTAINEER GAS CO	12-29-88	B		
ST89-1471	TENNESSEE GAS PIPELINE CO	COMMONWEALTH GAS CO	12-29-88	B		
ST89-1472	TENNESSEE GAS PIPELINE CO	ARCO OIL & GAS CO	12-29-88	G-S		
ST89-1473	TENNESSEE GAS PIPELINE CO	NGC INTRASTATE PIPELINE CO	12-29-88	B		
ST89-1474	TENNESSEE GAS PIPELINE CO	DISTRIGAS OF MASSACHUSETTS CORP	12-29-88	G		
ST89-1475	TENNESSEE GAS PIPELINE CO	NATIONAL FUEL GAS SUPPLY CORP	12-29-88	G		
ST89-1476	TENNESSEE GAS PIPELINE CO	BERKSHIRE GAS CO	12-29-88	B		
ST89-1477	TENNESSEE GAS PIPELINE CO	SOUTHEASTERN NATURAL GAS CO	12-29-88	B		
ST89-1478	TRUNKLINE GAS CO	MIAMI PIPELINE CO	12-29-88	B		
ST89-1479	TRUNKLINE GAS CO	ANR GATHERING CO	12-29-88	G-S		
ST89-1480	EL PASO NATURAL GAS CO	MERIDIAN OIL HYDROCARBONS, INC	12-29-88	B		
ST89-1481	EL PASO NATURAL GAS CO	PACIFIC GAS AND ELECTRIC CO	12-29-88	B		
ST89-1482	EL PASO NATURAL GAS CO	CABOT GAS SUPPLY CORP	12-29-88	B		
ST89-1483	TRANSCONTINENTAL GAS PIPE LINE CORP.	UNITED CITIES GAS CO	12-29-88	B		
ST89-1484	TRANSCONTINENTAL GAS PIPE LINE CORP.	COMMISSION OF PUBLIC WORKS, GREER	12-29-88	85B		
ST89-1485	TRANSCONTINENTAL GAS PIPE LINE CORP.	CITY OF KINGS MOUNTAIN	12-29-88	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST89-1486	TRANSCONTINENTAL GAS PIPE LINE CORP.	CITY OF UNION	12-29-88	B		
ST89-1487	TRANSCONTINENTAL GAS PIPE LINE CORP.	COMMISSION OF PUBLIC WORKS, GREER	12-29-88	B		
ST89-1488	TRANSCONTINENTAL GAS PIPE LINE CORP.	CITY OF KINGS MOUNTAIN	12-29-88	B		
ST89-1489	TRANSCONTINENTAL GAS PIPE LINE CORP.	CITY OF UNION	12-29-88	B		
ST89-1490	TRANSCONTINENTAL GAS PIPE LINE CORP.	BROOKLYN UNION GAS CO	12-29-88	B		
ST89-1491	UNITED GAS PIPE LINE CO	ROCHESTER GAS AND ELECT. CO., ET AL	12-28-88	B		
ST89-1492	UNITED GAS PIPE LINE CO	VICTORIA GAS CORP.	12-28-88	G-S		
ST89-1493	BP GAS TRANSMISSION CO.	ANR PIPELINE CO., ET AL	12-30-88	C	05-29-89	13.70
ST89-1494	BP GAS TRANSMISSION CO.	ANR PIPELINE CO., ET AL	12-30-88	C	05-29-89	12.00
ST89-1495	EXXON GAS SYSTEM, INC	TRANSCONTINENTAL GAS P/L CORP., ET AL.	12-30-88	C	05-29-89	12.80
ST89-1496	UNITED GAS PIPE LINE CO	LASER MARKETING CO	12-29-88	G-S		
ST89-1497	UNITED GAS PIPE LINE CO	LOUTEX ENERGY, INC	12-29-88	G-S		
ST89-1498	TENNESSEE GAS PIPELINE CO.	ALABAMA GAS CORP., ET AL	12-30-88	B		
ST89-1499	TENNESSEE GAS PIPELINE CO.	SEAGULL MARKETING SERVICES, INC	12-30-88	G-S		
ST89-1500	DELHI GAS PIPELINE CORP	NORTHERN NATURAL GAS CO	12-30-88	C	05-29-89	35.00
ST89-1501	DELHI GAS PIPELINE CORP	NORTHERN NATURAL GAS CO	12-30-88	C	05-29-89	61.61
ST89-1502	GULF ENERGY PIPELINE CO	UNITED GAS PIPE LINE CO	12-30-88	C		
ST89-1503	WINTERSHALL P/L CORP. & HOGAN P/L CORP.	TEXAS GAS TRANSMISSION CORP	12-30-88	C	05-29-89	07.50
ST89-1504	LONE STAR GAS CO	LONE STAR GAS CO. OF TEXAS	12-30-88	C		
ST89-1505	BP GAS TRANSMISSION CO	TEXAS EASTERN TRANS. CORP., ET AL	12-30-88	C	05-29-89	21.00
ST89-1506	BP GAS TRANSMISSION CO	TEXAS EASTERN TRANS. CORP., ET AL	12-30-88	C	05-29-89	21.00
ST89-1507	NATURAL GAS PIPELINE CO. OF AMERICA.	IOWA-ILLINOIS GAS & ELECTRIC CO	12-30-88	B		
ST89-1508	NATURAL GAS PIPELINE CO. OF AMERICA.	IOWA-ILLINOIS GAS & ELECTRIC CO	12-30-88	B		
ST89-1509	NATURAL GAS PIPELINE CO. OF AMERICA.	BHP PETROLEUM INC	12-30-88	G-S		
ST89-1510	TRANSOK, INC	WILLIAMS NATURAL GAS CO	12-30-88	C	05-29-89	32.50
ST89-1511	PANHANDLE EASTERN PIPE LINE CO	RICHMOND GAS CORP	12-30-88	B		
ST89-1512	PANHANDLE EASTERN PIPE LINE CO	AMGAS, INC	12-30-88	G-S		
ST89-1513	PANHANDLE EASTERN PIPE LINE CO	AMGAS, INC	12-30-88	G-S		
ST89-1514	PANHANDLE EASTERN PIPE LINE CO	MOUNTAIN IRON & SUPPLY CO	12-30-88	G-S		
ST89-1515	PANHANDLE EASTERN PIPE LINE CO	AMGAS, INC	12-30-88	G-S		
ST89-1516	PANHANDLE EASTERN PIPE LINE CO	INDIANA GAS CO., INC	12-30-88	B		
ST89-1517	PANHANDLE EASTERN PIPE LINE CO	EASTEX GAS TRANSMISSION CO	12-30-88	B		
ST89-1518	COLORADO INTERSTATE GAS CO	MGTC, INC	12-30-88	B		
ST89-1519	NORTHERN NATURAL GAS CO	HELMERICH & PAYNE, INC	12-30-88	G-S		
ST89-1520	NORTHERN NATURAL GAS CO	METROPOLITAN UTILS. DIST. OF OMAHA	12-30-88	B		
ST89-1521	NORTHERN NATURAL GAS CO	ACCESS ENERGY PIPELINE CORP	12-30-88	B		
ST89-1522	NORTHERN NATURAL GAS CO	WESTERN GAS UTILITIES, INC	12-30-88	B		
ST89-1523	NORTHERN NATURAL GAS CO	NORTHERN STATES POWER CO	12-30-88	B		
ST89-1524	NORTHERN NATURAL GAS CO	AUSTIN UTILITY DEPT	12-30-88	B		
ST89-1525	NORTHERN NATURAL GAS CO	NORTHERN STATES POWER CO	12-30-88	B		
ST89-1526	NORTHERN NATURAL GAS CO	PSI, INC	12-30-88	G-S		
ST89-1527	NORTHERN NATURAL GAS CO	NORTHERN STATES POWER CO	12-30-88	B		
ST89-1528	NORTHERN NATURAL GAS CO	NORTHERN STATES POWER CO. OF WISCONSIN.	12-30-88	B		
ST89-1529	NORTHERN NATURAL GAS CO	CENTRAN CORP	12-30-88	G-S		
ST89-1530	BP GAS TRANSMISSION CO	EL PASO NATURAL GAS CO., ET AL	01-03-89	C	06-02-89	13.70
ST89-1531	TRANSCONTINENTAL GAS PIPE LINE CORP.	CITY OF SHELBY	01-03-89	B		
ST89-1532	TRANSCONTINENTAL GAS PIPE LINE CORP.	COMMISSION OF PUBLIC WORKS, GREENWOOD.	01-03-89	B		
ST89-1533	TRANSCONTINENTAL GAS PIPE LINE CORP.	NATURAL GAS CLEARINGHOUSE INTRA. P/I CO.	01-03-89	B		
ST89-1534	TRANSCONTINENTAL GAS PIPE LINE CORP.	PUBLIC SERVICE ELECTRIC AND GAS CO	12-30-88	B		
ST89-1535	TEXAS EASTERN TRANSMISSION CORP	COLUMBIA GAS OF OHIO, INC	12-30-88	B		
ST89-1536	TEXAS EASTERN TRANSMISSION CORP	NORTHERN INDIANA PUBLIC SERVICE CO	12-30-88	B		
ST89-1537	TEXAS EASTERN TRANSMISSION CORP	ORANGE AND ROCKLAND UTILITIES, INC	12-30-88	B		
ST89-1538	TEXAS EASTERN TRANSMISSION CORP	PENNSYLVANIA GAS AND WATER CO	12-30-88	B		
ST89-1539	TEXAS EASTERN TRANSMISSION CORP	WESTERN KENTUCKY GAS CO	12-30-88	B		
ST89-1540	TEXAS EASTERN TRANSMISSION CORP	PUBLIC SERVICE ELECTRIC AND GAS CO	12-30-88	B		

[1] NOTICE OF TRANSACTIONS DOES NOT CONSTITUTE A DETERMINATION THAT FILINGS COMPLY WITH COMMISSION REGULATIONS IN ACCORDANCE WITH ORDER NO. 436 (FINAL RULE AND NOTICE REQUESTING SUPPLEMENTAL COMMENTS, 50 FR 42,372, 10/18/85).

[2] THE INTERSTATE PIPELINE HAS SOUGHT COMMISSION APPROVAL OF ITS TRANSPORTATION RATE PURSUANT TO SECTION 284.123(B)(2) OF THE COMMISSION'S REGULATIONS (18 CFR 284.123(B)(2)). SUCH RATES ARE DEEMED FAIR AND EQUITABLE IF THE COMMISSION DOES NOT TAKE ACTION BY THE DATE INDICATED.

[FR Doc. 89-6179 Filed 3-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-100-000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

March 13, 1989.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on March 6, 1989, tendered for filing to its FERC Gas Tariff, Second Revised Volume No. 1 the following tariff sheets:

Second Revised Sheet No. 573
Second Revised Sheet No. 592
Original Sheet No. 593
Original Sheet Nos. 594–599

Algonquin states that it is making the instant filing to implement transportation under existing Rate Schedules AFT–1 and AIT–1 pursuant, to Subpart G of Part 284 of the Commission's Regulations. Algonquin states that it is concurrently filing an application under section 7(c) of the Natural Gas Act requesting a blanket certificate authorizing such transportation and that it proposes to make the referenced tariff sheets effective upon its acceptance of an Order from the Commission granting Algonquin's requested authorization.

Algonquin notes that copies of this filing were served upon each affected party and interested state commission.

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 §§ 385.214 and 385.211 of the Commisison's Rules and Regulations. All such motions or protests should be filed on or before March 20, 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 in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89–6200 Filed 3–15–89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2600-013]

Bangor-Pacific Hydro Associates; Shortening Extended Period for Filing Appeal

March 13, 1989.

On February 6, 1989, LeRoy Hutchings filed a motion for extension of time to file an appeal of the order amending license issued on January 23, 1989, by the Director, Division of Project Compliance and Administration, for Project No. 2600.[1] On February 22, 1989, Mr. Hutching's February 6, 1989 motion was granted and he was provided a 30-day extension until March 23, 1989, to file his appeal.

Review of the January 23, 1989 order amending license indicates that the purpose of the amendment was to facilitate the implementation of an anadromous fish restoration program for the Penobscot River. Since delay in the filing and resolution of Mr. Hutching's appeal could adversely affect the fish restoration efforts, any questions regarding the January 23, 1989 order must be resolved expeditiously. Accordingly, the previously-granted extension of time to file Mr. Hutchings' appeal is herely shortened to and including March 17, 1989.

Lois D. Cashell,

Secretary.

[FR Doc. 89–6201 Filed 3–15–89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2362; Minnesota]

Blandin Paper Co.; Intent To File an Application for a New License

March 13, 1989.

Take notice that on December 29, 1988, Blandin Paper Company, the existing licensee for the Blandin Reservoir Hydroelectric Project No. 2362, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Public Law 99–495. The original license for Project No. 2362 was issued effective September 1, 1948, and expires December 31, 1993.

The project is located on the Mississippi River in Itasca County, Minnesota. The principal works of the Blandin Reservoir Project include a 30-foot-high, 94–foot-long rock-filled crib and concrete gravity dam; a reservoir about 8 miles long at elevation 1,268.2 feet m.s.l.; a powerhouse with an installed capacity of 2,100 kW; a 2.4–kV transmission line extending 500 feet to the licensee's paper mill steam power plant; and appurtenances.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87–7–000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at 115 First Street Southwest, Grand Rapids, MN 55744.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 89–6202 Filed 3–15–89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-94-000]

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

March 13, 1989.

Take notice that Columbia Gulf Transmission Company (Columbia Gulf) on March 3, 1989, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective April 1, 1989:

First Revised Sheet No. 245B

Columbia Gulf states that the tariff sheet is being filed to comply with Orders issued by the Commission on December 9, 1988 (Order No. 509) and February 21, 1989 (Order No. 509–A) in the above docket numbers. Columbia Gulf is adding a new Paragraph 16 to its FTS–2 Rate Schedule to comply with § 284.305(e) of the Commission's Regulations. That Section requires Outer Continental Shelf pipelines to file tariff provisions setting forth the method by which firm transportation capacity will be allocated under § 284.304(c) in the event that two or more shippers seek to obtain the firm capacity that one or more shippers offer to relinquish. Columbia Gulf intends to provide such transportation on a first-come/first-served basis.

[1] 46 FERC ¶ 62,055 (1989).

Copies of the filing were served upon the Company's jurisdictional 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 Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protest should be filed on or before March 20, 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 Columbia Gulf's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-6203 Filed 3-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-91-000]

Gasdel Pipeline System, Inc.; Election To Continue Use of Current Transportation Rates

March 13, 1989.

Take notice that on March 1, 1989, Gasdel Pipeline System, Incorporated (Gasdel), pursuant to Commission Order No. 509-A, submitted its notification and statement in support of the continued use of its existing rates for the transportation of natural gas under the blanket certificate issued by § 284.302(a).

Gasdel points out that it is an interstate pipeline with a non-integrated system onshore Louisiana and offshore Louisiana and Texas. Gasdel states that it does not sell gas for resale but is an open access transporter. For this purpose Gasdel has on file with the Commission Original Volume No. 1-A of its FERC Gas Tariff, which establishes rates, rate schedules, terms and conditions for transportation services performed pursuant to the Commission's regulations promulgated under Order No. 436, *et seq.* and Part 284 of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a 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 March 20, 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. 89-6204 Filed 3-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2354 Georgia and South Carolina]

Georgia Power Co.; Intent to File an Application for a New License

March 13, 1989.

Take notice that on December 30, 1988, Georgia Power Company, the existing licensee for the North Georgia Development Hydroelectric Project No. 2354, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Public Law 99-495. The original license for Project No. 2354 was issued effective January 1, 1956, and expires December 31, 1993.

The project is located on the Tallulah & Tugalo Rivers in Rabun, Habersham & Stephens Counties, Georgia, and Oconee County, South Carolina. The principal works of the North Georgia Project include six developments: Burton, 135-foot-high dam and 2,775-acre reservoir at elevation 1,866.6 feet m.s.l.; Nacoochee, 90-foot-high dam and 240-acre reservoir; Mathis-Terrora, 125-foot-high dam and 834-acre reservoir; Tallulah, 140-foot-high dam and 63-acre reservoir; Tugalo, 170-foot-high dam and 597-acre reservoir; and Yonah, 90-foot-high dam and 325-acre reservoir. The six powerhouses have a total installed capacity of 166.42 MW with transmission line connections and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87-7-000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at 333 Piedmont Avenue, 18th Floor, Atlanta, GA 30308.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 89-6205 Filed 3-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-87-031]

Granite State Gas Transmission, Inc.; Filing Revised Tariff Sheets and Refund Report

March 13, 1989.

Take notice that on February 27, 1989, Granite State Gas Transmission, Inc. (Granite State) 120 Royall Street, Canton, Massachusetts 02021 tendered for filing the following revised tariff sheets in its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2:

First Revised Volume No. 1

Substitute First Substitute Twenty-First Revised Sheet No. 7
Substitute Third Substitute Twenty-First Revised Sheet No. 7
Second Substitute Fourth Substitute Twenty-First Revised Sheet No. 7
Second Substitute Fifth Substitute Twenty-First Revised Sheet No. 7
Second Substitute Sixth Substitute Twenty-First Revised Sheet No. 7
Second Substitute Seventh Substitute Twenty-First Revised Sheet No. 7
Third Substitute Eighth Substitute Twenty-First Revised Sheet No. 7
Substitute Ninth Substitute Twenty-First Revised Sheet No. 7
Substitute Tenth Substitute Twenty-First Revised Sheet No. 7
Substitute Eleventh Substitute Twenty-First Revised Sheet No. 7
Substitute Twelfth Substitute Twenty-First Revised Sheet No. 7

Original Volume No. 2

Substitute Second Substitute Eighth Revised Sheet No. 27
Substitute Third Substitute Eighth Revised Sheet No. 2

According to Granite State, the Commission approved a Stipulation and Agreement settling a general rate proceeding in Docket No. RP87-87-000 in an order issued November 23, 1988. It is further said that Granite State filed compliance tariff sheets on December

22, 1988 proposing to make the settlement rates and other tariff provisions effective December 7, 1988. According to Granite State, the compliance filing was accepted in a letter order issued February 10, 1989, containing a condition requiring the submission of the tariff sheets identified above for the purpose of accurately checking the refunds required for the period from November 27, 1987, the date that the filed rates went into effect, subject to refund, and December 6, 1988. According to Granite State, the revised tariff sheets, beginning with November 27, 1987, show the Base Tariff Rates adjusted to reflect the non-gas component in the settlement cost of service for the refund period and the derivation of the current adjustment in all of Granite State's subsequent purchased gas cost adjustments filed for effectiveness during the refund period.

Granite State has also included in its filing a report of the refunds made to its customers on February 1, 1989 showing the following in summary:

Customer	Principal	Interest	Total
Bay State Gas Co.	$497,349	$27,743	$525,092
Northern Utilities, Inc.	$65,044	$2,623	$67,667

According to Granite State, copies of its filing were served upon its customers, Bay State Gas Company and Northern Utilities, Inc., and the regulatory commisisons of the States of Maine, Massachusetts and New Hampshire.

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 20416, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 20, 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. 89-6206 Filed 3-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI89-312-000, et al.]

LIDO-Atlantic Trading Co., et al.; Applications for Blanket Certificates With Pregranted Abandonment [1]

March 10, 1989.

Take notice that each Applicant listed herein has filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for a blanket certificate with pregranted abandonment authorization for the term listed herein, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 28, 1989, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

Docket No.	Dated filed	Applicant
CI89-312-000 [1]	2-17-89	LIDO-Atlantic Trading Company, 1801 California Street, Suite 3500, Denver, Colorado 80202
CI89-331-000 [1]	3-2-89	American Distribution Company, 333 Clay Street, Suite 2000, Houston, Texas 77002
CI89-332-000 [2]	3-2-89	Columbia Gas Development Corporation, P.O. Box 1350, 5847 San Felipe, Suite 2600, Houston, Texas 77251-1350

[1] Applicant requests authorization for an unlimited term.

[2] Applicant requests authorization for a one-year term.

[FR Doc. 89-6198 Filed 3-15-89; 8:45 am]

BILLING CODE 6717-01-M

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Docket No. RP88-209-018]

Natural Gas Pipeline Co. of America; Changes in FERC Gas Tariff

March 13, 1989.

Take notice that on March 6, 1989, Natural Gas Pipeline Company of America (Natural) submitted for filing tariff sheets to be a part of its FERC Gas Tariff to be effective March 1, 1989.

Natural states that the tariff sheets set out the base rate levels reflected in Natural's Interim Settlement at Docket No. RP88-209-015. In the Commission's Order issued February 22, 1989, at Docket No. RP88-209-015, the Interim Settlement at Docket No. RP88-209-015 was accepted for filing to become effective March 1, 1989. This filing was submitted also in compliance with the Order issued February 28, 1989 at Docket Nos. TA89-1-26-000 and TA89-1-26-001. The PGA unit adjustments, ACA charge and GRI surcharge set out on the tariff sheets were at the levels previously filed and accepted by Commission Orders.

Natural requested waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets to become effective March 1, 1989.

A copy of the filing was mailed to Natural's jurisdictional sales customers, interested state regulatory agencies and all parties set out on the official service list at Docket No. RP88-209.

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 §§ 385.214 and 385.211. All such motions or protests must be filed on or before March 20, 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. 89-6207 Filed 3-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2569 New York]

Niagara Mohawk Power Corp.; Intent to File an Application for a New License

March 13, 1989.

Take notice that on December 29, 1988, Niagara Mohawk Power

Corporation, the existing licensee for the Black River Hydroelectric Project No. 2569, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Pub. L. 99-495. The original license for Project No. 2569 was issued effective April 1, 1962, and expires December 31, 1993.

The project is located on the Black River in Jefferson County, New York. The principal works of the Black River Project include five dam, reservoir and installed capacity developments: Sewalls, with a flume and 2,000-kW powerhouse; Black River, with a power canal and 6,000-kW powerhouse; Kamargo, with a power canal and 5,400-kW powerhouse; Deferiet, with a power canal and 10,800-kW powerhouse; and Herrings, with a gated intake and 5,400-kW powerhouse. The developments include substations, transmission line connections and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87-7-000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at 300 Erie Boulevard West, Building A-1, Syracuse, NY 13202, Attn: Barbara J. Raymond, C.R.M., telephone (315) 428-6353.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 89-6208 Filed 3-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2584 New York]

Rochester Gas and Electric Corp.; Intent To File and Application for a New License.

March 13, 1989.

Take notice that on December 30, 1988, Rochester Gas and Electric Corporation, the existing licensee for the Station 26 Hydroelectric Project No. 2584, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Pub. L. 99-495. The original license for Project No. 2584 was issued effective October 1, 1950, and expires December 31, 1993.

The project is located on the Genesee River in Monroe County, New York. The principal works of the Station 26 Project include an intake structure located upstream from the New York State Barge Canal's Court Street Dam; a 260-foot-long concrete penstock; a powerhouse with installed capacity of 3,000 kW; a 232-foot-long baffle wall; a tailrace, 691 feet long and 40 feet wide; two 4,150-volt underground cables, 1,800 feet long; and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87-7-000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at the Document Control Room, 49 East Avenue, Rochester, NY 14649-0001.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 89-6209 Filed 3-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA89-1-18-002]

Texas Gas Transmission Corp.; Motion for Waiver of Surcharge Amortization Period

March 13, 1989.

Take notice that on March 2, 1989, Texas Gas Transmission Corporation (Texas Gas) filed a motion for waiver of § 154.310(c)(5)(iii) of the Commission's Regulations to reflect a twelve-month surcharge rate reflected on Fourteenth Revised Sheet Nos. 10 and 10A of Texas Gas' FERC Gas Tariff, Original Volume No. 1 to be effective for the period February 1989 through January 1990.

Texas Gas states that by Commission Letter Order of January 31, 1989, its tariff sheets reflecting its annual PGA filing were suspended and accepted for filing to become effective February 1, 1989, subject to refund. Texas Gas states that it had calculated a twelve-month surcharge rate with eleven months of deferrals. Texas Gas points out that the Letter Order stated that Texas Gas should have reflected an eleven-month surcharge in its filing or filed a fully supported request for waiver. Texas Gas states that this waiver would enable Texas Gas to complete the transition from the pre-existing PGA regulations to the new PGA regulations promulgated by Commission Order Nos. 483 and 483-A. Additionally, the twelve-month surcharge amortization period will provide customers of Texas Gas with relative rate stability providing them the opportunity to make more informed purchasing decisions and promote the goal of the new regulations to provide for a smooth and orderly transition.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a 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 March 20, 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. 89-6210 Filed 3-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-476-002 et al.]

TXG Gas Marketing Co. et al.; Applications for Extension of Blanket Limited-Term Certificates with Pregranted Abandonment [1]

March 10, 1989.

Take notice that each Applicant listed herein has filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's [Commission] regulations thereunder for amendment of its blanket limited-term certificate with pregranted abandonment previously issued by the Commission for a term expiring March 31, 1989, to extend such authorization for the term listed herein, all as more fully set forth in the applications which

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

are on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 28, 1989, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

Docket No.	Date filed	Applicant
CI87-476-002 [2]	3-2-89	TXG Gas Marketing Company, 313 Frederica Building, Suite 200, P.O. Box 568, 313 Frederica Street, Owensboro, Kentucky 42302-0568
CI89-7-001 [3]	3-3-89	Pacific Atlantic Marketing, Inc., P.O. Box 1188, Houston, Texas 77251-1188

[2] Applicant requests extension through March 31, 1990.

[3] Applicant requests extension for an unlimited term.

[FR Doc. 89-6199 Filed 3-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES89-17-000]

UtiliCorp United Inc.; Application

March 13, 1989.

Take notice that on March 3, 1989, UtiliCorp United Inc. (Applicant) filed an application seeking an order under section 204(a) of the Federal Power Act authorizing the Applicant to issue up to 500,000 shares of its common stock, par value $1.00 per share, in connection with its Dividend Reinvestment and Stock Purchase Plan, and for exemption from competitive bidding and negotiated placement requirements.

Any person desiring to be heard or to make any protest with reference to said application should, on or before March 30, 1989, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file motions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-6211 Filed 3-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE83-10-001]

West Texas Utilities Co.; Application for Exemption

March 14, 1989.

Take notice that West Texas Utilities Company filed an application on February 8, 1989 for exemption from requirements of Part 290 of the Federal Energy Regulatory Commission's (FERC) regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or prior to June 30, 1988 and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290.

Copies of the application for exemption are on file with FERC and are available for public inspection. FERC's regulations require that said utility also apply to any state regulatory authority having jurisdiction over it to have the application published in any official state publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, on or before 45 days following the date this notice is published in the **Federal Register.**

Within that 45 day period, such person must also serve a copy of such comments on: Mr. Darwin L. Breeding, Manager of Rates and Regulations, West Texas Utilities Co., 301 Cypress St., P.O. Box 841, Abilene, Texas 79604.

Lois D. Cashell,

Secretary.

[FR Doc. 89-6212 Filed 3-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-114-015]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 13, 1989.

Take notice that on March 6, 1989, Williams Natural Gas Company (WNG) tendered for filing revised tariff sheets to its FERC Gas Tariff.

WNG submits that the sheets are filed in compliance with the Commission's orders of November 4, 1988 and February 1, 1989 in this docket. WNG proposes that the tariff changes ordered by the Commission be made effective on January 1, 1989.

WNG states that copies of the filing were mailed to all of WNG's jurisdictional customers, and interested state commissions, as well as the parties listed on the Commission's official service list compiled in this proceeding.

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 the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions or protests should be filed on or before March 20, 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. 89-6213 Filed 3-15-89; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed During the Week of January 13 Through January 20, 1989

During the Week of January 13 through January 20, 1989, the appeals and applications for other relief listed in

the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

March 13, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of January 13 through January 20, 1989]

Date	Name and location of applicant	Case No.	Type of submission
12/20/88	Aminoil/City of Glenburn, Hardin, KY	RR139-49	Request for Modification/Recission. IF GRANTED: The December 13, 1988 Decision and Order (Case No. RF139-197) issued to City of Glenburn would be modified regarding the city's Application for Refund submitted in the Aminoil refund proceeding.
12/20/88	Aminoil/City of Wildrose, Hardin, KY	RR139-50	Request for Modification/Recission. IF GRANTED: The December 13, 1988 Decision and Order (Case No. RF139-198) issued to City of Wildrose would be modified regarding the city's Application for Refund submitted in the Aminoil refund proceeding.
12/20/88	Aminoil/City of Portal, Hardin, KY	RR139-513	Request for Modification/Recission. IF GRANTED: The December 13, 1988 Decision and Order (Case No. RF139-200) issued to City of Portal would be modified regarding the city's Application for Refund submitted in the Aminoil refund proceeding.
12/20/88	Aminoil/City of Granville, Hardin, KY	RR139-52	Request for Modification/Recission. IF GRANTED: The December 13, 1988 Decision and Order (Case No. RF139-203) issued to City of Granville would be modified regarding the city's Application for Refund submitted in the Aminoil refund proceeding.
12/20/88	Aminoil/Mutch Oil Company, Hardin, KY	RR139-53	Request for Modification/Recission. IF GRANTED: The December 13, 1988 Decision and Order (Case No. RF139-199) issued to Mutch Oil Company would be modified regarding the firm's Application for Refund submitted in the Aminoil refund proceeding.
12/19/88	Aminoil/Owen Oil Company, Hardin, KY	RR139-54	Request for Modification/Recission. IF GRANTED: The November 16, 1988 Decision and Order (Case No. RF139-183) issued to Owen Oil Company would be modified regarding the firm's Application for Refund submitted in the Aminoil refund proceeding.
12/15/88	Aminoil/Andersen Propane Service, Hardin, KY	RR139-55	Request for Modification/Recission. IF GRANTED: The November 16, 1988 Decision and Order (Case No. RF139-188) issued to Andedrsen Propane Service would be modified regarding the firm's Application for Refund submitted in the Aminoil refund proceeding.
12/15/88	Aminoil/Floodwood Gas Company, Hardin, KY	RR139-56	Request for Modification/Recission. IF GRANTED: The November 16, 1988 Decision and Order (Case No. RF139-185) issued to Floodwood Gas Company would be modified regarding the firm's Application for Refund submitted in the Aminoil refund proceeding.
12/15/88	AminoilThe Wenner Company, Hardin, KY	RR139-57	Request for Modification/Recission. IF GRANTED: The November 16, 1988 Decision and Order (Case No. RF139-181) issued to The Wenner Company would be modified regarding the firm's Application for Refund submitted in the Aminoil refund proceeding.
12/15/88	Aminoil/Flying J., Inc., Hardin, KY	RR139-88	Request for Modification/Recission. IF GRANTED: The November 16, 1988 Decision and Order (Case No. RF139-180) issued to Flying J., Inc. would be modified regarding the firm's Application for Refund submitted in the Aminoil refund proceeding.
12/15/88	Aminoil/Fitterer Oil Company, Hardin, KY	RR139-59	Request for Modification/Recission. IF GRANTED: The November 16, 1988 Decision and Order (Case No. RF139-179) issued to Fitterer Oil Company would be modified regarding the firm's Application for Refund submitted in the Aminoil refund proceeding.
12/15/88	Aminoil/Town of Westby, Hardin, KY	RF139-60	Request for Modification/Recission. IF GRANTED: The November 16, 1988 Decision and Order (Case No. RF139-186) issued to Town of Westby would be modified regarding the firm's Application for Refund submitted in the Aminoil refund proceeding.
12/15/88	Aminoil/Anchor Gas & Fuel, Hardin, KY	RR139-61	Request for Modification/Recission. IF GRANTED: The November 16, 1988 Decision and Order (Case No. RF139-195) issued to Anchor Gas & Fuel would be modified regarding the firm's Application for Refund submitted in the Aminoil refund proceeding.
12/15/88	Aminoil/Amerada Hess Corporation, Hardin, KY	RR139-62	Request for Modification/Recission. IF GRANTED: The November 16, 1988 Decision and Order (Case No. RF139-179) issued to Amerada Hess Corp. would be modified regarding the firm's Application for Refund submitted in the Aminoil refund proceeding.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of January 13 through January 20, 1989]

Date	Name and location of applicant	Case No.	Type of submission
12/15/88	Aminoil/Ed's LP Gas Service, Hardin, KY	RR139-63	Request for Modification/Recission. IF GRANTED: The November 16, 1988 Decision and Order (Case No. RF139-196) issued to Ed's Gas Service would be modified regarding the firm's Application for Refund submitted in the Aminoil refund proceeding.
1/13/89	Aminoil/Ellison Enterprises, Hardin, KY	RR139-47	Request for Modification/Recission. IF GRANTED: The January 13, 13989 Decision and Order (Case No. RF139-161) issued to Ellison Enterprises would be modified regarding the firm's Application for Refund submitted in the Aminoil refund proceeding.
1/13/89	Aminoil/Pollock LP Gas, Inc., Hardin, KY	RR139-48	Request for Modification/Recission. IF GRANTED: The January 13, 1988 Decision and Order (Case No. RF139-164) issued to Pollock LP Gas Co. would be modified regarding the firm's Application for Refund submitted in the Aminoil refund proceeding.
1/13/89	Sauvage/Liquid Petroleum Corporation, St. Louis, MO.	RR308-2	Request for Modification/Recission. IF GRANTED: The December 8, 1988 determination (Case No. RF308-3) issued to Liquid Petroleum Corp. would be modified regarding the firm's Application for Refund submitted in the Sauvage refund proceeding.
1/13/89	Sauvage/NGL Supply, Inc., St. Louis, MO	RR308-1	Request for Modification/Recission. IF GRANTED: The December 8, 1988 determination (Case No. RF308-4) issued to NGL Supply Inc. would be modified regarding the firm's Application for Refund submitted in the Sauvage refund proceeding.
1/13/89	Sauvage/Vanguard Petroleum Corporation, St. Louis, MO.	RR308-3	Request for Modification/Recission. IF GRANTED: The December 8, 1988 determination (Case No. RF308-2) issued to Vanguard Petroleum Corp. would be modified regarding the firm's Application for Refund submitted in the Sauvage refund proceeding.
1/17/89	Aminoil/King Gas Company, Hardin, KY	RR139-46	Request for Modification/Recission. IF GRANTED: The January 5, 1989 Decision and Order (Case No. RF139-204) issued to King Gas Company would be modified regarding the firm's Application for Refund submitted in the Aminoil refund proceeding.
1/17/89	Hanford Education Action League, Spokane, WA	KFA-0257	Appeal of an Information Request Denial. IF GRANTED: The December 16, 1988 Freedom of Information Request Denial issued by the Richland Operations Office would be rescinded and the Hanford Education Action League would receive access to the document HW-17361, "Dissolving of Twenty-Day Metal at Hanford" (5/1/50).
1/17/89	Kenneth Walker, Washington, D.C.	KRS-0010	Request for Stay. IF GRANTED: The December 20, 1988 Decision and Order issued to Southwestern States Marketing Company regarding an evidentiary hearing would be stayed pending a final determination of Kenneth Walker's Petition for Special Redress.
1/18/89	Christmann & Welborn, Lubbock, TX	KEP-0123	Implementation of Special Refund Procedures. IF GRANTED: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R., Part 205, Subpart V, in connection with the July 5, 1988 Settlement Agreement that the DOE entered into with Christmann & Welborn.
1/18/89	Kenneth Walker, Washington, D.C.	KEG-0037	Petition for Special Redress. IF GRANTED: The March 3, 1988 and December 20, 1988 interlocutory Decisions and Orders would be vacated and a new tribunal would reconsider the issues involved in the proposed remedial order proceeding involving Kenneth Walker (Case No. HRO-0258).

Refund Applications Received

WEEK OF JANUARY 13 TO JANUARY 20, 1989

Date received	Name of refund proceeding/name of refund applicant	Case No.
1/9/89	Cranford's Gulf Service	RF300-10661
1/13/89	Israel's Gulf	RF300-10662
1/13/89	A & M Gulf	RF300-10663
1/13/89 Thru 1/20/89.	Crude Oil Refund Applications Received.	RF272-75221 Thru RF272-75236
1/13/89 Thru 1/20/89.	Murphy Oil Refund Applications Received.	RF309-759 Thru RF309-790

WEEK OF JANUARY 13 TO JANUARY 20, 1989—Continued

Date received	Name of refund proceeding/name of refund applicant	Case No.
1/13/89 Thru 1/20/89.	Exxon Oil Refund Applications Received.	RF307-7620 Thru RF307-7769
1/13/89 Thru 1/20/89.	Atlantic Richfield Refund Applications Received.	RF304-7660 Thru RF304-7704
1/13/89 Thru 1/20/89.	Shell Oil Refund Applications Received.	RF315-1 Thru RF315-148
1/13/89	Tom's Standard Service	RF21-12627
1/17/89	Gulf Chartered & Marine Serv.	RD272-74834
1/17/89	Norse Management Company.	RD272-74950
1/17/89	Minnegasco, Inc.	RF139-205
1/17/89	Silco Oil Company	RF265-2768
1/18/89	Arcudi's Service Station	RF265-2769

WEEK OF JANUARY 13 TO JANUARY 20, 1989—Continued

Date received	Name of refund proceeding/name of refund applicant	Case No.
1/18/89	Quinteird Gulf	RF300-10664
1/19/89	Open Enterprise, Inc.	RF313-17
1/19/89	Falls Road Crown	RF313-18

[FR Doc. 89-6191 Filed 3-15-89; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed During the Week of January 20 Through January 27, 1989

During the week of January 20 through January 27, 1989, the appeals and

applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

March 13, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

Week of January 20 through January 27, 1989

Date	Name and location of applicant	Case No.	Type of submission
01/23/89	Oasis Petroleum, Inc., Washington, D.C.	KER-0051	Request for Modification/Rescission. If granted: The August 22, 1986 Decision and Order issued to Lucky Stores, Inc./Research Fuels, Inc. would be modified.
01/23/89	William R. Bowling II, Rolla, MO	KFA-0258	Appeal of an Information Request Denial. If granted: The December 9, 1988 Freedom of Information Request Denial issued by the Director, Executive Secretariat would be rescinded and William R. Bowling II would receive access to complete copies of certain Atomic Energy Commission documents.
01/25/89	Marathon/Pilot Oil Corporation, Washington, D.C.	RR250-6 & RR250-7	Request for Modification/Rescission in the Marathon Refund Proceeding. If granted: The November 9, 1987 Decision and Order (Case Nos. RF250-2383 and RF250-2384) issued to Pilot Oil Corporation would be modified regarding the firm's application for refund submitted in the Marathon refund proceeding.
01/26/89	Vickers/Belridge/Amoco I/Nordstrom/Amoco II/ Iowa, Des Moines, IA.	RM1-142, RM8-143, RM21-144, RM22-145, RM251-146	Request for Modification/Rescission. If granted: The May 12, 1988, September 22, 1987 and May 7, 1985 Decision and Orders issued to Iowa would be modified, regarding the state's second stage applications in the Vickers, Belridge, Amoco I, Nordstrom and Amoco II refund proceedings.

REFUND APPLICATIONS RECEIVED

[Week of January 20 to January 27, 1989]

Date received	Name of refund proceeding/name or refund applicant	Case No.
01/23/89	L.H. Osting & Sons, Inc	RF300-10667
01/23/89	Mobil Oil Company	RF300-10668
01/89/89	Jones Oil Distributor, Inc.	RF313-19
01/23/89	Consolidated Edison Co	RF313-20
01/24/89	Rex Oil Company, Inc	RF313-21
01/24/89	North Georgia Petroleum Co.	RF313-22
01/24/89	John F. Rogers, Jr	RF313-23
01/25/89	Union Petroleum Co., Inc.	RF313-24
01/25/89	E.C. Richard Enterprises, Inc.	RF313-25
01/25/89	Hungerford Coal & Oil Corp.	RF313-26
01/25/89	Fletcher Oil Co., Inc	RF313-27
01/25/89	Maxton Service Co	RF313-28
01/25/89	Beal Oil Company	RF313-29
01/25/89	Value Oil Company	RF313-30
01/25/89	Page Oil, Inc	RF313-31
01/25/89	Pigott Oil Company, Inc	RF313-8
01/25/89	Saunders Getty	RF265-2770
01/25/89	Saucerman Skelly	RF265-2771
01/25/89	Cook Brothers Oil Company.	RF265-2772
01/26/89	Booth's Crown	RF313-32
01/26/89	Al's Gulf	RF300-10669
01/26/89	Ed's Gulf	RF300-10670
01/26/89	Brookside Gulf	RF300-10671
01/26/89	Hind's General Gulf	RF300-10672
01/26/89	East Thomas Gulf	RF300-10673

REFUND APPLICATIONS RECEIVED—Continued

[Week of January 20 to January 27, 1989]

Date received	Name of refund proceeding/name or refund applicant	Case No.
01/26/89	McPhail Gulf	RF300-10674
01/26/89	Vickers/Iowa	RM
02/06/89	Isom Farm Supply, Inc	RD272-75044
01/20/89 thru 01/27/89.	Crude Oil Refund Applications Received	RF272-75237 thru RF272-75246
01/20/89 thru 01/27/89.	Murphy Oil Refund Applications Received	RF309-792 thru RF309-831
01/20/89 thru 01/27/89.	Atlantic Richfield Refund. Applications Received	RF304-7705 thru RF304-7759
01/20/89 thru 01/27/89.	Exxon Refund Applications Received	RF307-7770 thru RF307-7991
01/20/89 thru 01/27/89.	Shell Refund Applications Received	RF315-149 thru RF313-1787

[FR Doc. 89-6192 Filed 3-15-89; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of January 9 Through January 13, 1989

During the week of January 9 through January 13, 1989, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Chuck Hansen, 1/9/89 KFA-0214

Chuck Hansen filed a Motion for Reconsideration of the DOE's denial of his Freedom of Information Act Appeal. In considering the Motion, the DOE determined that the evidence submitted by Mr. Hansen was insufficient to compel the DOE to change the result of its prior Decision and Order. Accordingly, the Motion for Reconsideration was denied. The issue considered in the Decision and Order involved whether three Atomic Energy Commission memoranda demonstrated that the DOE had previously decided that release of certain nuclear test yields would not reveal sensitive nuclear weapons design data.

Request for Modification and/or Rescission

Georgia, 1/12/89 KER-0047

The DOE issued a Decision and Order concerning a Motion for Reconsideration filed by the State of Georgia. Georgia sought approval to use Stripper Well funds for a project which the DOE's Assistant Secretary for

Conservation and Renewable Energy and the Office of Hearings and Appeals had previously held to the inconsistent with the terms of the Stripper Well Settlement Agreement. The DOE approved the State's Motion to use $220,000 for the Rural Gravel Road Maintenance Program, a project to purchase and install dry hydrants which provide water for the compacting of Georgia's rural gravel roads. The DOE found that the project would result in fuel conservation, since county tanker trucks would not have to travel as far in order to refill their tanks with water when compacting. The DOE also found that the project was restitutionary to motorists travelling on the State's gravel roads since road compacting would be performed more often, thereby improving the fuel economy. Accordingly, Georgia's Motion was approved.

Implementing of Special Refund Procedures

Shell Oil Company, 1/13/89 KEF–0093

The DOE issued a Decision and Order implementing a plan for the distribution of $20,407,550.64 received pursuant to a consent order between Shell Oil Company and the DOE. The DOE determined that the consent order funds should be distributed to customers that purchased refined petroleum products from Shell during the period March 6, 1973 through January 27, 1981. The specific information to be included in Applications for Refund is set forth in the Decision.

Refund Applications

Arapahoe Drilling Co., Inc., 1/13/89 RF272–32687

Arapahoe Drilling Co., Inc. filed an Application for Refund in the Subpart V crude oil refund proceeding. The DOE concluded that as an end user of petroleum products, Arapahoe was injured by the overcharges associated with the gallons it purchased. However, the DOE was unable to accept the specific methodology that Arapahoe used to estimate its purchase totals. Accordingly, the DOE recalculated Arapahoe's purchase volumes based on a methodology which more accurately reflects its usage of petroleum products during the price control period. Therefore, the application was approved and Arapahoe was granted a refund of $3,087.

Exxon Corporation/Burrells Exxon et al., 1/12/89 RF307–34 et al.

The DOE issued a Decision and Order concerning 6 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the applicants purchased Exxon refined petroleum products and was either a reseller whose allocable share was less than $5,000 or an end-user of Exxon products. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $2,760 ($2,399 in principal and $361 in interest).

Exxon Corporation/H.L. Baker et al., 1/12/89 RF307–4385 et al.

The DOE issued a Decision and Order concerning 47 Applications for refund filed in the Exxon Corporation special refund proceeding. Each of the applicants was either a reseller whose allocable share was less than $5,000 or an end-user of Exxon products. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum or the refunds granted in this Decision is $39,336 ($34,194 principal plus $5,142 interest).

Exxon Corporation/Joseph Defazio, 1/9/89 RF307–2288

The DOE issued a Decision and Order concerning an Application for Refund filed by Joseph Defazio in the Exxon Corporation special refund proceeding. Mr. Defazio was a reseller of Exxon products. Mr. Defazio's allocable share exceeded $5,000. Instead of making an injury showing to receive his full allocable share, Mr. Defazio elected to receive the greater of 40 percent of his allocable share or $5,000. In the present case, $5,000 was greater. Accordingly, the total refund granted in this Decision is $5,752 ($5,000 principal plus $752 interest).

Exxon Corporation/Lake Tor Esso et al., 1/9/89 RF307–2663 et al.

The DOE issued a Decision and Order concerning 50 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the applicants was either a reseller whose allocable share was less than $5,000 or an end-user of Exxon products. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $35,211 ($30,610 principal plus $4,601 interest).

Exxon Corporation/Ramon R. Quinones et al., 1/12/89 RF307–4537 et al.

The DOE issued a Decision and Order concerning 28 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the applicants was either a reseller whose allocable share was less than $5,000 or an end-user of Exxon products. The DOE determined that each applicant was eligible to receive refund equal to its full allocable share. The sum of the refunds granted in this Decision is $20,608 ($17,916 principal plus $2,692 interest).

Exxon Corporation/Schroeder's Exxon et al., 1/13/89 RF307–4101 et al.

The DOE issued a Decision and Order concerning 69 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the applicants was either a reseller whose allocable share was less than $5,000 or an end-user of Exxon products. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $39,756 ($34,342 principal plus $5,414 interest).

Exxon Corporation/Stephen Zakrzewski et al., 1/12/89 RF307–4840 et al.

The DOE issued a Decision and Order concerning 30 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the applicants was either a reseller whose allocable share was less than $5,000 or an end-user of Exxon products. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $19,844 ($17,142 principal plus $2,702 interest).

Exxon Corporation/*Steward Oil Co., Inc., 1/9/89 RF307–4342 et al.*

The DOE issued a Decision and Order concerning an Application for Refund filed in the Exxon Corporation special refund proceeding. The applicant is a wholesale distributor of Exxon products whose allocable share was calculated to be in excess of $5,000. The DOE determined that the applicant was eligible to receive as its refund the larger of $5,000 or 40 percent of its allocable share up to $50,000. The refund granted in this Decision is $5,752 ($5,000 in principal and $752 in interest).

Exxon Corporation/ Thomas J. Brooks et al., 1/12/89 RF307–4537 et al.

The DOE issued a Decision and Order concerning 48 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the applicants was either a reseller whose allocable share was less than $5,000 or an end-user of Exxon products. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is

$31,218 ($27,138 principal plus $4,080 interest).

Gulf Oil Corporation/Chabot's Super Service, Inc., et al., 1/12/89 RF300–568 et al.

The DOE issued a Decision and Order concerning 13 Applications for Refund filed in the Gulf Oil Company special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision is $102,533.

Gulf Oil Corporation/Happy Jack's, et al., 1/9/88, RF300–3702, et al.

The DOE issued a Decision and Order concerning 69 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision is $123,596.

Gulf Oil Corporation/ Hendon's Gulf Service, Hendon's Automatic Car Wash, 1/12/89, RF300–4819, RF300–4820

The DOE issued a Decision and Order concerning two Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding by Hendon's Gulf Service and Hendon's Automatic Car Wash. Because the firms were under common ownership during the consent order period, they could not be considered separately under the small claims presumption of injury. Accordingly, a single $5,000 small claims injury presumption was applied and a total refund of $6,406, including interest, was approved.

Gulf Oil Corporation/J & S Consolidated, Inc., Foster's GAS, Inc., 1/12/89, RF300–4951, RF300–10624

The DOE issued a Decision and Order concerning two Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding by J & S Consolidated, Inc. and Foster's Gas, Inc. Because the firms were under common ownership during the consent order period, they could not be considered separately under the small claims presumption of injury. Accordingly, a single $5,000 small claims injury presumption was applied and a total refund of $6,406, including interest, was approved.

Gulf Oil Corporation/Shell Oil Company, Shell Oil Company, 1/12/89, RF300–4830, RF300–4831

The DOE issued a Decision and Order concerning two Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding by Shell Oil Company of Houston and Shell Oil Company of New Orleans. The two firms, under common ownership during the consent order period, collectively purchased 50,594,953 gallons of Gulf product, and their applications were approved under the 40 percent presumption of injury methodology. The amount of refund granted in this Decision is $16,595.

Gulf Oil Corporation/T.O. Buckner, et al., 1/9/89, RF300–1733, et al.

The DOE issued a Decision and Order concerning five Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each of the five applicants indicated that it was a consignee of Gulf products during the consent order period. None of the five applicants attempted to prove injury, instead electing the 10 percent injury presumption for Gulf consignees. Therefore, each applicant was granted a refund equal to 10 percent of its allocable share (excluding interest). The sum of the refunds granted in this Decision is $1,054.

Horne Brothers, 1/12/89, RF272–7617

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to Horne Brothers (Horne), a farming company. Using tax records, Horne was able to obtain dollar figures for total petroleum product expenditures, but was unable to estimate an average per gallon price for these products. Using available information for the period August 19, 1973 through December 31, 1980, the DOE calculated $0.6957 as the average price per gallon of motor gasoline and $0.6322 as the average price ger gallon of No. 2 diesel fuel. Using these average prices, the DOE estimated that Horne made purchases of 68,517 gallons of motor gasoline and 314,162 gallons of No. 2 diesel fuel during the relevant period. Based on this gallonage, Horne was granted a total refund of $77.

Long Island Rail Road, 1/12/89, RF272–10

Long Island Rail Road (LIRR), a regional transportation authority, filed an Application for Refund in the Subpart V crude oil refund proceeding. In considering the claim, the DOE rejected the arguments that governmental authorities are ineligible for a refund from the 20 percent reserved for directly injured claimants and further that the LIRR passed through all overcharges to its customers. Using information from a 6-year "benchmark" period, the DOE was able to estimate that LIRR consumed a total of 62,471,500 gallons of motor gasoline, No. 2 diesel fuel and No. 1 diesel fuel from August 19, 1973 through January 27, 1981, the crude oil price control period. Accordingly, the DOE awarded LIRR a refund of $12,494.

Mobil Oil Corporation/AG–CO., Inc. et al., 1/10/89, RF225–11053, et al.

The DOE issued a Supplemental Order concerning a refund to Farmers Union Central Exchange (Cenex) from a consent order fund made available by Mobil Oil Corporation. The DOE had previously granted Cenex a $107,537 refund from the Mobil fund and included in that sum an amount attributable to Mobil purchases made by Pacific Supply Cooperatives, which was acquired by Cenex in 1977. Cenex was directed to disburse the Pacific portion of that refund to Cenex member cooperatives that are former Pacific members. In a Motion for Modification, Cenex argued that it should be allowed to distribute the refund to all of its current members cooperatives without regard to whether or not they were former Pacific members. The DOE denied Cenex's request, but agreed to permit Cenex to return the Pacific portion of its Mobil refund to the DOE so that the DOE could disburse the refund directly to the former Pacific members. Accordingly, in the Supplemental Order, the DOE disbursed the sum of $78,243 to the 39 former Pacific members.

Mobil Oil Corporation/Pargas, Inc., 1/12/89, RF225–9995

The DOE issued a Decision and Order granting an Application for Refund from the Mobil Oil Corporation consent order fund, filed by Pargas, a Mobil propane retailer. In support of its claim, Pargas demonstrated that it maintained cost banks and that Mobil prices were too high to enable it to pass through the alleged overcharges. The total refund granted to Pargas was $128,995, representing $102,889 in principal and $26,106 in accrued interest.

Murphy Oil Corporation/Blue Ridge Service Station et al., 1/12/89, RF309–327, et al.

The DOE issued a Decision and Order granting Applications for Refund from the Murphy Oil Corporation consent order fund filed by nine purchasers of Murphy refined petroleum products. Each applicant was either a reseller whose allocable share of the Murphy consent order fund was less than $5,000 or an end-user of Murphy product. Accordingly, each was granted a refund equal to its full allocable share of the consent order fund without a demonstration of injury. The total amount of refunds approved in this Decision was $17,726, representing $15,703 in principal plus $2,023 in accrued interest.

Murphy Oil Corporation/Cleon's Oil Company et al., 1/12/89; RF309–320, et al.

The DOE issued a Decision and Order granting Applications for Refund from the Murphy Oil Corporation consent order fund filed by six purchasers of Murphy refined petroleum products. Each applicant was either a reseller whose allocable share of the Murphy Consent Order fund was less than $5,000 or an end-user of Murphy products. Accordingly, each was granted a refund equal to its full allocable share of the consent order fund without a demonstration of injury. The total amount of refunds approved in this Decision was $7,987, representing $7,032 in principal plus $955 in accrued interest.

Murphy Oil Corporation/Hayward Research, Inc. et al., 1/9/89; RF309–131, et al.

The DOE issued a Decision and Order granting Applications for Refund from the Murphy Oil Corporation consent order fund filed by 52 purchasers of Murphy refined petroleum products. Each applicant was either a reseller whose allocable share was less than $5,000 or an end-user of Murphy products. Accordingly, each was granted a refund equal to its full allocable share of the consent order fund without a demonstration of injury. The total refund approved in this Decision was $77,304, representing $68,478 in principal plus $8,826 in accrued interest.

Murphy Oil Corporation/Red's Fast Food Mart et al., 1/9/89; RF309–401, et al.

The DOE issued a Decision and Order granting 4 Applications for Refund filed in the Murphy Oil Corporation special refund proceeding. Each of the applicants was either a reseller whose allocable share was less than $5,000 or an end-user of Murphy products. Accordingly, each applicant was granted a refund equal to its full allocable share of the consent order fund without a demonstration of injury. The sum of the refund granted in the Decision was $3,613 ($3,180 principal plus $433 interest).

Pearl City Chevron, 1/13/89; RF272–35641

The DOE issued a Decision and Order granting Applications for Refund of Pearl City Chevron (Pearl) in the Subpart V crude oil refund proceeding. Pearl resold the refined petroleum products purchases that formed the basis of its claim, but failed to demonstrate that it had not passed on any crude oil overcharges to its customers. Therefore, the DOE concluded that Pearl had not shown that it was injured by any of the overcharges associated with the gallons it purchased. Accordingly, Pearl's Application for Refund was denied.

Pennzoil Co./Arkansas, 1/12/89; RQ10–485

The DOE issued a Decision and Order partially approving the second-stage refund application filed by the State of Arkansas in the Pennzoil Company refund proceeding. Arkansas requested the disbursement of its Pennzoil funds for use in three programs: (i) A Seminar on Energy Efficient Construction Practices, (ii) a plan to pay the transportation expenses of members of Arkansas's 4–H program to the state and national Energy/Engineering Bowls, and (iii) a seven -part program entitled "Comprehensive Approach to Home Energy Efficiency." The DOE determined that the first program and part of the third program, relating to rating the homes of Arkansas residents on energy efficiency, were restitutionary in nature and should be approved. The DOE found, however, that the second program and that part of the third, relating to the revision of the State's energy code, were insufficiently restitutionary and did not approve them. Accordingly, the DOE disbursed to Arkansas a total of $239,000 ($123,998 in principal plus $115,002 in interest) in Pennzoil funds for the approved programs.

Total Petroleum/Hupp Oil Company, 1/12/89; RF310–336

The DOE issued a Decision and Order in which it reconsidered an Application for Refund from the Total Petroleum consent order fund filed by Hupp Oil Company, a retailer of Total motor gasoline and diesel fuel. The DOE rescinded a Total refund of $5,742 to which Hupp was not entitled. The DOE then granted the firm a refund of $846 in the Total proceeding.

Crude Oil End-Users

The Office of Hearings and Appeals granted crude oil overcharge refunds to end-user applicants in the following Decisions and Orders:

Name	Case No.	Date	No. of applicants	Total refund
Arthur Gerloff, Jr. et al	RF272-42000	1/10/89	134	$3,129
Bob G. Green et al	RF272-44400	1/13/89	150	3,500
Charlie Alexander et al	RF272-46800	1/13/89	198	1,122
Clear Water Dairy Farm et al	RF272-43400	1/10/89	170	4,461
David Kallas et al	RF272-44200	1/10/89	149	3,527
Dee Jay Trk et al	RF272-47000	1/13/89	197	1,388
Dennis D. Sieler et al	RF272-43200	1/12/89	130	3,319
Dick Jongeward et al	RF272-44600	1/13/89	165	3,749
Donald A. Ubben et al	RF272-45400	1/10/89	139	3,293
Donn E. Foulke et al	RF272-45600	1/13/89	171	4,265
Gary Karlgaard et al	RF272-44032	1/10/89	129	3,340
George Winhofer et al	RF272-42200	1/10/89	166	3,871
Gordon Prince et al	RF272-46200	1/13/89	194	1,373
Ivan Frese et al	RF272-43601	1/10/89	133	3,910
Louis P. Moore et al	RF272-43000	1/12/89	145	3,860
Nelson Sand & Gravel Co	RF272-24602	1/12/89	117	40,046
Phillip Seaholm et al	RF272-42600	1/10/89	147	3,806
Raymond Witmer et al	RF272-45804	1/12/89	165	3,328
Richard Nygard et al	RF272-19203	1/10/89	60	32,434
Samuel Keisling et al	RF272-46400	1/13/89	194	1,524
Slager Dairy Farms et al	RF272-45200	1/10/89	148	3,603
Vernon L. Coburn et al	RF272-46000	1/13/89	194	1,098
Virgil Hans et al	RF272-44800	1/10/89	159	3,881
Willets Point Contracting Corp. et al	RF272-20004	1/9/89	65	29,346

Dismissals

The following submissions were dismissed:

Name and Case No.

A–Y Supply; RF272–74491
ADCO Auto Service; RF300–7996
Andy's Drive-In; RF300–8464
Apgar Oil Co.; RF300–8841
Bane Coal and Oil Company; RF307–7153
Barletta Heating Oil Co.; RF300–7759
Bj's Star City; RF300–7046
Blue & Gray Oil Co.; RF309–673
Borough of Emerson; RF272–71374
Boston Gulf; RF300–8438
C & I Grocery; RF300–7357
C & M Quick Stop; RF300–7730
Cargill, Inc.; RF272–54938
Cashion Gulf Service; RF300–7962
Chabot's Petroleum; RF300–0055
Charlies Service Center; RF300–7336
City of Long Beach; RF272–69524
Collier's Dawson Rd. Exxon; RF307–216
Columbus Municipal Schools; RF272–60255
Coopers Gulf Service; RF300–8905
County of El Paso, Texas; RF272–67233
Dillards Gulf; RF300–10575
Dorchester Gulf; RF300–8433
Erwin Gulf; RF300–5823
Flowing Wells Gulf; RF300–10255
Grafton Exxon; RF307–820
Craig Parade Minit Shop; RF300–7371
Gunns Service Station; RF300–7973
Hazlett Gulf Service; RF300–8591
Hollywood Exxon Station; RF307–966
Hooks Gulf Service; RF300–8361
Irish Gulf; RF300–9654
J.D. Williams Gulf; RF300–10009
Joe Jones Exxon; RF307–1056
Jordon Gulf; RF300–7354
Mabardy's Gulf Service; RF300–8758
Majette, Grocery; RF300–7310
Mark Zephyh; RF300–7636
Miller's Exxon; RF307–927
Mixson Oil Company; RF307–1014
New Orleans East Gulf; RF300–8652
Oxford Gulf Service; RF300–8906
Plaza Gulf; RF300–8610
Public Oil Company; RF309–669
Public Utilities Board; RF272–66544
Randy's Gulf; RF300–9973
Robert J. Sauls; RF272–74962
Robinhood Gulf; RF300–9191
Rossville Gulf; RF300–7717
Sizemore Gulf Service; RF300–8902
Sjas, Inc.; RF300–8564
Smethport Gulf Service; RF300–8574
Smith's Service Station; RF300–7057
Snappy Stop; RF300–7330
Spiro's Gulf; RF300–8904
Strattanville Auto Truck Center; RR272–20
Sunny Country Store; RF300–7327
Toler Grocery & Station; RF300–7744
Town & Country Grocery; RF300–7055
Townson Service Station; RF300–7720
Traylors Fast-Fill; RF300–7027
Trenton Gulf; RF300–10278
Tustin Corners; RF300–7649
Two Sister's Grocery; RF300–10619, RF300–10655
United Refining Company; HRO–0288
United Refining Company of Pennsylvania, United Refining, Inc.; Upper Grinded Getty; RF300–8543
Venters Gulf Service; RF300–9392
Village Bakery; RF300–7662
Wagoner; RF300–9983
Walkers Gulf; RF300–7906
Williams Oil Company; RF300–7726
31st St. Service Station; RF300–9256

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

March 13, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 89–6193 Filed 3–15–89; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL HOME LOAN BANK BOARD

American Federal Savings & Loan Association, Albuquerque, NM; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c(c)(2) (1982), as amended, the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for American Federal Savings Bank, Albuquerque, New Mexico, on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89–6135 Filed 3–15–89; 8:45 am]

BILLING CODE 6450–01–M

American Savings & Loan Association of Brazoria County, Lake Jackson, TX; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I), of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for American Savings and Loan Association of Brazoria County, Lake Jackson, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89–6158 Filed 3–15–89; 8:45 am]

BILLING CODE 6720–01–M

BancPlus Savings Association, Houston, TX; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I), of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for BancPlus Savings Association, Houston, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6152 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Bankers Savings & Loan Association, Galveston, TX; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Band Board has duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Bankers Savings & Loan Association, Galveston, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6157 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Bayshore Savings Association, La Porte, TX; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained is section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Bayshore Savings Association, La Porte, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6120 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Benjamin Franklin Savings Association, Houston, TX; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained is section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Benjamin Franklin Savings Association, Houston, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6150 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Century Savings and Loan Association, Baytown, TX; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained is section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Century Savings and Loan Association, Baytown, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6129 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Citizens of Texas Savings and Loan Association, Baytown, TX; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained is section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Citizens of Texas Savings and Loan Association on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6121 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

City Savings Association, League City, TX; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for City Savings Association, League City, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6124 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Colorado Savings & Loan Association, Granby, CO; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Colorado Savings and Loan Association, Granby, Colorado, on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6164 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Commerce Savings Association, San Antonio, TX; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Commerce Savings Association, San Antonio, Texas on February 28, 1989.

Dated: March 3, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6149 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Commonwealth Savings Association, Houston, TX; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Commonwealth Savings Association, Houston, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6127 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Commonwealth Savings & Loan Association, Oseola, KS; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Commonwealth Savings & Loan Association, Oseola, Kansas on February 28, 1989.

Dated: March 3, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6147 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Concord-Liberty Savings & Loan Association, Monroeville, PA; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Concord-Liberty Savings and Loan Association, Monroeville, Pennsylvania on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6163 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Continental Savings & Loan Association, Bellaire, TX; Appointment of Conservator

Notice ii hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Continental Savings and Loan Association, Bellaire, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6128 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Elmwood Federal Savings and Loan Association, Harahan, Louisiana; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c (c)(2)(1982), as amended, the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Elmwood Federal Savings and Loan Association, Harahan, Louisiana, on February 28, 1989.

Dated: March 3, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6145 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

First Capital Savings Association of Texas, Houston, TX; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for First Capital Savings Association of Texas, Houston, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6130 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

First Federal Savings and Loan Association, Atlanta, Georgia; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c(c)(2) (1982), as amended, the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for First Federal Savings and Loan Association, Atlanta, Georgia, on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6137 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

First Equity Savings Association Tomball, Texas; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for First Equity Savings Association, Tomball, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6151 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

First Federal Bank of Alaska, SB Anchorage, Alaska; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c(c)(2) (1982), as amended, the Federal Home Loan Bank Board has duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for First Federal Bank of Alaska, SB, Anchorage, Alaska on February 28, 1989.

Dated: March 3, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6155 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

First Federal Savings and Loan Association Fayetteville, Arkansas; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c(c)(2) (1982), as amended, the Federal Home Loan Bank Board has duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for First Federal Savings and Loan Association, Fayetteville, Arkansas, on February 28, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6159 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Fontainebleau Federal Savings Bank Slidell, Louisiana; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i) of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i) and 12 U.S.C. 1701c (c)(2)(1982), as amended, the Federal Home Loan Bank Board has duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Fontainebleau Federal Savings Bank, Slidell, Louisiana, on February 28, 1989.

Dated: March 6, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6143 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Gibraltar Federal Savings Bank Annapolis, Maryland; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i) of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i) and 12 U.S.C. 1701c (c)(2)(1982), as amended, the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Gibraltar Federal Savings Bank Annapolis, Maryland on February 28, 1989.

Dated: March 3, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6141 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Hill Financial Savings Association Red Hill, Pennsylvania; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B), of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Hill Financial Savings Association, Red Hill, Pennsylvania, on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6161 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Humble Savings & Loan Association Humble, Texas; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Humble Savings & Loan Association, Humble, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6156 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Landmark Savings Bank, FSB, Hot Springs, AR; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c (c)(2) (1982), as amended, the Federal Home Loan Bank Board has duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Landmark Savings Bank, FSB, Hot Springs, Arkansas on February 28, 1989.

Dated: March 3, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6154 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Liberty County Federal Savings and Loan Association Liberty, Texas; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in Section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c (c)(2)(1982), as amended, the Federal Home Loan Bank Board has duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Liberty County Federal Savings and Loan Association, Liberty, Texas, on March 8, 1989.

Dated March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6123 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Liberty Bell Savings Association Beaver Falls, Pennsylvania; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in Section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Liberty Bell Savings Association, Beaver Falls, Pennsylvania on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6160 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Lincoln Federal Savings & Loan Association, Mt. Carmel, TN; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in Section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c (c)(2)(1982), as amended, the Federal Home Loan Bank Board has duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Lincoln Federal Savings

& Loan Association, Mt. Carmel, Tennessee on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6140 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Midwest Federal Savings and Loan Association, Minneapolis, MN; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c (c)(2)(1982), as amended, the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Midwest Federal Savings and Loan Association, Minneapolis, Minnesota on February 16, 1989.

Dated: March 6, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6144 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Mission Savings Association, San Antonio, Texas; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in Section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Mission Savings Association, San Antonio, Texas on February 28, 1989.

Dated: March 3, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc, 89-6148 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Otero Savings, a Federal Savings and Loan Association, Colorado Springs, Colorado; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in Section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c(c)(2) (1982), as amended, the Federal Home Loan Bank Board has duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Otero Savings, a Federal Savings and Loan Association, Colorado Springs, Colorado on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc, 89-6139 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Padre Federal Savings and Loan Association, Corpus Christi, Texas; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in Section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i) and 12 U.S.C. 1701c(c)(2) (1982), as amended, the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Padre Federal Savings and Loan Association, Corpus Christi, Texas, on February 28, 1989.

Dated: March 3, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc, 89-6142 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Peoples Savings & Loan Association, Parsons, Kansas; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in Section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Peoples Savings & Loan Association, Parsons, Kansas on February 28, 1989.

Dated: March 3, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc, 89-6146 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Phenix Federal Savings and Loan Association, F.A., Phenix City, AL; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c (c)(2)(1982), as amended, the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Phenix Federal Savings and Loan Association, F.A., Phenix City, Alabama, on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6133 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01

Rocky Mountain Savings, a Federal Savings Bank Woodland Park, Colorado; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c (c)(2)(1982), as amended, the Federal Home Loan Bank Board has duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Rocky Mountain Savings, a Federal Savings Bank, Woodland Park, Colorado on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6138 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Shawnee Federal Savings and Loan Association, Topeka, KS; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c (c)(2)(1982), as amended, the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Shawnee Federal Savings and Loan Association, Topeka, Kansas, on February 28, 1989.

Dated: March 3, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6131 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Southeastern Savings Association Dayton, Texas; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(i)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Southeastern Savings Association, Dayton, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6125 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Spring Branch Savings & Loan Association, Houston, TX; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Spring Branch Savings & Loan Association, Houston, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6153 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Sun Savings and Loan Association, Parker, CO; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Sun Savings and Loan Association on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6134 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Sun Country Savings Bank of New Mexico, Federal Savings Bank, Albuquerque, NM; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c(c)(2) (1982), as amended, the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Sun Country Savings Bank of New Mexico Federal Savings Bank, Albuquerque, New Mexico, on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6162 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Trinity Valley Savings and Loan Association, Cleveland, Texas; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Trinity Valley Savings and Loan Association, Cleveland, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6126 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Valley Federal Savings Bank Roswell, New Mexico; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c (c)(2)(1982), as amended, the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Valley Federal Savings Bank, Roswell New Mexico, on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6132 Filed 3-15-89; 8:45 am

BILLING CODE 6720-01-M

Valley Federal Savings & Loan Association, Grand Junction, CO; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c (c)(2)(1982), as amended, the Federal Home Loan Bank Board has duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Valley Federal Savings & Loan Association, Grand Junction, Colorado on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6136 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Village Savings Bank, F.S.B., Houston, TX; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c (c)(2)(1982), as amended, the Federal Home Loan Bank Board has duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Village Savings Bank, Houston, Texas; on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6122 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Western Gulf Savings & Loan Association, Bay City, TX; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance

Corporation as sole conservator for Western Gulf Savings & Loan Association, Bay City, Texas on March 8, 1989.

Dated: March 13, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6131 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Carver Savings and Loan Association Escondido, California; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B) (1982), the Federal Savings and Loan Insurance Corporation as sole receiver for Carver Savings and Loan Association, Escondido, California, on January 27, 1989.

Dated: February 14, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6167 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Replacement of Conservator with a Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6)(D) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(D) (1982), the Federal Home Loan Bank Board duly replaced the Federal Savings and Loan Insurance Corporation ("FSLIC") as Conservator for Manhattan Beach Savings and Loan Association, Manhattan Beach, California, ("Association") with the FSLIC as sole receiver for the Association on February 10, 1989.

Dated: February 14, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-6165 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

Mid-State Savings and Loan Association, Champaign, IL; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in Section 406(C)(1)(B) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Mid-State Savings and Loan Association, Champaign, Illinois on February 23, 1989.

Dated: March 2, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 6166 Filed 3-15-89; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Consumer Advisory Council; Meeting

The Consumer Advisory Council will meet on Thursday, March 30, and Friday, March 31. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The March 30 session is expected to begin at 9:00 a.m. and to continue until 5:00 p.m. with a lunch break from 1:00 until 2:00 p.m. The March 31 session is expected to begin at 9:00 a.m. and to continue until 1:00 p.m. The Martin Building is on C Street Northwest, between 20th and 21st Streets in Washington, DC.

The Council's function is to advise the Board on the exercise of the Board's responsibilities under the Consumer Credit Protection Act and on other matters on which the Board seeks its advice. Time permitting, the Council will discuss the following topics:

1. *Home Equity Lines of Credit.* Briefing by Board staff on the results of a Board-sponsored 1988 consumer survey on holdings and use of home equity loans, and on the Board's proposal to amend Regulation Z (Truth in Lending) to implement recent home equity lending legislation.

2. *Community Reinvestment Act (CRA).* Breifing by Board staff on the Board's recent update of its Information Statement on the Community Reinvestment Act, and discussion led by the Community Affairs Committee on the Federal Reserve's implementation of the CRA through examinations and during the applications process.

3. *Racial Lending Patterns Among Financial Institutions.* Briefing by Board staff on recent media reports on statistical analyses of first-mortgage lending by financial institutions.

4. *Credit Card Disclosures.* Briefing by Board staff on the Board's proposal to amend Regulation Z (Truth in Lending) to implement recent credit and charge card legislation.

5. *Business Credit.* Briefing by Board staff on proposed amendments to Regulation B (Equal Credit Opportunity) called for by recent legislation regarding the treatment of business credit applications.

6. *Committee Reports.* Updates from Council Committee on work plans for the year.

7. *Legislative and Regulatory Updates.* Briefing by Board staff to inform Council members about the legislative outlook for 1989, and about the status of recent regulatory actions in the area of consumer financial services.

Other matters previously considered by the Council or initiated by Council members may also be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ann Marie Bray, Secretary, Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551. Comments must be received no later than close of business Friday, March 24, and must be of a quality suitable for reproduction.

Information with regard to this meeting may be obtained from Bedelia Calhoun, Staff Specialist, Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452-2412. Telecommunications Device for the Deaf (TDD) users may contact Earnestine Hill or Dorothea Thompson, (202) 452-3544.

Board of Governors of the Federal Reserve System, March 10, 1989.

William W. Wiles,

Secretary of the Board.

[FR Doc. 89-6046 Filed 3-15-89; 8:45 am]

BILLING CODE 6210-01-M

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; J.G. Ashley Jr. et al.

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 March 30, 1989.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *J.G. Ashley, Jr.*, Madison, Florida; M.C. Burnett, Greenville, Florida; O. Wayne Clark, Madison, Florida; C.E. Russell, Madison, Florida; Bob J. Valentine, Madison, Florida; Patricia M. Reams, Greenville, Florida; Thomas J. Beggs, III, Madison, Florida; Edwin B. Browning, Jr., Madison, Florida; and J.B. Davis, Jr., Lee, Florida; to acquire an additional 43.13 percent for a total of 53.12 percent of the voting shares of North Florida Bank Corporation, Madison, Florida, and thereby indirectly acquire Bank of Madison County, Madison, Florida.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Dr. Robert F. Tobin*, St. Joseph, Missouri; to acquire an additional 8.41 percent for a total for 24.9 percent of the voting shares of Galleria Bank, Overland Park, Kansas.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *James B. Crowell*, Santa Ana, California; to acquire an additional 3.9 percent of the voting shares of Eldorado Bancorp, Tustin, California, and thereby indirectly acquire Eldorado Bank, Tustin, California.

Board of Governors of the Federal Reserve System, March 10, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-6047 Filed 3-15-89; 8:45 am]

BILLING CODE 6210-01-M

BT 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 April 5, 1989.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President), 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *BT Financial Corporation*, Johnstown, Pennsylvania; to acquire 100 percent of the voting shares of Portage National Bank, Portage, Pennsylvania.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President), 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *SouthTrust Corporation*, Birmingham, Alabama; to acquire 100 percent of the voting shares of SouthTrust Bank of Russell County, Phenix City, Alabama, a *de novo* bank.

C. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Norton Capital Corporation*, Morris, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Exchange Bank, Gardner, Illinois.

D. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Bank Southwest Corporation*, Slayton, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Slayton Bancshares, Inc., Slayton, Minnesota, and thereby indirectly acquire Peoples State Bank of Slayton, Slayton, Minnesota.

2. *Farmers State Corporation*, Mountain Lake, Minnesota; to acquire 51.0 percent of the voting shares of Bank Southwest Corporation, Slayton, Minnesota, a *de novo* bank holding company.

E. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *First Interstate Bancorp*, Los Angeles, California; to acquire 100 percent of the voting shares of Meridian National Bank, Concord, California.

Board of Governors of the Federal Reserve System, March 10, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-6048 Filed 3-15-89; 8:45 am]

BILLING CODE 6210-01-M

Community Financial Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) 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. Unless otherwise noted, such activities 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 person 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 April 7, 1989.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Community Financial Corporation,* Mableton, Georgia; to indirectly acquire through its subsidiary, Community Bank & Trust Company, Cobb Mortgage Company, Mableton, Georgia, and thereby engage in mortgage banking activities pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 10, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-6049 Filed 3-15-89; 8:45 am]

BILLING CODE 6210-01-M

Midlantic Corp., et al.; Notice of 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 April 3, 1989.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Midlantic Corporation,* Edison, New Jersey; to engage *de novo* through its subsidiary, Midlantic Home Mortgage Corporation, Melville, New York, in acting as principal, agent, or broker for insurance (including home mortgage redemption insurance) that is (i) directly related to an extension of credit by the bank holding company or any of its subsidiaries; and (ii) limited to ensuring the repayment of the outstanding balance due on the extension of credit in the event of the death, disability, or involuntary unemployment of the debtor pursuant to § 225.25(b)(8) 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. *United Financial Banking Companies, Inc.,* Vienna, Virginia; to engage *de novo* through two community development corporations, as yet unnamed, located in Vienna, Virginia, in making equity and debt investment in corporations or projects for the purpose of assisting in meeting the needs of the homeless and low-to-moderate income residents of the Washington, DC area pursuant to § 225.25(b)(6) of the Board's Regulation Y. Comments on this application must be received by March 30, 1989:

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Farmers State Corporation,* Mountain Lake, Minnesota; to engage *de novo* in general insurance agency activities in communities with a population not exceeding 5,000 pursuant to § 225.25(b)(8)(iii)(A) of the Board's Regulation Y. This application seeks retroactive approval of the offices in Wilmont and Round Lake, Minnesota, and prospective authority for the proposed office in Slayton, Minnesota.

D. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *The Tokai Bank, Limited,* Naka-ku, Nagoya, Japan; to engage *de novo* through its subsidiary, Master Lease Corporation, Bala Cynwyd, Pennsylvania, in making, acquiring, or servicing loans or other extensions of credit (including issuing letters of credit and accepting drafts) for the company's account or for the account of others, such as would be made, for example, by: (i) consumer finance companies; (ii) credit card companies; (iii) mortgage companies, and (iv) factoring companies pursuant to § 225.25(b)(1) of the Board's Regulation Y; and to expand the geographic scope of leasing activities currently engaged in by company (both directly and indirectly through certain limited and general partnerships) pursuant to § 225.25(b)(5) of the Board's Regulation Y. These activities will be conducted world wide.

Board of Governors of the Federal Reserve System, March 10, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-6050 Filed 3-15-89; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Committees; Establishment, Renewal, Terminations, etc.; Minority Health Grant Review Committee

AGENCY: Notice of establishment—Minority Health Grant Review Committee.

Pursuant to Federal Advisory Committee Act, 5 U.S.C. Appendix 2, the Centers for Disease Control (CDC) announces the establishment by the Secretary of Health and Human Services, on February 14, 1989, of the following Federal advisory committee:

Designation: Minority Health Grant Review Committee.

Purpose: This Committee will provide the initial scientific and technical merit review of minority health assistance applications, including cooperative agreements, received from public and private organizations, including but not limited to national and community minority organizations that provide prevention services, and will recommend to the Director, CDC, and the Directors of CDC's centers, institute, and offices, approval of those projects which merit support. Authority for this Committee will expire February 14, 1991, unless the Secretary of Health and Human Services, with the concurrence of the Committee Management Secretariat, General Services Administration, formally determines that continuance is in the public interest.

Dated: March 10, 1989.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 89-6065 Filed 3-15-89; 8:45 am]

BILLING CODE 4160-18-M

Family Support Administration

Low Income Home Energy Assistance; Announcement of the Fiscal Year 1990 State Median Income

AGENCY: Family Support Administration, HHS.

ACTION: Announcement of estimated median income.

SUMMARY: This notice announces the estimated median income for four-person families in each state and the District of Columbia for Fiscal Year (FY) 1990. This listing of estimated state median incomes concerns maximum income levels for households to which the states may make payments under the Low Income Home Energy Assistance Program (LIHEAP).

FOR FURTHER INFORMATION CONTACT: Leon Litow, (202) 252–5304.

SUPPLEMENTARY INFORMATION: Under the provisions of section 2603(7) of Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), we are announcing the estimated median income of a four-person family for each state, the District of Columbia, and the United States for the period of October 1, 1989 through September 30, 1990. Section 2605(b)(2)(B)(ii) of Pub. L. 97–35 provides that 60 percent of the median income for each state, as annually established by the Secretary of Health and Human Services, is one of the income criteria that states can use in determining a household's eligibility for LIHEAP. The purpose of this announcement is to provide estimates of state median income for use in FY 1990.

LIHEAP is currently authorized through the end of FY 1990 by provisions of title V of The Human Services Reauthorization Act of 1986, Pub. L. 99–425, enacted on September 30, 1986. Under this Act, the current income eligibility provisions relating to state median income remain unchanged.

Estimates of the median income of four-person families for each state and the District of Columbia for FY 1990 were developed by the Bureau of the Census, using the most recent available income data. In developing the median income estimates for FY 1990, the Bureau of the Census used the following three sources of data: (1) The March 1988 Current Population Survey; (2) the 1980 Census of Population; and (3) 1987 per capita personal income estimates by state from the Bureau of Economic Analysis.

The estimating method for FY 1990 is similar to that used in previous years. Beginning with the estimating method for FY 1987, Current Population Survey sample estimates for three- and five-person families and their statistical relationships to four-person family medians are now used in addition to the Current Population Survey sample estimates of four-person family medians already in use. For further information, contact Chuck Nelson, Chief of Income Statistics Branch, at the Bureau of the Census (301–763–5060).

A state-by-state listing of median income, and 60 percent of median income, for a four-person family for FY 1990 follows. The listing describes the method for adjusting median income for families of different sizes as specified in 45 CFR 96.85(b), which was published in the **Federal Register** on March 3, 1988 at 53 FR 6824.

Dated: March 9, 1989.

Wayne A. Stanton,

Principal Deputy Assistant Secretary, Family Support Administration.

ESTIMATED STATE MEDIAN INCOME FOR 4-PERSON FAMILIES, BY STATE FISCAL YEAR 1990 [1] [2]

State	Estimated State median income 4-person families	60 Percent of estimated State median income 4-person families
Alabama	$31,221	$18,732
Alaska	47,106	28,264
Arizona	35,711	21,427
Arkansas	27,415	16,449
California	40,218	24,131
Colorado	37,778	22,667
Connecticut	47,195	28,317
Delaware	39,794	23,876
District of Columbia	36,523	21,914
Florida	35,247	21,148
Georgia	35,529	21,317
Hawaii	40,878	24,527
Idaho	29,701	17,821
Illinois	39,891	23,935
Indiana	35,016	21,010
Iowa	34,094	20,456
Kansas	34,474	20,684
Kentucky	30,257	18,154
Louisiana	31,964	19,178
Maine	31,957	19,174
Maryland	46,384	27,830
Massachusetts	44,329	26,597
Michigan	40,105	24,063
Minnesota	39,775	23,865
Mississippi	27,416	16,450
Missouri	35,437	21,262
Montana	31,015	18,609
Nebraska	32,969	19,781
Nevada	37,810	22,686
New Hampshire	40,833	24,500
New Jersey	47,846	28,708
New Mexico	27,675	16,605
New York	38,992	23,395
North Carolina	33,253	19,952
North Dakota	31,152	18,691
Ohio	36,344	21,806
Oklahoma	30,772	18,463
Oregon	34,555	20,733
Pennsylvania	35,638	21,383
Rhode Island	37,814	22,688
South Carolina	32,417	19,450
South Dakota	29,142	17,485
Tennessee	31,916	19,150
Texas	35,656	21,394
Utah	32,980	19,788
Vermont	33,983	20,390
Virginia	39,913	23,948
Washington	38,308	22,985
West Virginia	28,711	17,227
Wisconsin	36,674	22,004
Wyoming	33,692	20,215

NOTE—The estimated median income for 4-person families living in the United States is $36,812 for the period of October 1, 1989 through September 30, 1990.

[1] Prepared by the Family Support Administration, Office of Community Services, Office of Energy Assistance. In accordance with 45 CFR 96.85, each state's estimated median income for a 4-person family is multiplied by the following percentages to adjust for family size: 52% for one person, 68% for two persons, 84% for three persons, 100% for four persons, 116% for five persons, and 132% for six persons. For family sizes greater than six persons, add 3% to 132% for each additional family member and multiply the new percentage by the state's dollar amount for 4-person families.

[2] Prepared by the Bureau of the Census from the March 1988 Current Population Survey, 1980 Census of Population and Housing, and 1987 per capita personal income estimates from the Bureau of Economic Analysis.

[FR Doc. 89–6004 Filed 3–15–89; 8:45 am]

BILLING CODE 4150–04–M

Food and Drug Administration

Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETINGS: The following advisory committee meeting is announced:

Anti-Infective Drugs Advisory Committee

Date, time, and place. May 1 and 2, 1989, 8:30 a.m., Conference Rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, May 1, 1989, 8:30 a.m. to 4:30 p.m.; open committee discussion, May 2, 8:30 a.m. to 12 p.m.; open public hearing, May 2, 1 p.m. to 2 p.m., unless public participation does not last that long; open committee discussion, 2 p.m. to 4:30 p.m.; Thomas E. Nightingale, Ph.D., Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational human drugs for use in infectious diseases.

Agenda-Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 21, 1989, and submit a brief statement of the general nature of the evidence or statements they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their comments. Although the agency intends to allow time for personal presentations, with the limited time available, it may become necessary to require persons with common interests to make joint presentations as specified in 21 CFR 14.29. The meeting will be open to the public up to the seating capacity of the room. Due to limited space, persons planning to attend should preregister by contacting Thomas E. Nightingale at the above number. Those not preregistering will be admitted on a space available basis. Early registration is suggested.

Open committee discussion. On May 1, 1989, the committee will discuss the safety and efficacy of aerosolized pentamidine for prophylaxis of *Pneumocystis carinii* pneumonia in HIV-infected patients; on May 2, 1989, the committee will discuss the safety and efficacy of ganciclovir, also known as DHPG, for treatment of cytomegalovirus retinitis in HIV-infected patients.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed commitee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

Details on the agenda, questions to be addressed by the committee, and a current list of committee members are available from the contact person before and after the meeting. Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, Rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. Transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: March 10, 1989.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89–6104 Filed 3–15–89; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Advisory Council Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1989:

Name: Advisory Council on Nurses Education.

Date and Time: May 10–11, 1989, 9:00 a.m.

Place: The Potomac Room, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on May 10, 9:00 a.m.–12:30 p.m.

Closed for remainder of meeting.

Purpose: The Council advises the Secretary and Administrator, Health Resources and Services Administration, concerning general regulations and policy matters arising in the administration of the Nurse Education Amendments of 1985 (Pub. L. 99–92). The Council also performs final review of grants applications for Federal Assistance, and makes recommendations to the Administrator, HRSA.

Agenda: The open portion of the meeting will be announcements; considerations of minutes of previous meeting; report by the Director, Bureau of Health Professions, the Director, Division of Nursing and staff reports. The meeting will be closed to the public on May 10, at 12:30 p.m. for the remainder of the meeting for the review of grant applications for Advance Nurse Education applications, Nurse Practitioner/Nurse Midwifery applications, and Special Project Grants applications. The closing is in accordance with the provisions set forth

in section 552(c)(6), Title 5 U.S.C. Code, and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Pub. L. 92–463.

Anyone requiring information regarding the subject Council should contact Dr. Mary S. Hill, Executive Secretary, National Advisory Council on Nurse Training, Room 5C–14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6193.

Agenda Items are subject to change as priorities dictate.

Date: March 13, 1989.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 89–6105 Filed 3–15–89; 8:45 am]

BILLING CODE 4160–15–M

Public Health Service

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Public Health Service (PHS) is publishing this notice of petitions received under the National Vaccine Injury Compensation Progam ("the Program"), as required by section 2112(b)(2) of the PHS Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Claims Court is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program generally, contact the Clerk, United States Claims Court 717 Madison Place, NW., Washington, DC 20005, (202) 633–7257. For information on the Public Health Service's role in the Program, contact the Director, Vaccine Injury Compensation Program, Parklawn Building, 5600 Fishers Lane, Room 4–101, Rockville, MD 20857, (301) 443–6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of title XXI of the PHS Act, 42 U.S. C. 300aa–10 *et seq*, provides that those seeking compensation are to file a petition with the U.S. Claims Court and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated his responsibility under the Program to PHS. The Claims Court is directed by statue to appoint special masters to take evidence, conduct hearings as appropriate, and to submit to the Court proposed findings of fact and conclusions of law.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table set forth at section 2114 of the PHS Act. This Table lists for each covered childhood vaccine the conditions which will lead to compensation and, for each condition, the time period for occurrence of the first sympton or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested after the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2) requires that the Secretary publish in the **Federal Register** a notice of each petition filed. Set forth below is a list of petitions received by PHS from February 14 through March 6, 1989 Section 2112(b)(2) also provides that the special master "shall afford all interested persons an opportunity to submit relevant, written information" relating to the following:

1. The existence of evidence "that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition," and

2. Any allegation in a petition that the petitioner either:

(a) "sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table (see section 2114 of the PHS Act) but which was caused by" one of the vaccines referred to in the table, or

(b) "sustained, or had significantly aggravated, and illness, disability, injury, or condition set forth in the Vaccine Injury table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine" referred to in the Table.

This notice will also serve as the special master's invitation to all interested persons to submit written information relevant to the issues described above in the case of the petitions listed below. Any persons choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Claims Court at the address listed above (under the heading **"FOR FUTHER INFORMATION CONTACT"**), with a copy to PHS addressed to Director, Bureau of Health Professions, 5600 Fishers Lane, Suite 8–05, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission.

Chapter 35 of Title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

List of Petitions received

1. Daniel J. and Joanne L. Capone-White on Behalf of Tyler Joseph White, Cleveland, Ohio, Claims Court Docket No. 89–12V.
2. Robert L. and Julie A. Hunton on Behalf of Peter L. Hunton, Westford, Vermont, Claims Court Docket No. 89–13V.
3. First Commercial Bank on Behalf of the Estate of Kari Janeen, McLean, Little Rock, Arkansas, Claims Court Docket No. 89–14V.
4. Vladimir Keselman on Behalf of Victoria Keselman, New York, New York, Claims Court Docket No. 89–15V.
5. Joseph F., Jr., and Rita Ryan Kell on Behalf of Mary Margaret Kell, Richmond, Virginia, Claims Court Docket No. 89–16V.

Dated: March 10, 1989

John H. Kelso,

Acting Administrator.

[FR Doc. 89–6081 Filed 3–15–89; 8:45 am]

BILLING CODE 4160–15–M

Statement of Organization, Functions and Delegations of Authority

Part H, Public Health Service (PHS), of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services is amended to reflect revisions in Chapter HN (National Institutes of Health) and Chapter HA (Office of the Assistant Secretary for Health). These changes will enable PHS to improve its methods for protecting against scientific misconduct. Specifically: (1) The

statement for the National Institutes of Health (40 FR 2859, May 27, 1975, as amended most recently at 53 FR 44126, November 1, 1988), is amended to establish the Office of Scientific Integrity (HNAC) in the Office of the Director, NIH. This office will serve as the PHS focal point for: Promoting high standards of laboratory and clinical investigations in science through a prevention and education program to be implemented by the Offices of Intramural and Extramural Research, NIH, and the Office of the Administrator, ADAMHA; overseeing scientific misconduct investigations of awardee institutions; investigating alleged instances of misconduct when necessary; and making recommendations to the Assistant Secretary for Health regarding allegations of scientific misconduct. Subsequent revisions to relevant NIH and ADAMHA functional statements to incorporate changes in roles and responsibilities will be published in a forthcoming **Federal Register** statement.

(2) The statement for the Office of the Assistant Secretary for Health (42 FR 61318, December 2, 1977, as amended most recently at 54 FR 1796–97, January 17, 1989), is amended to establish the Office of Scientific Integrity Review (HA4) in the Office of the Assistant Secretary for Health. This office will have responsibility for overseeing the PHS scientific misconduct activities and for ensuring that these activities are carried out in an independent and neutral manner.

National Institutes of Health

Section HN–B, Organization and Functions, is amended as follows:

After the statement for the *Office of Science Policy and Legislation (HNA6)* in the *Office of the Director, NIH, (HNA),* insert the following:

Office of Scientific Integrity (HNAC). (1) Serves as a PHS focal point for coordinating scientific misconduct activities for intramural and extramural research programs; (2) promotes high standards of laboratory and clinical investigation in science and ensures that precautions are taken to protect the rights of individuals reporting or accused of scientific misconduct; (3) oversees scientific misconduct investigations conducted by awardee institutions; (4) conducts investigatoins of misconduct in science involving extrammural and intramural research programs when necessary; (5) makes recommendations to the Office of the Assistant Secretary for Health regarding allegations of scientific misconduct; (6) advises the Director, NIH, the Administrator, ADAMHA, and senior staff on all aspects of allegations of scientific misconduct; (7) assists the Office of the Assistant Secretary for Health in developing policies and procedures for ASH approval (8) implements policies and procedures regarding misconduct in science, working with other offices as appropriate; (9) provides staff support to the PHS Committee on Misconduct in Sciences; and (10) cooperates with staff of the Office of the Assistant Secretary for Health and Office of the Secretary in all matters pertaining to policy, investigations, and adjudication.

Office of the Assistant Secretary for Health

Section HA–20, Office of the Assistant Secretary for Health functions, is amended as follows:

After the statement for the *Senior Advisor for Environmental Affairs (HA3)* insert the following:

Office of Scientific Integrity Review (HA4). Under the direction of a Director who reports to the Assistant Secretary for Health, the Office is responsible for ensuring that the PHS research agencies adequately carry out policies and procedures regarding allegations of scientific misconduct. The Office of Scientific Integrity Review: (1) Proposes policies and procedures for preventing, detecting, reporting, and handling instances of alleged or suspected misconduct in science and presents such policies to the ASH for approval; (2) provides oversight and monitors the scientific misconduct operations of the research agencies and prescribes remedial steps or appoints an independent team to conduct an investigation when necessary; (3) reviews investigations into allegations of scientific misconduct to ensure that documentation sufficiently supports recommendations; (4) establishes ad hoc panels to review cases of scientific misconduct when necessary; (5) recommends to the ASH imposition of such sanctions as deemed appropriate in any case where scientific misconduct has been established by the evidence; (6) provides consultation, as requested, to researchers within the PHS intramural and clinical programs who have made an allegation or have been accused of scientific misconduct; (7) ensures that appropriate communication systems are in place within DHHS so that necessary activities are coordinated and carried out in a timely manner; and (8) provides administrative support to the Advisory Committee on Scientific Integrity.

Date: March 8, 1989.

Ralph R. Reed,

Acting Assistant Secretary for Health.

[FR Doc. 89–6117 Filed 3–15–89; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Projects; Operation and Maintenance Charges: Crow Agency, MT

AGENCY: Crow Agency, Crow Agency, Montana.

ACTION: Public notice.

Purpose: Increase to the Operation and Maintenance Charges at the Crow Irrigation Project.

SUMMARY: With the exception of Two Leggin Water Users Association Operation and Maintenance (O&M); Two Leggin Drainage Association O&M; and Bozeman Trail Ditch O&M, this notice sets forth that the Crow Irrigation Project is increasing the annual O&M charges from $10.50 to $10.60 per assessable acre begining Calendar Year 1989.

All irrigation units within the Little Big Horn Drainage System [Reno, Lodge Grass #1, Lodge Grass #2, Upper Little Horn & Forty Mile] will be assessed the annual operation and maintenance charges plus an additional 30 cents for Willow Creek Reservoir storage fees.

Annual Operation and Maintenance charges for:

Two Leggins Water Users Association O&M	$6.00/acre
Two Leggins Drainage Association O&M	$2.00/acre
Bozeman Trail Ditch O&M	$2.20/acre

Public Meetings: On March 29, 1988, April 4, 1988, and February 11, 1989, public meetings were held with the Big Horn, Lower Little Horn, Upper Little Horn Irrigation Districts and the Two Leggins Water Users' Association to discuss the operation and maintenance rate increase.

The projects annual operation and maintenance charges are based on the estimated normal operating cost of the project for one Fiscal Year. These operation and maintenance charges will remain in effect until the Billings Area Director has replaced these rates with another announcement in the **Federal Register.**

The due date for all operation and maintenance charges will be May 1 of each calendar year.

Interest and/or penalty fees will be assesed on all (Trust, and Fee

assessable lands) delinquent operation and maintenance charges as prescribed in the 42 Bureau of Indian Affairs Manual and the Code of Federal Regulations, Chapter 4, Part 102. Government agencies, such as Federal, State and Tribal Goverments are exempted from interest and/or penalty fees.

This notice will be published and posted at the following locations:

U.S. Post Offices	Newspapers
Crow Agency, MT. 59022.	Hardin Herald
Hardin, Mt. 59034	Hardin, Mt. 59034
Lodge Grass, Mt. 59050	

U.S. Post Offices	Bureau of Indian Affairs
St. Xavier, Mt. 59057	Crow Agency
Fort Smith, Mt. 59035	Crow Agency, Montana
Wyola, Mt. 59089	
Pryor, Mt. 59066	

Comments: All comments concerning this increase must be in writing and received by the Superintendent of the Crow Agency, Crow Agency, Montana 59022 before the close of business on April 15, 1989.

Appeal Process: Chapter 25, Part 2 of the Code of Federal Regulations outlines the appeal process for this administrative action. Appeals must be received by Billings Area Director before the close of business on April 15, 1989.

SUPPLEMENTARY INFORMATION: This notice is issued pursuant to the Code of Federal Regulations, Chapter 25, Part 171 under the authority delegated to the Area Director, by the Assistant Secretary for Indian Affairs and the Deputy Assistant Secretary of the Interior [Departmental Manual Chapter 3, Part 230, § § 3.1 & 3.2)].

Norris M. Cole,

Billings Area Director.

[FR Doc. 89-6234 Filed 3-15-89; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[AZ-050-4333-12]

Arizona; Closure to Camping

AGENCY: Bureau of Land Management, Interior.

ACTION: Close the A-7 Backwater area to camping.

SUMMARY: The following described lands south of Ehrenberg, Arizona, and east of the Colorado River, adjacent to the A-7 Backwater area are closed to all types of camping. The area affected by this closure contains 193.81 acres more or less.

T. 3 N., R. 22 W., Gila and Salt River Meridian, California,
Sec. 16, portion of lot 2 lying east of the Colorado River;
T. 3 N., R. 22 W., Gila and Salt River Meridian, Arizona;
Sec. 21, lots 4, 7, 8, and 13, portion of lot 10, portion of SE¼NE¼, and portion of the E½SW¼, lying east of the Colorado River;
Sec. 28, lots 7, 8, 11, and 12, and the portion of lot 1 lying east of the Colorado River;
Sec. 33, lot 4;
Sec. 34, lot 15.

EFFECTIVE DATE: April 1, 1989.

FOR FURTHER INFORMATION CONTACT: Sue E. Richardson, Area Manager; Yuma Resource Area; 3150 Winsor Avenue, Yuma AZ 85365; 602-726-6300.

SUPPLEMENTARY INFORMATION: Authority for this action is contained in 43 CFR 8364.1. This area is being closed to protect public health and safety and to prevent further environmental degradation. The A-7 Backwater area is Priority Wildlife Habitat under the Yuma District Resources Management Plan. This camping closure shall apply to all persons and shall remain in effect until further notice. Maps of the area are available at the Yuma BLM Office.

Date: March 10, 1989.

Herman Kast,

District Manager.

[FR Doc. 89-6226 Filed 3-15-89; 8:45 am]

BILLING CODE 4333-12-M

[ID-020-90-4322-12]

Notice of Meeting and Agenda for Burley District Grazing Advisory Board

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting and agenda for Burley District Grazing Advisory Board.

SUMMARY: Notice is hereby given that the Burley District Grazing Advisory Board will meet on April 17, 1989.

The meeting will convene at 9:30 a.m. on April 17, 1989 in the conference room of the Bureau of Land Management Office at 200 South Oakley Highway, Burley, Idaho.

Agenda items for the meeting will include: (1) Allocation of Advisory Board funds; (2) Allocation of Range Improvement funds for riparian projects; (3) Secretary/Treasurer's report; (4) Review fiscal year 1989 Range Improvement projects; (5) Review of the management actions proposed for the Metcalf and Badger Hole fire rehab areas; (6) Discussion concerning the late grazing fees assessments; (7) Explain the new Grazing Automated Billing System.

The public is invited to attend the meeting. Interested persons may make an oral statement to the Board beginning at 10:30 a.m. or they may file written statements for the Board's consideration. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager. Anyone wishing to make an oral statement or file a written statement must contact the District Manager by April 14, 1989 for inclusion in the meeting schedule. Detailed minutes of the Board meeting will be maintained in the District Office, 200 South Oakley Highway, Burley, Idaho, and will be available for public inspection during regular business hours, (7:45 a.m. to 4:30 p.m., Monday thru Friday) within 30 days following the meeting.

DATE: April 17, 1989.

ADDRESS: Bureau of Land Management, Burley District Office, 200 South Oakley Highway, Burley, Idaho 83318.

FOR FURTHER INFORMATION CONTACT: Gerald L. Quinn, District Manager, (208) 678-5514.

Date: March 7, 1989.

Gerald L. Quinn,

District Manager.

[FR Doc. 89-6059 Filed 3-15-89; 8:45 am]

BILLING CODE 4310-GG-M

[AZ-020-9-4212-13; A-23677]

Realty Action; Exchange of Public Lands, Yavapai County, AZ

The following described federal lands have been determined to be suitable for disposal by exchange to Wayne and Sheri Pitrat or their nominees pursuant to Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 16 N., R. 1 E.,
Sec. 6, lots 5 and 6, exclusive of MS 3037;
Sec. 21, E½NE¼, SW¼NE¼.
T. 16 N., R. 1 W.,
Sec. 1, lots 1-8, S½NW¼, SW¼, SW¼ SE¼.

Comprising 665.67 acres, more or less.

In exchange for the above-described public lands, the United States will acquire all of the below-described private lands from Wayne and Sheri Pitrat:

Gila and Salt River Meridian, Arizona

T. 10 N., R. 14 W.,
Sec. 6, lots 6 and 7, E½SW¼, W½SE¼.

Comprising 235.94 acres of land owned by Mr. and Mrs. Pitrat.

The exchange is consistent with the Bureau's land use planning objectives. Final acreage of Federal land to be exchanged will be determined by an appraisal.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this Notice will segregate the affected public lands from appropriation under the public land laws, including the mining laws, subject to valid existing rights, but not the mineral leasing laws or from exchange pursuant to the Federal Land Policy and Management Act of 1976.

Segregation of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the Federal Register of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: March 8, 1989.

Henri R. Bisson,

District Manager.

[FR Doc. 89-6057 Filed 3-15-89; 8:45 am]

BILLING CODE 4310-32-M

[CA-940-09-4212-13; CACA 20278]

California, Realty Action; Exchange of Public and Private Lands in San Bernardino County and Order Providing for Opening of Public Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of issuance of land exchange conveyance document and opening order.

ADDRESS: Inquiries concerning the land should be address to: Chief, Branch of Adjudication and Records, Bureau of Land Management, California State Office, 2800 Cottage Way (Room E-2841), Sacramento, California 95825.

SUMMARY: The purpose of the exchange was to acquire 239.775 acres of non-Federal inholdings within the Stoddard Valley Recreation Area to increase management efficiency and reduce recreation-private property conflicts and to consolidate public lands in Stoddard Valley. The public interest was well served through completion of this exchange. The land acquired in this exchange will be opened to operation of the public land laws and to the full operation of the United States mining and mineral leasing laws.

FOR FURTHER INFORMATION CONTACT: Dianna Storey, California State Office, 2800 Cottage Way, Room E-2841, Federal Office Building, Sacramento, California 95825 (916) 978-4815.

1. The United States issued a land exchange conveyance document to Mr. Rex Monroe on February 16, 1989, pursuant to the authority of Section 206 of the Act of October 21, 1976 (43 U.S.C. 1716), for the following described land:

San Bernardino Meridian

T. 3 N., R. 5 W.,
Sec. 17, NW¼.

The area described contains 160 acres in San Bernardino County.

2. In exchange for the land described in paragraph 1, on February 15, 1989, the United States accepted title to the following described private land from Mr. Rex Monroe:

San Bernardino Meridian, California

T. 7 N., R. 3 W.,
Sec. 1, NE¼W½ lot 1 of NE¼, NW¼W½ lot 1 of NE¼, SW¼W½ lot 1 of NE¼, E½ lot 2 of NE¼, and NW¼W½ lot 2 of NE¼.
T. 8 N., R. 3 W.,
Sec. 36, N½NE¼, NE¼SW¼, and SE¼SE¼.

Excepting therefrom mineral rights for iron ore in

San Bernardino Meridian

T. 7 N., R. 3 W.,
Sec. 1, NE¼W½ lot 1 of NE¼, NW¼W½ lot 1 of NE¼, and SW¼W½ lot 1 of NE¼.

Grantor covenants and agrees, for the benefit of the land conveyed herein, and intending that such covenant run with the land, that it will compensate the owner of the surface of the property for such portion thereof as may be taken or damaged by exercise of the rights retained herein by Grantor, which in the absence of agreement, shall be determined by Federal District Court in which said lands are located.

SUBJECT TO:

(A) Those oil, gas rights in the NW¼W½ lot 2 of NE¼, sec. 1, T. 7 N., R. 3 W., as have been granted to a third party, its successors or assigns, by the need recorded August 25, 1961, in Book 5520, page 159, records of San Bernardino County.

(B) Those rights for construction, operation, and maintenance of the Stoddard Mountain Road (No. 81261) within:

T. 7 N., R. 3 W.,
Sec. 1, E½ of lot 2 of NE¼.
T. 8 N., R. 3 W.,
Sec. 36, N½NE¼ and SE¼SE¼.

as have been granted to the County of San Bernardino, its successors or assigns, but not recorded.

(C) Those oil, gas, oil shale, coal phosphate, sodium, gold, silver and all other mineral deposits, including the right to drill for, extract, prospect for, mine and remove such deposits, and to occupy the surface of:

T. 8 N., R. 3 W.,
Sec. 36, N½NE¼, NE¼SW¼, and SE¼SE¼.

subject to the provisions and limitations of Chapter 5, Part 1, Division 6 of the Public Resources Code, and further reserving the absolute right to fish thereupon as provided in section 25, of Article 1 of the Constitution of the State of California, as provided in deed recorded April 16, 1957 in Book 4207, page 569 of Official Records.

(D) Those rights for construction, operation, and maintenance of a roadway and public utilities for the 30 feet along the north, east, west, and south boundary of the SE¼SE¼, sec. 36, T. 8 N., R. 3 W., as has been granted to a third party, its successor or assigns, by easement recorded February 11, 1975, in Book 8614, page 453 of Official Records.

(E) Those rights for construction, operation, and maintenance of a roadway and public utilities for 30 feet along the north, east, west, and south boundary of the NE¼SW¼, sec. 36, T. 8 N., R. 3 W., as has been granted to a third party, its successors or assigns, by easement recorded February 11, 1975, in Book 8614, page 455 of Official Records.

(F) Those rights for construction, operation, and maintenance of a roadway and public utilities for 30 feet along the north, east, west, and south boundary of the N½NE¼, sec. 36, T. 8 N., R. 3 W., as has been granted to a third party, its successors or assigns, by easement recorded February 11, 1975, in Book 8614, page 457 of Official Records.

3. The appraised value of the non-Federal land is $96,000.00; the private land is $96,000.00. The two land values are equal; therefore, a payment to equalized by the procedures set forth in the Memorandum of Agreement equalize values between the non-Federal dated December 10, 1987, land and the public land is not required.

4. At 10 a.m. on April 17, 1989, the land described in paragraph 2 above shall be open to operation of the public land laws generally, subject to valid intervening rights and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 17, 1989, shall be considered as simultaneously filed at this time. Those

received thereafter shall be considered in the order of filing.

5. At 10 a.m. on April 17, 1989, the land described in paragraph 2 above shall be open to location under the United States mining laws. Appropriation of any of the land described in this order under the general mining laws prior to the date and time of opening 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 determination in local courts.

6. At 10 a.m. on April 17, 1989, the land described in paragraph 2 above shall be open to application and offers under the mineral leasing laws.

Date: March 8, 1989.

Robert C. Nauert,

Chief, Branch of Adjudication and Records.

[FR Doc. 89-6235 Filed 3-15-89; 8:45 am]

BILLING CODE 4310-40-M

[ID-943-09-4212-13; I-23782]

Realty Action; Issuance of Land Exchange Conveyance Document; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Exchange of public and private lands.

SUMMARY: The United States has issued an exchange conveyance document to Gerald Tews of Filer, Idaho 83323, for the following-described lands under Section 206 of the Federal Land Policy and Management Act of 1976:.

Boise Meridian

T. 10 S., R. 12 E.,
- Sec. 7, lots 3,4, E½SE¼, W½E½SW¼;
- Sec. 8, S½;
- Sec. 9, S½;
- Sec. 17, all;
- Sec. 18, lots 1,2,3, NE¼, E½NW¼, NE¼SW¼, E½SE¼SW¼, SE¼;
- Sec. 19, lot 2, NE¼, E½NE¼NW¼, SE¼NW¼;
- Sec. 20, N½.

Comprising 2,624.34 acres of public land.

In exchange for these lands, the United States acquired the following-described lands:

Boise Meridian

T. 14 S., R. 13 E.
- Sec. 13, SW¼SW¼, (above high waterline);
- Sec. 14, NE¼SE¼, S½SE¼(all above high waterline);
- Sec. 23, NE¼NE¼, NE¼SW¼, NE¼NW¼, S½NW¼, N½NW¼SW¼, N½S½NW¼SW¼ (all south and east above high waterline);
- Sec. 24, NW½NW¼.

Comprising 272.16 acres of private land.

The purpose of the exchange was to acquire the non-federal lands which have high public value for recreation use. The public interest was well served through completion of this exchange.

The values of the federal public land and the non-federal land in the exchange were both appraised at $78,700 and $75,000 respectively. Gerald Tews submitted the payment of the $3,700 difference in values.

John Davis,

Deputy State Director for Operations.

Dated: March 6, 1989.

[FR Doc. 89-6060 Filed 3-15-89; 8:45 am]

BILLING CODE 4310-GG-M

[CO-942-09-4520-12]

Colorado: Filing of Plats of Survey

March 3, 1989.

The plats of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10:00 a.m., March 3, 1989.

The supplemental plat creating lot 116 in the NE¼ of section 3, T. 15 S., R. 70 W., Sixth Prinicpal Meridian, Colorado was accepted February 15, 1989.

The plat representing the dependent resurvey of portions of the east boundary and the subdivisional lines and the subdivision of certain sections, T. 34 N., R. 9 W. (South of the Ute Line), New Mexico Prinicipal Meridian, Colorado, Group No. 849, was accepted February 10, 1989.

The plat representing the dependent resurvey of portions of the north boundary of the Southern Ute Indian Reservation (south boundary of the Ute Ceded Lands), the south and east boundaries, and the subdivisional lines, and the subdivision of certain sections, T. 34 N., R. 8 W. (South of the Ute Line), New Mexico Principal Meridian, Colorado, Group No. 849, was accepted February 10, 1989.

These surveys were executed to meet certain administrative needs of the Bureau of Indian Affairs.

The plat representing the dependent resurvey of portions of the west boundary and subdivisional line and the subdivision of section 6, T. 1. N., R. 83 W., Sixth Principal Meridian, Colorado, Group No. 830, was accepted February 21, 1989.

The plat representing the dependent resurvey of portions of the east boundary, the sectional correction line on the First Latitudinal Section Line, and the subdivisional line between sections 24 and 25 and the subdivision of section 25, T. 9 N., R. 86 W., Sixth Principal Meridian, Colorado, Group N. 852, was accepted February 14, 1989.

These surveys were executed to meet certain administrative needs of the U.S. Forest Service.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215.

Jack A. Eaves,

Chief, Cadastral Surveyor for Colorado.

[FR Doc. 89-6052 Filed 3-15-89; 8:45 am]

BILLING CODE 4310-JB-M

[WY-940-09-4730-12]

Filing of Plats of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Filing of Plats of Survey.

SUMMARY: The plats of survey of the following described lands were officially filed in the Wyoming State Office, Bureau of Land Management, Cheyenne, Wyoming, effective 10:00 a.m., March 6, 1989.

Sixth Principal Meridian.

T. 58 N., R. 62 W.

The plat showing a subdivision of original lots 5, 6, 12 and 14, section 30, and lots 5 and 6, section 31, T. 58 N., R. 62 W., Sixth Principal Meridian, Wyoming, was accepted February 24, 1989.

This supplemental plat was prepared to meet certain administrative needs of this Bureau.

T. 32 N., R. 89 W.

The plat representing the dependent resurvey of a portion of the Eighth Standard Parallel North, through R. 88 W., the Eleventh Guide Meridian West, through T. 32 N., between Rs. 88 and 89 W., the south boundary, and the subdivisional lines, T. 32 N., R. 89 W., Sixth Principal Meridian, Wyoming, Group No. 461, was accepted February 24, 1989.

T. 32 N., R. 90 W.

The plat, in three sheets, representing the dependent resurvey of the south and

east boundaries, and the subdivisional lines, T. 32 N., R. 90 W., Sixth Principal Meridian, Wyoming, Group No. 461, was accepted February 24, 1989.

These surveys were executed to meet certain administrative needs of this Bureau.

T. 28 N., R. 75 W.

The plat representing the dependent resurvey of a portion of the Seventh Standard Parallel North, through R. 75 W., portions of the west boundary and subdivisional lines, and the subdivision of section 6, T. 28 N., R. 75 W., Sixth Principal Meridian, Wyoming, Group No. 489, was accepted February 24, 1989.

T. 14 N., R. 77 W.

The plat representing the dependent resurvey of a portion of the south boundary and a portion of the subdivisional lines, and the subdivision of certain sections, T. 14 N., R. 77 W., Sixth Principal Meridian, Wyoming, Group No. 492, was accepted February 24, 1989.

These surveys were executed to meet certain administrative needs of the U.S. Forest Service.

T. 26 N., R. 6 E.

The plat representing the dependent resurvey of a portion of the subdivisional lines, a portion of the subdivision of section 32, and the survey of the subdivision of section 32, T. 26 N., R. 6 E., Sixth Principal Meridian, Nebraska, Group No. 120, was accepted February 24, 1989.

T. 27 N., R. 6 E.

The plat representing the dependent resurvey of a portion of the subdivisional lines, a portion of the subdivision of section 35, and the survey of the subdivision of section 35, T. 27 N., R. 6 E., Sixth Principal Meridian, Nebraska, Group No. 120, was accepted February 24, 1989.

T. 24 N., R. 9 E.

The plat representing the dependent resurvey of a portion of the subdivisional lines, a portion of the subdivision of section 22, and the survey of the subdivision of section 22, T. 24 N., R. 9 E., Sixth Principal Meridian, Nebraska, Group No. 120, was accepted February 24, 1989.

T. 25 N., R. 9 E.

The plat representing the dependent resurvey of a portion of the east boundary, a portion of the subdivisional lines, and a portion of the subdivision of section 13, T. 25 N., R. 9 E., Sixth Principal Meridian, Nebraska, Group No. 120, was accepted February 24, 1989.

These surveys were executed to meet certain administrative needs of the Bureau of Indian Affairs.

ADDRESS: All inquiries concerning these lands should be sent to the Wyoming State Office, Bureau of Land Management, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82003.

Dated: March 6, 1989.

Richard L. Oakes,

Chief, Branch of Cadastral Survey.

[FR Doc. 89-6227 Filed 3-15-89; 8:45 am]

BILLING CODE 4310-22-M

[WY-930-09-4214-10; WYW 115104]

Proposed Withdrawal and Opportunity for Public Meeting; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, has filed an application to withdraw 21,575.64 acres of National Forest System land for 20 years to protect the unique topographic characteristics and recreational uses at the Snowy Range Area. This notice closes the land to location and entry under the United States mining laws for up to 2 years. The land will remain open to mineral leasing.

DATE: Comments must be received on or before June 14, 1989.

ADDRESS: Comments should be sent to the Wyoming State Director, BLM, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Cathy Cooney, BLM Wyoming State Office, 307-772-2245.

SUPPLEMENTARY INFORMATION: On February 16, 1989, the U.S. Department of Agriculture filed an application to withdraw the following described National Forest System land from location and entry under the United States mining laws, subject to valid existing rights:

Sixth Principal Meridian, Wyoming

Medicine Bow National Forest

T. 16 N., R. 79 W.,
- Sec. 2, lots 2-7, 10-15, N½SW¼, SW¼SW¼, NW¼SE¼;
- Sec. 3, all;
- Sec. 4, all;
- Sec. 5, all;
- Sec. 6, all;
- Sec. 7, all;
- Sec. 8, all;
- Sec. 9, all;
- Sec. 10, NW¼,W½SW¼;
- Sec. 11, N½NW¼NW¼;
- Sec. 15, NW¼NW¼;
- Sec. 16, N½;
- Sec. 17, N½NE¼,N½NE¼NW¼, SW¼NE¼NW¼, W½NW¼, NW¼SW¼;
- Sec. 18, all;
- Sec. 19, lots 1-3, NW¼NE¼,NE¼NW¼.

T. 16 N., R. 80 W.,
- Sec. 1, lots 1-2, 7-10, 14-16, NE¼SW¼, S½SW¼, SE¼;
- Sec. 11, E½SE¼;
- Sec. 12, all;
- Sec. 13, all;
- Sec. 14, E½NE¼,SW¼NE¼,SE¼SW¼, SE¼;
- Sec. 23, E½, E½NW¼,SW¼NW¼, NE¼SW¼;
- Sec. 24, N½, SW¼, NE¼NE¼NE¼SE¼, W½E½NE¼SE¼,W½NE¼SE¼, SE¼SE¼NE¼SE¼,W½SE¼,N½SE½SE¼,SE¼SE¼SE¼;
- Sec. 25, NW¼NE¼, NW¼,NW¼SW¼;
- Sec. 26, NE¼, NE½SE¼.

T. 19 N., R. 79 W.,
- Sec. 8, SE¼SW¼, SE¼;
- Sec. 15, W½NW¼,SE¼NW¼, SW¼, W½SE¼,SE¼SE¼;
- Sec. 16, all;
- Sec. 17, lot 1, W½NE¼, SE¼NE¼, E½NW¼, SW¼NW¼, S½;
- Sec. 18, E½SE¼;
- Sec. 19, E½NE¼, NE¼SE¼;
- Sec. 20, all;
- Sec. 21, all;
- Sec. 22, all;
- Sec. 23, SE¼NE¼, W½E½,W½, E½SE½;
- Sec. 24, SW¼NW¼, NW¼SW¼;
- Sec. 26, W½E½, W½;
- Sec. 27, all;
- Sec. 28, all;
- Sec. 29, all;
- Sec. 31, lot 4, SE¼NE¼, E½SW¼, SE¼;
- Sec. 32, lots 1 and 2, N½NE¼, SW¼NE¼, S½NW¼, SW¼, W½SE¼, SE¼SE¼;
- Sec. 33, all;
- Sec. 34, all;
- Sec. 35, all;
- Sec. 36, NW¼, W½SW¼.

The areas described aggregate 21,575.64 acres in Albany and Carbon Counties.

The proposed Snowy Range withdrawal is a high elevation scenic area which has both developed and dispersed recreation areas with unique (rare) topographic characteristics not present in any other part of the Medicine Bow National Forest.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that a public meeting will be held in connection with the proposed withdrawal. A notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of 2 years from the date of publication of this notice in the Federal Register, the land will be segregated from the mining laws as specified above, unless the application is denied or cancelled, or the withdrawal is approved prior to that date. During this segregate period the Forest Service will continue to allow those uses that are consistent with the Forest Service Land and Resource Management Plan.

The temporary segregation of the land in connection with this withdrawal application shall not affect the administrative jurisdiction over the land, and the segregation shall not have the effect of authorizing any use of the land by the Department of Agriculture.

Date: March 6, 1989.

Ray Brubaker,

State Director.

[FR Doc. 89-6058 Filed 3-15-89; 8:45 am]

BILLING CODE 4310-22-M

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 contacting the Service's Information Collection Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service and OMB, Paperwork Reduction Act Project (1018-FWS1), Washington, DC 20503, telephone 202-395-7340.

Title: Waterfowl Harvest Surveys, Test of Alternate Forms to Increase Response Rates.

OMB Approval No.: N/A.

Abstract: Migratory waterfowl hunting is authorized throughout the United States. Information is also needed on the species, age, and sex composition within the harvest, including the geographic and chronological distribution of these components as they relate to various hunting regulations. Several forms are used to collect such information. Form 3-1823, the contact card, is a return post card that provides a means of obtaining names and addresses of a sample of waterfowl hunters when they purchase duck stamps at post offices throughout the country. Form 3-2056 is a questionnaire sent immediately following the close of the hunting season to those purchasers who returned a contact card indicating that they intend to hunt waterfowl. The questionnaire supplies information on the total harvest by State. Non-response is a major concern with the operational Waterfowl Harvest Survey. Therefore, the Service has designed experimental contact cards and questionnaires to test various techniques that may increase the response rates.

Service Form numbers: 3-1823A and 3-2056G.

Frequency: On occasion.

Description of Respondents: Individuals and households.

Estimated Completion Time: The reporting burden is estimated to be 1 minute to complete and experimental contact card, and 2 minutes to complete the experimental questionnaire.

Annual Responses: 11,000.

Annual Burden Hours: 1,047.

Service Information Collection Clearance Officer: James E. Pinkerton, 202-653-7500, 859 Riddell Building, U.S. Fish and Wildlife Service, Washington, DC 20240.

Date: March 9, 1989.

Rollin D. Sparrowe,

Assistant Director—Refuges and Wildlife.

[FR Doc. 89-6225 Filed 3-15-89; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Outer Continental Shelf Advisory Board—Policy Committee; Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 5 U.S.C. Appendix 1, and the Office of Management and Budget's Circular No. A-63, Revised. The Policy Committee of the Outer Continental Shelf (OCS) Advisory Board will meet during the period 8:30 a.m. to 5 p.m., April 18, and 8:30 a.m. to 3:30 p.m. on April 19, 1989, at the Sheraton Premiere, Vienna, Virginia (703-448-1234).

The agenda for the meeting will cover the following principal subjects:

April 18

- MMS Updates
- Plans and Prospects for Frontier Areas
- 5-Year Program Subcommittee Report

April 19

- Task Forces
- Marine Mining Program—Status Report
- California Air Quality Rules

The meeting is open to the public. Upon request, interested parties may make oral or written presentations to the Committee. Such requests should be made no later than April 3, 1989, to the OCS Policy Committee, Minerals Management Service, Department of the Interior, 18th and C Streets, NW., Room 4230, Washington, DC 20240.

Requests to make oral statements should be accompanied by a summary of the statement to be made. For more information, contact Carolita Kallaur at 202-343-3504.

Minutes of the minutes will be available for public inspection and copying at the Minerals Management Service, Department of the Interior, 18th and C Streets, NW., Room 2070, Washington, DC 20240.

Date: March 9, 1989.

William D. Bettenberg,

Associate Director for Offshore Minerals Management.

[FR Doc. 89-6228 Filed 3-15-89; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Availability Draft Joint Management Plan for Canyon de Chelly National Monument; Arizona

Pursuant to Pub. L. 71-667 (February 14, 1931), a Draft Joint Management Plan has been prepared by the National Park Service, Navajo Nation, and Bureau of Indian Affairs for Canyon de Chelly National Monument, located in Apache County, Arizona.

The Draft Joint Management Plan is intended to direct management of the monument for the next 10-15 years. It includes proposals for administration, cultural and natural resource management, visitor use, interpretation, and development.

Copies of the Draft Joint Management Plan are available, while supplies last, from the following offices: Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, New Mexico 87504-0728; Tribal Parks and Recreation, Navajo Nation, P.O. Box 308, Window Rock, Arizona 86515-0308; and Canyon de Chelly National Monument, P.O. Box 588, Chinle, Arizona 86503-0588.

Reading copies of the document are available at the following locations: in Chinle, Arizona, at the Canyon de Chelly National Monument visitor center; in Window Rock, Arizona, at the public library; in Gallup, New Mexico,

at the public library; and in Santa Fe, New Mexico, at the Public Affairs Office, Southwest Region, National Park Service, located at 1100 Old Santa Fe Trail, Room 132.

Informal meetings will be held April-May, 1989, at Chinle, Del Muerto, Tsaile-Wheatfields, Nazleni, Window Rock, Sawmill, Spider Rock, and Lukachukai. Dates, times, and locations will be announced. A public meeting will be held at the Chinle Community Center, date and time to be announced. For more information, call Herbert Yazhe, Superintendent, Canyon de Chelly National Monument, at (602)674–5436.

Anyone wishing to provide comments on the Draft Joint Management Plan for Canyon de Chelly National Monument are invited to do so at the informal meetings or public meeting, or to submit written comments to the Regional Director, Southwest Region, National Park Service, P.O. Box 728, Santa Fe, New Mexico, 87504–0728; the Director, Tribal Parks and Recreation, Navajo Nation, P.O. Box 308, Window Rock, Arizona 86515–0308; or the Superintendent, Canyon de Chelly National Monument, P.O. Box 588, Chinle, Arizona 86503–0588, by June 1, 1989.

Date: March 9, 1989.

Richard W. Marks,

Regional Director, Southwest Region.

[FR Doc. 89–6173 Filed 3–15–89; 8:45 am]

BILLING CODE 4310–70–M

Acadia National Park Advisory Commission Meeting; Bar Harbor

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App. 1, Sec. 10), that a meeting of the Acadia National Park Advisory Commission will be held on Monday, April 3, 1989.

The Commission was established pursuant to Pub. L. 9–420, sec. 103. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, on matters relating to the management and development of the Park, including but not limited to the acquisition of lands and interests in lands (including conservation easements on islands) and termination of rights of use and occupancy.

The meeting will convene at Acadia National Park Headquarters, McFarland Hill, Bar Harbor, Maine, at 1:00 p.m. to consider the following agenda:

1. Old Business.
2. New Business.

A. Committee reports—

Acquisition—Criteria for setting Priorities in Land Protection Plan.

Easement—Criteria for accepting Easements on Mount Desert Island.

3. Proposed agenda and date of next Commission meeting.

The Commission meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609.

Date: March 10, 1989.

Steven H. Lewis,

Deputy Regional Director.

[FR Doc. 89–6174 Filed 3–15–89; 8:45 am]

BILLING CODE 4310–70–M

Delta Region Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 7:00 p.m., CST, on April 25, 1989, at the World Trade Center, 2 Canal Street, Board Room, 29th Floor, New Orleans, Louisiana.

The Delta Region Preservation Commission was established pursuant to Section 907 of Pub. L. 95–625 (16 U.S.C. 230f), as amended, to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park, and in the implementation and development of a general management plan and of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

The matters to be discussed at this meeting include:

—Approval of minutes of January 17, 1989 meeting
—National Park Service and New Orleans Riverfront Study
—175th Anniversary Celebration of the Battle of New Orleans
—Acadian Cultural Centers Update
—Status of 419 Decatur Street
—Delta Region Preservation Commission Ad hoc Committee on Environmental Representation
—Old Business
—New Business

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come-first-served basis. Any member of the public may file a written statement concering the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact M. Ann Belkov, Superintendent, Jean Lafitte National Historical Park, U.S. Customs House, 423 Canal Street, Room 210, New Orleans, Louisiana 70130–2341, telephone 504/589–3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.

Date: March 6, 1989.

John E. Cook,

Regional Director, Southwest Region.

[FR Doc. 89–6083 Filed 3–15–89; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF INTERIOR

Farmington Wild and Scenic River Study Massachusetts and Connecticut; Farmington River Study Committee Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App. 1 s 10), that a meeting of the Farmington River Study Committee will be held Thursday, April 13, 1989.

The Committee was established pursuant to Public Law 99–590. The purpose of the Committee is to consult with the Secretary of the Interior and to advise the Secretary in conducting the study of two segments of the Farmington River.

The meeting will convene at 7:30 p.m. at the Barkhamsted Elementary School, Barkhamsted, Connecticut, for the following reasons:

1. Approval of minutes of 2/9/89 meeting
2. Report from Budget Working Group
3. Update on Resource Assessment
4. Report from Water Resources Subcommittee
5. Report from River Conservation Planning Subcommittee
6. Opportunity for Public Comment
7. Other business.

It is anticipated that about 100 people will be able to attend the session in addition to the Committee members.

Interested persons may make oral/written presentations to the Committee or file written statements. Such requests should be made to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from the Public Affairs Officer, National Park

Service, North Atlantic Region, 15 State St., Boston, MA 02109 (617) 565–8887.

Steven H. Lewis,

Deputy Regional Director.

Date: March 10, 1989.

[FR Doc. 89–6175 Filed 3–15–89; 8:45 am]

BILLING CODE 4310–70–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Housing Guaranty Program; Investment Opportunity

The Agency for International Development (A.I.D.) has authorized the guaranty of loans for the Government of Jamaica as part of A.I.D.'s development assistance program. The proceeds will be used to finance shelter projects for low-income families in Jamaica. At this time, the Government of Jamaica has authorized A.I.D. to request proposals from eligible lenders for a loan under this program of $18 million dollars ($18,000,000). The name and address of the representatives of the Borrower to be contacted by interested U.S. lenders or investment bankers, the amount of the loan and project number are indicated below:

Government of Jamaica

Project: 532–HG–012—$18,000,000

1. Attention:
   (1) Harry Milner, Financial Secretary, Ministry of Finance and Public Service, 30 National Heros Circle, P.O. Box 512, Kingston 4, Jamaica, Telex No.: 2447 Finance, Telefax No.: 809/924–9291, Telephone No.: 809/922–3388 or 8601.
   or
   (2) Audley Sailsman, Telephone No.: 809/922–8784.
2. Attention:
   (1) Sonia Jackson, Acting General Manager, Caribbean Housing Finance Corporation, 56 Duke Street, P.O. Box 701, Kingston, Jamaica, Telephone No.: 809/922–2893, 9011 or 8330.

Interested lenders should contact the Borrower as soon as possible and indicate their interest in providing financing for the Housing Guaranty Program. The Borrower will come to New York to discuss the borrowing with lenders and to inform the lenders of the procedures to be followed in the auction which will occur while the Borrower is in New York. Borrower intends to be in New York during the week of March 20–24, 1989. Loan closing should take place by March 31.

Expressions of interest should also be sent to the following:

Michael G. Kitay or Barton Veret, Agency for International Development, GC/PRE, Room 3328 N. S., Washington, DC 20523, Telephone: 202/647–6505, Telex No.: 892703 AID WSA, Telefax No.: 202/647–4958 (preferred communication).

Mr. Lane Lee Smith, Assistant Director/Caribbean, RHUDO/Kingston, USAID/Kingston, American Embassy, Washington, DC 20523–3210 (street address: 6B Oxford Road, Kingston, Jamaica), Telephone No.: 809/929–8572 or 3125, Telefax No.: 809/929–3752.

For your information the Borrower is currently considering the following terms:

1. *Amount*: U.S. $18 million.
2. *Maturity*: Up to 30 years.
3. *Interest Rate*: Option of either fixed or variable rate, or variable with Borrower's right to convert to fixed rate.
4. *Grace Period on Principal*: Ten years with repayment amortizing gradually over the remaining life of the loan.
5. *Prepayment*: Expressions should include the possibility of partial or total prepayment of the loan by the Borrower, if pricing is not materially affected.
6. *Notes*: Preference to limit number of noteholders.
7. *Fees*: Payable at closing from proceeds of loan.

Selection of investment bankers and/or lenders and the terms of the loan are initially subject to the individual discretion of the Borrower and thereafter subject to approval by A.I.D. Disbursements under the loan will be subject to certain conditions required of the Borrower by A.I.D. as set forth in agreements between A.I.D. and the Borrower.

The full repayment of the loans would be guaranteed by A.I.D. The A.I.D. guaranty would be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in section 222 of the Foreign Assistance Act of 1961, as amended (the "Act").

Lenders eligible to receive an A.I.D. guaranty are those specified in section 238(c) of the Act. They are: (a) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and, (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for an A.I.D. guaranty, the loans must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rates may be no higher than the maximum rate established from time to time by A.I.D.

Information as to the eligibility of lenders and other aspects of the A.I.D. Housing Guaranty Program can be obtained from:

Peter M. Kimm, Director, Office of Housing and Urban Programs, Agency for International Development, Room 401, SA–2, Washington, DC 20523–0214, Telephone: 202/663–2530.

Fredrik A. Hansen,

Deputy Director, Office of Housing and Urban Programs, Agency for International Development.

Date: March 13, 1989.

[FR Doc. 89–6244 Filed 3–15–89; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Report on Computer Matching Project Involving Certain Beneficiaries Under the Federal Employees' Compensation Act

SUMMARY: The Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs (OWCP), announces a computer match, to be performed by the State of California, of the social security numbers (SSNs) of certain beneficiaries who are in receipt of periodic compensation benefits for total disability under the Federal Employees' Compensation Act (FECA), and the wage report and unemployment insurance payment records maintained by the California Employment Development Department. The match will be conducted on behalf of the Office of Workers' Compensation Programs and coordinated with California by the U.S. Department of Labor's Office of Inspector General. The purpose of the match is to verify employee reporting of wage earnings and entitlement to benefits.

a. *Authority:* The Federal Employees' Compensation Act (FECA) 5 U.S.C. 8101, et seq.

b. *Description of the Match:* Among its responsibilities in the administration fo the FECA, OWCP must ensure that benefit payments are proper. Computer matching is an efficient and unobtrusive method of determining whether beneficiaries are appropriately receiving total disability benefits under the FECA.

The matching effort will compare the automated data records of FECA beneficiaries who are receiving periodic compensation benefits for total disability and who have addresses in Oregon, Arizona, Nevada or California with the wage report and unemployment insurance payment records maintained by the California Employment Development Department. The match would verify actual earnings of FECA beneficiaries with those reported to OWCP while they were receiving disability compensation payments.

The Office of Workers' Compensation Programs, through DOL's Office of Inspector General (OIG), will provide a computer tape containing the selected beneficiaries' SSNs to the California Employment Development Department. The State of California will match its state wage report and unemployment insurance payment files against this tape. For the resultant match "hits", the State of California will provide DOL's OIG an output tape or printout which contains wage, wage period, employer, and/or benefit data.

OIG, in conjunction with OWCP, will validate and edit the "hit" data against the case files in the OWCP system of records. After editing and validation, OWCP/OIG will determine which cases shall be further processed or investigated to ascertain whether the individual actually had earnings which should have been reported to OWCP. Any investigations initiated after the editing and validation may require coordination with the State of California Employment Development Department for proper resolution. Action will be taken to ensure that FECA benefits are not being paid in those cases in which there is no entitlement.

The State of California will not use the match "source" or "initial hit" data for any purpose. However, for those cases determined by OWCP/OIG to have received both FECA and California Unemployment Insurance benefits for overlapping periods, the California Employment Development Department will be provided information to help ensure entitlement to California benefits.

The primary beneficiary of the match will be the Office of Workers' Compensation Programs for verification of entitlement to FECA benefits. Any improper reporting of earnings will be considered by the U.S. Department of Labor's Office of Inspector General for appropriate criminal or civil remedies.

c. *Description of the Federal Records to be Matched:* The OWCP system of records to be matched has been published as DOL/ESA–13, 47 FR 134, pages 30382–30383, July 13, 1982, as amended in 48 FR 27, page 5826, February 8, 1983, and as amended in 50 FR 25, pages 5144–5145, February 6, 1985. The disclosure of information from this system of records for this matching program is authorized by routine use "b".

d. *Period of the Match:* The anticipated starting date of the match is on or about April 1, 1989. Follow-up processing will take approximately 6 months.

e. *Security:* The personal privacy of individuals identified on the cases will be protected by strict compliance with the Privacy Act (Pub. L. 93–579) and OMB Circular A–108. Information from the match will be used only for official purposes, and will not be released to the public. To ensure compliance with Pub. L. 93–579, the Office of Inspector General will maintain physical custody of the source data, except during the period in which the match is actually being run, and of the State of California's matching product. All automated source and match data will be password protected while resident on the State of California's computer; all tape and paper listings of the source and match information will be stored in a locked file, cabinet or room when not in use. No source materials or information contained therein or any matching information will be duplicated or disseminated within or without the California Employment Development Department, and personnel of that agency will have access to the material or password only for the purpose of directly furthering the matching program. The source information supplied by OWCP and the information resulting from the match will be returned by the State of California directly to the Office of Inspector General. It is understood that the source material remains the property of the Office of Workers' Compensation Programs.

f. *Disposition of the Records:* As indicated above, all records sent to the State of California, as well as records of matches, will be returned to the Office of Workers' Compensation Programs through the U.S. Department of Labor's Office of Inspector General, which is coordinating the match on behalf of OWCP. The information provided as a result of the match will be edited and validated using the information contained in DOL/ESA–13. Where there is a question of the entitlement of a matched beneficiary to receive compensation at all, or at a particular level, the case will be considered for investigation. No payment will be discontinued solely because a beneficiary's name appears as a match. The original source material will be destroyed or expunged following the match. Records of matches which are further processed or investigated will be made part of the case file of the beneficiary along with the results of the investigation.

g. *For Further Information Contact:* Thomas M. Markey, Director for Federal Employees' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, Room S–3229, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone (202) 523–7552.

h. *Other Comments:* This match is being performed primarily for the purposes of the Office of Workers' Compensation Programs by the State of California. Only in the unlikely event that OWCP/OIG's validation of "hits" discloses overlapping periods of FECA and California Unemployment Insurance benefits will any benefit information be provided to the California Employment Development Department for determination of entitlement.

Signed at Washington, DC this 6th day of March, 1989.

Lawrence W. Rogers,

Director, Office of Workers' Compensation Programs.

[FR Doc. 89–6216 Filed 3–15–89; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 89–19]

National Environmental Policy Act; Availability of Final Environmental Impact Statement

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of availability of final environmental impact statement.

SUMMARY: Notice is hereby given of the public availability of the final Environmental Impact Statement (EIS) for the Space Shuttle Advanced Solid Rocket Motor (ASRM) Program. This document addresses National Aeronautics and Space Administration decision making associated with the design, development, testing, and evaluation of ASRM's to replace the solid rocket motors currently used to launch the Space Shuttle. This includes the design, construction, and operation of new government-owned, contractor-operated facilities for manufacturing and testing of ASRM's.

Comments on the draft EIS were previously solicited from State and local agencies and members of the public through a notice in the Federal Register of December 23, 1988 (53 FR 51907).

Copies of the draft and final statement have been furnished to the Council on Environmental Quality; the Tennessee Valley Authority, the U.S. Army Corps of Engineers; the Environmental Protection Agency; the Departments of Agriculture, Air Force, and Transportation; to appropriate State and local agencies; and to numerous private organizations.

Copies of the final statement may be examined at any of the following locations:

(a) NASA Headquarters Information Center, National Aeronautics and Space Administration, Washington, DC 20546.

(b) NASA Information Center, Ames Research Center, Moffett Field, CA 94035.

(c) NASA Information Center, Dryden Flight Research Facility, P.O. Box 273, Edwards, CA 93523.

(d) NASA Information Center, Goddard Space Flight Center, Greenbelt, MD 20771.

(e) NASA Information Center, Johnson Space Center, Houston, TX 77058.

(f) NASA Information Center, Kennedy Space Center, FL 32899.

(g) NASA Information Center, Langley Research Center, Hampton, VA 23665.

(h) NASA Information Center, Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135.

(i) NASA Information Center, Marshall Space Flight Center, Huntsville, AL 35812.

(j) NASA Information Center, Stennis Space Center, Bay St. Louis, MS 39520.

(k) NASA Information Center (Jet Propulsion Laboratory), NASA Resident Office, 4800 Oak Grove Drive, Pasadena, CA 91109.

(l) NASA Information Center, Wallops Flight Facility, Wallops Island, VA 23337.

C. Howard Robins, Jr.,

Associate Administrator for Management.

March 10, 1989.

[FR Doc. 89-6082 Filed 3-15-89; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Advisory Committee on Presidential Libraries; Meeting

Notice is hereby given that the Committee on Presidential Libraries will meet on Wednesday, April 5, 1989, from 9:00 a.m. to 12:00 noon, at the Lyndon Baines Johnson Library, 2313 Red River Street, Austin, Texas.

This will be the second meeting of the committee. The agenda for the meeting will be to discuss the role of the former President in library development; the changing programs of the older Presidential libraries; and evaluating the relationship between the Presidential library and the library foundation.

The meeting will be open to the public. For further information, call John Fawcett on (202) 523-3212.

Dated: March 8, 1989.

Claudine, J. Weiher,

Acting Archivist of the United States.

[FR Doc. 89-6055 Filed 3-15-89; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL SCIENCE FOUNDATION

Advanced Scientific Computing Advisory Panel; Meeting, April 10-11, 1989

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Advanced Scientific Computing.

Date and Time:
April 10-8:00 a.m.-5:00 p.m.
April 11-8:00 a.m.-3:00 p.m.

Place: Room 1242, National Science Foundation, 1800 G Street NW.

Type of Meeting: Closed.
April 10-8:00 a.m.-5:00 p.m.
April 11-8:00 a.m.-3:00 p.m.

Contact Person: Dr. Thomas Weber, Director, Division of Advanced Scientific Computing, Room 417, National Science Foundation, Washington, DC. Telephone: 202/357-7558.

Summary Minutes: May be obtained from Contact Person.

Purpose of Meeting: To provide advice and recommendations concerning NSF support of advanced scientific computing.

Agenda: Closed. Discussion of Centers Renewal Proposals.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

March 13, 1989.

[FR Doc. 89-6076 Filed 3-15-89; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Developmental Biology; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Developmental Biology.

Date and Time: April 12, 13, 14, 1989, starting at 9:00 a.m. to 5:00 p.m.

Place: National Science Foundation 1800 G Street, NW., Conference Room, 1242.

Type of Meeting: Closed.

Contact Persons: Dr. Frank C. Greene, Program Director or Dr. Judith Plesset, Associate Program Director for Development Biology, Room 321, Telephone number: 202/357-7989.

Purpose of Advisory Panel: To provide advice and recommendations concerning support of research in developmental biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidental nature including technical information: financial data, such as salaries, and the personal information concerning individuals associated with the proposal. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

March 13, 1989.

[FR Doc. 89-6078 Filed 3-15-89; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Developmental Neuroscience; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Developmental Neuroscience.

Date and Time: April 12, 13, & 14 1989; 9:00 a.m.-5:00 p.m. each day.

Place: National Science Foundation, 1800 G. Street, NW., Washington, DC, Room 643.

Type of Meeting: Closed.

Contact Person: Rodney K. Murphey, Program Director, Developmental Neuroscience, Room 320, National Science Foundation, Washington, DC 20550 Telephone (202) 357-7042.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research in developmental neuroscience.

Agenda: Closed—To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of the Government Sunshine Act.

M. Rebecca Winkler,
Committee Management Officer.
March 13, 1989.
[FR Doc. 89-6079 Filed 3-15-89; 8:45 am]
BILLING CODE 7555-01-M

Advisory Committee For The Mathematical Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for the Mathematical Sciences.
Date and Time:
April 6, 1989—8:30 a.m. to 5:30 p.m.
April 7, 1989—8:30 a.m. to 5:00 p.m.
Place: Room 540, National Science Foundation 1800 G Street, NW., Washington, DC 20550.
Type of Meeting:
April 6 Open—8:30 a.m. to 5:30 p.m.
April 7 Closed—8:30 a.m. to 12:00 noon
April 7 Open—12:00 noon to 5:00 p.m.
Contact person: Dr. Judith S. Sunley, Division Director, Division of Mathematical Sciences, Room 339, National Science Foundation, Washington, DC 20550. Telephone (202) 357-9669. Anyone planning to attend this meeting should notify Dr. Sunley no later than April 3, 1989.
Purpose of Committee: To provide advice and recommendations concerning support for research in the mathematical sciences.
Agenda:

Thursday, April 6, 1989—8:30 a.m. to 5:30 p.m. (Open)

Introductory remarks
FY 1989 current plans
FY 1990 Budget to Congress
Status of planning for FY 1991 and beyond
Reports from subcommittees
Undergraduate activities
Organization
Alternate Modes
Geometry
Priorities for the mathematical sciences
Overview of responsibilities for program oversight reviews

Friday, April 7, 1989—8:30—Noon (Closed)

Review and comparison of declined proposals (and supproting documentation) with successful awards under the Mathematical Sciences Division, including review of peer review materials and other privileged materials.

Friday, April 7, 1989—Noon to 5:00 p.m. (Open)

Preliminary discussion of program oversight
Priorities for the Mathematical Sciences Division

Reason for Closing:

The Committee will be reviewing grant and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552c(c), Government in the Sunshine Act.

M. Rebecca Winkler,
Committee Management Officer.
March 13, 1989.

[FR Doc. 89-6077 Filed 3-15-89; 8:45 am]
BILLING CODE 7555-091-M

Advisary Panel for Population Biology and Physiological Ecology; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Population Biology and Physiological Ecology.
Date and Time: April 12-14, 1989—8:00 a.m. to 5:00 p.m. each day.
Place: Room 642, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.
Type of Meeting: Part Open.
Closed
4/12/89, 8:00 a.m.-5:00 p.m.;
4/13/89, 8:00 a.m.-5:00 p.m.
4/14/89, 10:30 a.m.-5:00 p.m.
Open
4/14/89, 8:30 a.m.-10:30 a.m.
Contact Person: Dr. Stephen T. Threlkeld, Program Director, Population Biology and Physiological Ecology, (202) 357-9728, Room 215, National Science Foundation, Washington, DC 20550.
Summary Minutes: May be obtained from the Contact Person at the above address.
Purpose of Meeting: To provide advice and recommendations concerning support for research in population biology and physiological ecology.
Agenda: Review and evaluation of research proposals and projects as part of the selection process of awards. Open on 4/14/89, 8:30 a.m.-10:30 a.m. to discuss long-range planning in population biology and physiological ecology.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

March 13, 1989.
M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 89-6080 Filed 3-15-89; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.
ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).
1. Type of Submission, new, revision, or extension: Extension.
2. Title of the information collection: Security Termination Statement.
3. The form number if applicable: NRC Form 136.
4. How often the collection is required: On occasion.
5. Who will be required or asked to report: Licensee and contractor employees, who have been granted an NRC access authorization (security clearance). When access authorization is no longer needed, the employee acknowledges and accepts

his/her countinuing security responsibilities by signing the NRC Form 136.
6. An estimate of the number of responses: 400.
7. An estimate of the total number of hours needed to complete the requirement or request: 6 minutes per response, 40 Hours Annually.
8. An indication of whether section 3504(h), Pub. L. (6–511 applies: Not applicable.
9. Abstract: The NRC Form 136 affects the employees of licensees and contractors who have been granted an NRC access authorization. When the access authorization is no longer needed, the execution of the form apprises the respondent of their continuing security responsibilities and is used to initiate termination of the access authorization.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW., Washington, DC.

Comments and questions should be directed by mail to the OMB reviewer, Nicolas B. Garcia, Paperwork Reduction Project (31500–0049), Office of Management and and Budget, Washington, DC 20503. Comments can also be communicated by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda J. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland this 8th day of March, 1989.

For the Nuclear Regulatory Commission.

Joyce A. Amenta,

Designated Senior Official for Information Resources Management.

[FR Doc. 89–6096 Filed 3–15–89; 8:45 am]

BILLING CODE 7590–01–M

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Managment and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of Submission, new, revision, or extension: Extension.
2. Title of the information collection: Classification Record.
3. The form number if applicable: NRC Form 790.
4. How often the collection is required: On occasion.
5. Who will be required or asked to report: NRC licensees, contractors, and other facilities that are permitted to use, process, store, reproduce, transmit, or otherwise handle NRC classified information.
6. An estimate of the number of responses: 293.
7. An estimate of the total number of hours needed to complete the requirement or request: 5 minutes per response, 24 Hours Annually.
8. An indication of whether section 3504(h), Pub. L. 96–511 applies: Not applicable.
9. Abstract: NRC Form 790 is utilized each time a document is classified or declassified and allows NRC to conduct assessments of the classification/declassification determinations in order to meet the requirements of Executive Order 12356 and the Information Security Oversight Office regulations.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW., Washington, DC.

Comments and questions should be directed by mail to the OMB reviewer, Nicolas B. Garcia, Paperwork Reduction Project (3150–0052), Office of Management and Budget, Washington, DC 20503. Comments can also be communicated by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda J. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland this 8th day of March, 1989.

For the Nuclear Regulatory Commission.

Joyce A. Amenta,

Designated Senior Official for Information Resources Management

[FR Doc. 89–6097 Filed 3–15–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–416]

System Energy Resources, Inc., et al.; Grand Gulf Nuclear Station, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–29, issued to Systems Energy Resources, Inc., *et al.*, (the licensee), for operation of the Grand Gulf Nuclear Station, Unit 1, located in Claiborne County, Mississippi.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the provisions in the Technical Specifications (TS) relating to changes of the reactor protection system (RPS) instrumentation surveillance test intervals and allowed outage times. Specifically, two changes would be made to TS 3/4.3.1," Reactor Protection System Instrumentation."

(1) The allowed outage times for actions in the event of inoperable instrumentation channels would be increased. The time to place the inoperable channels in a tripped condition would be increased from one hour to twelve hours. The time to restore operability of the channels which cannot be tripped without causing the trip function to occur would be increased from two hours to six hours. The length of time a channel may be placed in an inoperable status for required surveillance would be increased from two hours to six hours.

(2) Surveillance intervals would be increased from monthly to quarterly except for the manual scram instrumentation for which the surveillance interval would be decreased from monthly to weekly.

The proposed action is in accordance with the licensee's application for amendment dated June 30, 1988.

The Need for the Proposed Action

The proposed change to the TS is needed to improve plant safety and availability. These improvements would be achieved by reducing the potential for unnecessary plant scrams, excessive equipment test cycles and the diversion of plant personnel and resources to unnecessary testing.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to the TS and concludes that the proposed TS would not significantly increase the probability or consequences of any accident. This is because a reduction in the probability of core damage due to the reduction in challenges to the safety systems by inadvertent scrams during surveillance tests more than offset the increase in the probability of core damage due to longer surveillance test intervals. Therefore, the Commission concludes that the amendment involves no significant increase in the amounts and no significant changes in the types of effluents that may be released offsite and that there should be no significant increase in individual or cumulative

occupational radiation exposure. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential non-radiological impacts, the proposed change to the TS involves requirements with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed amendment.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the "Final Environmental Statement related to the operation of Grand Gulf Nuclear Station, Units 1 and 2", dated September 1981.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the application for amendment dated June 30, 1988, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Dated at Rockville, Maryland, this 10th day of March 1988.

For the Nuclear Regulatory Commission.

Ronnie H. Lo,

Acting Director, Project Directorate II-1, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89-6099 Filed 3-15-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-321 and 50-366]

Georgia Power Co., et al.; Environmental Assessment and Finding of No Significant Impact

The United States Nuclear Regulatory Commission [the Commission] is considering issuance of an exemption from the requirement of footnote d-2[c] of Appendix A to 10 CFR Part 20 to the Georgia Power Company, et al. [the licensee] for the Edwin I. Hatch Nuclear Plant, Units 1 and 2 located on the licensee's site in Appling County, Georgia.

Environmental Assessment

Identification of Proposed Action

The proposed action would relax the requirement in Footnote d-2[c] of Appendix A to 10 CFR Part 20 which states, "No allowance is to be made for the use of sorbents against radioactive gases or vapors." The exemption would allow the use of a radioiodine protection factor of 50 for certain respiratory protection canisters used by workers at the licensee's facility, Hatch 1 and 2. The staff's technical evaluation of this request will be published in a report entitled "Safety Evaluation By the Office of Nuclear Reactor Regulation Related to the Use of Radioiodine Protection Factor for Sorbent Canisters At Edwin I. Hatch Nuclear Plant, Units 1 and 2."

The evaluation is responsive to the licensee's application for exemption dated October 25, 1988, as supplemented January 12, 1989.

The Need for the Proposed Action

The proposed exemption is needed because the features described in the licensee's request are potential means to reduce occupational exposure to radiation for some tasks at Hatch 1 and 2.

Environmental Impacts of the Proposed Action

The proposed exemption will most likely reduce the work effort and occupational exposure for some tasks at Hatch 1 and 2. The utilization of air purifying respirators in lieu of air-supplied or self-contained apparatuses, where possible, can result in person-rem reductions estimates to be in a range of from 25% to 50% for tasks requiring radioiodine production. The lightweight, less cumbersome air purifying respirators (i.e., sorbent canisters) can provide increased comfort and mobility in most cases, and result in increased worker efficiency and decreased time on-the-job.

With regard to potential radiological impacts to the general public, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect the potential for or consequences of radiological accidents and does not affect radiological plant effluents. Consequently, the Commission concludes that there are no signficant radiological impacts associated with the proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

Because the staff has concluded that there is no significant environmental impact associated with the proposed exemption, any alternative to this exemption will have either no significant different environmental impact or greater environmental impact.

The principal alternative would be to deny the requested exemption. This would not reduce environmental impacts as a result of plant operations.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement for the Edwin I. Hatch Nuclear Plant, Unit 1 and Unit 2," dated October 1972, and the "Final Environmental Statement Related to Operation of Edwin I. Hatch Nuclear Plant, Unit No. 2," dated March 1978.

Agencies and Persons Consulted

The NRC staff has reviewed the licensee's request that supports the proposed exemption. The NRC staff did not consult other agencies or persons.

Findings of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a

significant effect on the quality of the human environment.

For further details with respect to this action, see the request for the exemption dated October 25, 1988, and its supplement dated January 12, 1989, which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Dated at Rockville, Maryland, this 9th day of March 1989.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Project Directorate II–3, Division of Reactor Project I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89–6098 Filed 3–15–89; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Nuclear Waste; Meeting Revision

The Advisory Committee on Nuclear Waste (ACNW) meeting scheduled for March 22–23, 1989 has been rescheduled for *March 23, 1989*, Room P–110, 7920 Norfolk Avenue, Bethesda, MD. Portions of this meeting will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy 5 U.S.C. 552b(c)(6). Notice of this meeting was published in the **Federal Register** on March 9, 1989 (54 FR 10062).

The following topics will be discussed:

Thursday, March 23, 1989—8:30 a.m.—5:00 p.m.

1. DOE discussion of Site Characterization Study Plan (Open)
2. Discussion lead by ACNW Consultants M. Carter, K. Krauskopf and J. Moody on ESF Study Plan for study 8.3.1.2.2.2 re: Water Movement Tests (Open)
3. Administrative Session to include:
   - —Future Schedules (Open)
   - —Membership (Closed)
   - —ACNW discussion of a possible report related to the repository development schedule, implementation of Study Plans and resolution of critical issues, etc. (Open)
   - —ACNW planning its review schedule for the SCP/SCA including additional meeting dates, consultants and topics (Open)
   - —Possible discussion of ACNW response to letters to the Commission concerning the ACNW position on the elimination of Section 20.205 from the proposed revision to 10 CFR Part 20 (Open)

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on June 6, 1988 (53 FR 20699). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. The Office of the ACRS is providing Staff support for the ACNW. Persons desiring to make oral statements should notify the Executive Director of the Office of the ACRS as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the Executive Director of the Office of the ACRS, Mr. Raymond F. Fraley (telephone 301/492–4516), prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

Date March 10, 1989.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 89–6095 Filed 3–15–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–280 and 50–281]

Correction to Biweekly Notice; Virginia Electric and Power Co.

On March 8, 1989, the Biweekly Notice of Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations was published. One notice relating to the Surry Power Station, Units 1 and 2 contained an incorrect reference to a section of the Technical Specifications proposed to be changed. On page 9936, second column, under "Description of Amendment Request," the number "3.13" should be corrected to read "3.16".

For the Nuclear Regulatory Commission.

Bart C. Buckley,

Project Manager, Project Directorate II–2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89–6100 Filed 3–15–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–412 and 50–334]

Duquesne Light Co., et al.; Beaver Valley Power Station, Unit Nos. 1 and 2, Proposed Corporate Restructuring

In the matter of Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company

The U.S. Nuclear Regulatory Commission (the Commission) has received a proposed plan to restructive Duquesne Light Company (licensee), which is holder of Facility Operating Licenses No. DPR–66 and NPF–73, for operation of the Beaver Valley Power Station located in Beaver County, Pennsylvania.

The purpose of the licensee's proposed plan is to create a holding company, DQE, Inc., to become the sole owner of Duquesne Light Company, which will remain as licensee for the Beaver Valley Power Station. Current stockholders for Duquesne Light Company will become stockholders of DQE, Inc., upon approval by the stockholders.

For further details with respect to this action, see (1) the licensee's application dated February 6, 1989, and (2) the Commission's letter to the licensee dated March 9, 1989.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC and at B.F. Jones Memorial Library, 663 Franklin Avenue, Aliqquippa, PA 15001. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland, this 9th day of March, 1989.

For the Nuclear Regulatory Commission.

Peter S. Tam,

Senior Project Manager, Project Directorate I–4, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89–6101 Filed 3–15–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; (Point Beach Nuclear Plant, Units No. 1 and No. 2); exemption

I.

Wisconsin Electric Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-24 and DPR-27, which authorize operation of the Point Beach Nuclear Plant, Unit Nos. 1 and 2. The licenses provide, among other things, that the Point Beach Plant is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facility consists of two pressurized water reactors at the licensee's site located in Manitowoc County, Wisconsin.

II.

Appendix K to CFR Part 50 specifies requirements and acceptable features of evaluation models for analyzing the heat removal from the reactor core during a loss of coolant accident (LOCA) by the emergency core cooling system (ECCS). Sections I.D.3 and I.D.5 are the subject of this exemption request. Specifically, Section I.D.3 is concerned with the calculation of the reflood rate for pressurized water reactors. This section requires that the ratio of the total fluid flow at the core exit plane to the total liquid flow at the core inlet plane (carryover fraction) shall be used to determine the core exit flow and shall be determined in accordance with applicable experimental data. Section I.D.5 deals with head transfer analysis during the refill and reflood phase of a LOCA. This section specifically requires that for reflood rates of 1-inch per second or higher, the reflood heat transfer coefficients shall be based on applicable experimental data for unblocked cores including FLECHT results ("PWR FLECHT (Full Length Emergency Cooling Heat Transfer), Final Report," Westinghouse Report WCAP-7665, April 1971).

III.

By letter dated November 30, 1988, the licensee requested exemption from the requirements of Sections I.D.3 and I.D.5 of Appendix K , as these requirements apply to a new evaluation model for the LOCA analyses dealing with the two-loop Westinghouse plants such as the Point Beach Nuclear Plant, Unit Nos. 1 and 2. In the past, because of modeling difficulties, the evaluation mode for the LOCA and analyses for the Westinghouse two-loop plants such as Point Beach assumed that treating the low pressure upper plenum injection water as injected into the lower plenum in the same manner as for the three and four-loop plants would provide reasonable results for a two-loop plant. However, the new model found acceptable by the Commission's staff (Reference 1) and its Point Beach plant-specific analysis (Reference 2), assume injection of the low pressure water directly into the upper plenum as would actually occur in the plant in the event of a LOCA. This more accurate representation, however, entails deviation from some modeling assumptions required by 10 CFR Part 50, Appendix K. The acceptability of the exemption request is addressed below.

IV.

Section I.D.3 of Appendix K to 10 CFR Part 50 assumes that a carryover fraction of the liquid entering the core inlet plane at the lower plenum as defined above would exit the reactor core and through the loop pipe. In an upper plenum injection plant, the liquid enters above the reactor core and exits through the lower plenum as well as through the loop piping. Therefore, the carryover fraction for the upper plenum injection plants provides no physical meaning nor can it be defined by the existing codes (i.e., WCOBRA/TRAC) used in the licensing calculations. In addition, the licensee's new evaluation model makes use of revised codes which have been demonstrated, via comparison to appropriate experimental data, as capable of calculating the core exit liquid flow without the use of the carryover fraction as defined in Section I.D.3. Thus, although the carryover fraction has not been calculated, the intent of the requirement is met by establishing the core exit flow during reflooding.

Section I.D.5 of Appendix K to 10 CFR Part 50 requires that for reflood rates on 1-inch per second or higher, the heat transfer coefficients shall be demonstrated to be more conservative than experimental data, including the FLECHT results. In cases where refill and reflood rates of less than 1-inch per second, the heat transfer coefficients shall be based on steam cooling taking into account any calculated flow blockage. These requirements were based on limited test data, at the time of rulemaking, simulating the liquid entering the core from the lower plenum. For a reactor with upper plenum injection, the entire flow pattern is different that that assumed at the time the requirement was developed. In the case of upper plenum injection, the reactor vessel is filled with liquid falling or channeling through the core into the lower plenum, and the fuel assemblies are cooled by a combination of cocurrent downflow, cocurrent upflow, and counter current flow film boiling and radiation. In the case where liquid enters the lower plenum, the fuel assemblies are cooled by dispersed cocurrent upflow film boiling and radiation. During the refill phase in the reactor that has upper plenum injection, the water will fall into the core and contribute cooling, and therefore the assumption of only steam cooling discussed in Section I.D.5 is inappropriate. In addition, the 1-inch per second flooding rate threshold for steam cooling reflood was based on lower plenum injection blockage heat transfer data that is not applicable for the upper plenum injection mode of cooling.

Although the licensee's new evaluation model found acceptable by the Commission's staff (Reference 1) does not contain the limitations of I.D.3 and I.D.5, the new evaluation model contains heat transfer models that have been verified and validated with proper experimental data for the refill and reflood heat transfer coefficients for upper plenum injection. The experimental data include the upper head injection tests at the Westinghouse G-2 test facility and the large scale reflood upper plenum injection tests at the Japanese Cylindrical Core Test Facility (CCTF). The G-2 separate effect experiments provide information on a full-length rod bundle film heat transfer in both cocurrent and counter-current flow with a pressure range between 20 and 100 psia which is typical range for upper plenum injection flooding situations. The integral CCTF experiments provided information on the core thermal hydraulic and system responses for upper plenum injection. Four CCTF reflood tests were analyzed which include a cold leg injection reference test and three combined injection tests with various upper plenum injection flow rates and injection configurations simulating symmetric and skewed upper plenum injections. The comparisons with these data indicate that the new evaluation model provides a reasonably accurate description of the local phenomena and heat transfer calculation for the complex film boiling situation as well as the sytem response for an upper plenum injection plant. Although the new model deviates from Appendix K in these two particulars, it employs more accurate modeling assumptions for a two-loop plant, and the models have been validated by comparison with appropriate experimental data. Thus, the underlying intent of the rule—to assure that ECCS evaluation models

properly reflect applicable expermental data—has been satisfied.

V.

Based on the above evaluation, the Commission's staff considers the licensee's alternative, due to the difference in the method of injecting liquid during the LOCA conditions, to be equivalent to that achieved by conformance with Sections I.D.3 and I.D.5 of Appendix K to 10 CFR Part 50. Therefore, the licensee's request for exemption from Sections I.D.3 and I.D.5, as these requirements relate to injection of emergency cooling directly into the upper plenum of the reactor, may be granted.

Accordingly, the Commission has determined pursuant to 10 CFR 50.12(a), that the requested exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Further, the Commission finds that special circumstances are present for this exemption in that application of the regulation in this particular circumstance is not necessary to achieve the underlying purposes of Sections I.D.3 and I.D.5 of Appendix K to 10 CFR Part 50, and that the underlying purpose of these requirements is satisfied by the revised model. The licensee's alternative methods as discussed in IV above for performing the thermal/hydraulic analysis are capable of performing the same demonstration. Therefore, the Commission hereby grants the exemption request identified in Section III above.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption will have no significant impact on the environment (54 FR 7308).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 6th day of March, 1989.

For the Nuclear Regulatory Commission

Gary M. Holahan,

Acting Director Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

Reference 1

Letter from Ashok C. Thadani (NRC) to W.J. Johnson (Westinghouse) "Acceptance for Referencing of Licensing Topical Report WDAP–10924, Westinghouse Large-Break LOCA Best Estimate Methodology," August 29, 1988.

Reference 2.

WCAP–10925–P, Revision 1, "Westinghouse Large Break LOCA Best Estimate Methodology, Volume 2: Application to Two-Loop PWRs Equipped with Upper Plenum Injection, Addendum 2: PBNP Plant Specific Analysis," December 1988.

[FR Doc. 89–6102 Filed 3–15–89; 8:45 am]

BILLING CODE 7590–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s):

(1) *Collection title:* Pilot Study—Mail Registration for Unemployment Benefits.

(2) *Form(s) submitted:* UI–1(ES–1), UI–3.

(3) *OMB Number:* New Collection.

(4) *Expiration date of current OMB clearance:* Six months from date of OMB approval.

(5) *Type of request:* New Collection.

(6) *Frequency of response:* On occasion.

(7) *Respondents:* Individuals or households.

(8) *Estimated annual number of respondents:* 250.

(9) *Total annual responses:* 250.

(10) *Average time per response:* .104.

(11) *Total annual reporting hours:* 26.

(12) *Collection description:* A pilot study conducted for the purpose of insuring that the forms used by railroad employees to apply for and claim unemployment benefits by mail are properly understood by the respondents before the procedure is implemented nationwide.

Additional Information or Comments: Copies of the proposed forms and supporting documents can be obtained from Pauline Lohens, the agency clearance officer (312–751–4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Justin Kopca (202–395–7316), Office of Management and Budget, Room 3002, New Executive Office Building, Washington, DC 20503.

Pauline Lohens,

Director of Information Resources Management.

[FR Doc. 89–6069 Filed 3–15–89; 8:45 am]

BILLING CODE 7905–01–M

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in section 3221(a) of the Railroad Retirement Tax Act (26 U.S.C., 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1989, shall be at the rate of 26 cents.

In accordance with directions in sections 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning April 1, 1989, 31 percent of the taxes collected under sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 69 percent of the taxes collected under such sections 3211(b) and 3221(c) plus 100 percent of the taxes collected under section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

Dated: March 9, 1989.

[FR Doc. 89–6068 Filed 3–15–89; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–16857; 812–7164]

DLJ Acceptance Corporation and DLJ Acceptance Corporation Trusts; Notice of Application

March 10, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: DLJAC Acceptance Corporation ("DLJAC") and DLJAC

Acceptance Corporation Trusts, trusts of which DLJAC is the depositor (the "Trusts"), or to which DLJAC is the seller of Bond Collateral (defined below) (the "Acquiring Trusts") (DLJAC, the Trusts, and the Acquiring Trusts collectively, the "Applicants").

Relevant 1940 Act Sections: Exemption requested under Section 6(c) from all provisions of the 1940 Act.

Summary of Application: Applicants seek a conditional exemptive order to permit DLJAC to establish Trusts and Acquiring Trusts, and together with the Trusts: (1) To issue and sell one or more series of bonds collateralized by certain mortgage certificates; (2) to elect status as a "real estate mortgage investment conduit" under the Internal Revenue Code of 1986, as amended ("REMIC" status); and (3) to issue and sell residual interests in the Applicants. The requested order would also permit the Acquiring Trusts to purchase Bond Collateral (defined below) from DLJAC as described below, and otherwise to conduct its affairs as the other Trusts, except for the issuance of Bonds.

Filing Dates: The application was filed on November 2, 1988, and amended on December 19, 1988, and January 27, February 13, and February 24, 1989.

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 March 30, 1989. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants 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 20459. Applicants, DLJ Acceptance Corporation, 140 Broadway, New York, New York 10005.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Regina Hamilton (202) 272-3024, or Branch Chief Karen L. Skidmore (202) 272-3023 (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).

Applicants' Representations

1. DLJAC, a Delaware corporation incorporated on November 30, 1987, is a direct wholly-owned limited purpose financing subsidiary of Donaldson, Lufkin & Jenrette Securities Corporation, also a Delaware corporation. DLJAC was organized for the purpose of issuing and selling, or establishing trusts to issue and sell, series of bonds ("Bonds"), and of purchasing, owning, or selling to such trusts, Mortgage Certificates (defined below), together with other collateral described in the application (*i.e.*, certain funds, accounts, and reinvestment income) (the Mortgage Certificates and other collateral together, the "Bond Collateral"), and pledging such Bond Collateral to a trustee (as described below) to secure a series of Bonds.[1] Although DLJAC may establish other issuers that will issue bonds secured by other types of collateral, the order requested would grant relief only in connection with the sale of Bond Collateral to Acquiring Trusts and the issuance by DLJAC and the Trusts of such bonds and residual interests, as described in the application.

2. Each Trust and Acquiring Trust will be established under a separate deposit trust agreement between DLJAC, acting as depositor, and a bank or trust company or other fiduciary acting as an owner trustee ("Owner Trustee"). Under the terms of each trust agreement, DLJAC will convey trust property to the Trust or Acquiring Trust in return for certificates evidencing beneficial ownership of such Trust ("Residual Certificates").

3. DLJAC and the Trusts may issue one or more series of Bonds (each Trust and DLJAC the "Issuer" or "Issuers") under the terms of an indenture, as supplemented by one or more series supplements ("Indenture"). An independent trustee (the "Bond Trustee") and the Issuer of the Bonds (either the Owner Trustee, if a Trust is the Issuer, or DLJAC, if DLJAC is the Issuer), will be parties to the Indenture.

4. Each series of Bonds will consist of one or more classes of Bonds (the "Classes"), including one or more Classes of Non-Compound Interest Bonds, Compound Interest Bonds, Zero Coupon Bonds, Floating Interest Bonds, Reduced Volatility Bonds ("RV Bonds")[2] or Timed Increased Coupon Bonds ("TIC Bonds").[3] Each Class of Bonds will bear a separate interest rate and stated maturity as indicated in the prospectus supplement for such Bonds. Interest will be paid or accrued on each Class on the basis of its adjusted principal amount.

5. DLJAC may sell to Eligible Owners (defined below) certain contract rights to receive all or a portion of excess cash flow in the Bond Collateral of each series of Bonds it issues ("Contract Rights"). It may also sell Residual Certificates received from the Trusts or the Acquiring Trusts (the Contract Rights and Residual Certificates are identical except in form and are referred to collectively as the "Residual Interests"). The Residual Interests of each Applicant will be sold to a limited number of sophisticated institutional investors or other investors (the "Eligible Owners"), subject to specified conditions.

6. Under each trust agreement, the Owner Trustee is obligated to collect all amounts released from the lien of the Indenture by the Bond Trustee to pay all expenses of the Trust, including its own fees, and to remit the balance to the owners of the Residual Interests on a pro rata basis. Each trust agreement also contemplates that the Owner Trustee may enter into a consulting agreement whereby a third party, which may be an affiliate of the Applicants, may provide certain management services in connection with the issuance of the Bonds.

7. Acquiring Trusts will acquire, with the written consent of the Bondholders, the Bond Collateral securing a series of Bonds already issued by DLJAC in

[1] Each series of Bonds for which the order is requested will be principally secured by mortgage-backed certificates consisting of fully modified pass-through certificates guaranteed as to principal and interest by the Government National Mortgage Association ("GNMA Certificates"), mortgage participation certificates issued and guaranteed by the Federal Home Loan Mortgage Corporation ("FHLMC Certificates"), or guaranteed mortgage pass-through certificates issued and guaranteed by the Federal National Mortgage Association ("FNMA Certificates") (collectively, "Mortgage Certificates"). Mortgage Certificates pledged to secure a series of Bonds may or may not represent the entire beneficial interest in the mortgage pools related to such Mortgage Certificates. Each Applicant, acting through an owner trustee, will issue one or more series of Bonds and simultaneously with the sale of such series, purchase the Mortgage Certificates that will secure such series of Bonds.

[2] An RV Bond is one on which the principal payment is defined for a particular payment date and on which any excess collections on the Mortgage Certificates on such payment date are directed to other Classes of Bonds. RV Bonds give an investor greater assurances regarding the time over which principal will be returned to him. The Issuer of such Bonds covenants that no more than a certain amount of the cash flow from the Mortgage Collateral deposited in the collection account to pay principal on the Bonds each period will be paid to the holders of such Bonds during such period.

[3] A TIC Bond is substantially identical to the fixed-rate Bonds described in the application, except the interest rate adjusts upward at a certain date.

return for Residual Certificates. The Acquiring Trusts are identical to the Trusts in every respect, except that: (a) they are established only for the limited purposes of acquiring, owning, holding and pledging Bond Colateral and related activities (they will not issue Bonds); (b) they purchase Bond Collateral from DLJAC after the Bonds have been issued (as opposed to a simultaneous purchase of collateral and issuance of Bonds); and (c) in accordance with condition 7 below, they may only purchase such collateral subject to the prior written consent of the DLJAC Bondholders. Each Acquiring Trust is subject to all the representations and conditions applicable to the Trusts, and following receipt of the Bond Colateral, will conduct its affairs exactly as if it had been a Trust issuing Bonds.

8. For each series of Bonds: (a) each Issuer or Acquiring Trust will hold no substantial assets other than Bond Collateral (except to the extent that DLJAC may hold Residual Interest and the proceeds of such interests); (b) the Mortgage Certificates will have collateral value determined under the Indenture, at the time of issuance and following each payment date, equal to or greater than the outstanding principal of the Bonds; (c) at the time of issuance of a series, and after each payment date distributions of principal and interest received on the Mortgage Certificates securing such series together with the other Bond Collateral pledged to secure such series will be sufficient to pay any interest due on such Bonds and to retire each class of Bonds by its stated maturity; and (d) the Mortgage Certificates will be pledged by the Issuer or Owner Trustee to the Bond Trustee and will be subject to the lien of the related Indenture.

9. None of the Issuers, owners of the Residual Interests, the Owner Trustee of any Trust or the Acquiring Trust or the Bond Trustee will be able to impair the security afforded by the Mortgage Certificates to the holders of the Bonds. That is, without the consent of each Bondholder to be affected, none of the above will be able to: (a) change the stated maturity on any Bonds of such series (or the manner of determining the rate of interest or TIC Date of the floating Interest Rate Bonds or the TIC Bonds); (b) reduce the principal amount or the rate of interest on any Bonds of such series; (c) change the priority of payment on any class of any series of Bonds of such series; (d) impair or adversely affect the Mortgage Certificates securing a series of Bonds; (e) permit the creations of a lien ranking prior to or on a parity with the lien of the Indenture for such series; or (f) otherwise deprive the Bondholders of such series of the security afforded by the lien of the related Indenture, except in accordance with the terms of the Indenture. However, in order to remove the liabilities representing the Bonds from its balance sheet, DLJAC may sell Bond Collateral to an Acquiring Trust subject to the lien of the Indenture and in compliance with its provisions.

10. The sale of the Residual Interests will not alter the payment of cash flows under the related Indenture, including the amounts to be deposited in the collection account or any reserve fund created pursuant to the Indenture to support payments of principal and interest on the Bonds. The interests of the Bondholders will not be compromised or impaired by the ability of DLJAC to sell Residual Interests in each Applicant, and there will not be a conflict of interest between the Bondholders and the owners of the Residual Intererst, because: (a) the Bond Collateral which initially will be pledged to secure the Bonds of each series will not be speculative in nature because the Mortgage Certificates are guaranteed as to timely payment of interest and timely or ultimate payment of interest and timely or ultimate payment of principal by each respective agency, and cash, and reinvestment earnings on such cash, and distributions from the Mortgage Certificates; (b) the Bonds will only be issued provided an independent nationally recognized statisitical rating agency has rated such Bonds in one of the two highest rating categories, which by definition means that the capactiy of the Issuer to repay principal and interest on the Bonds is extremely strong; (c) the relevant Indenture under which the Bonds will be issued subjects the Bond Collateral, all income distributions thereon and all proceeds from a conversion, voluntary or involuntary, of any such collateral to a first priority perfected security interest in the name of the Bond Trustee on behalf of the Bondholders;[4] and (d) the owners of the Residual Interests will be entitled to receive current distributions representing the residual payments on the Bond Collateral in accordance with the terms of the applicable trust agreement or Indenture, which distributions are analogous to dividends payable to a shareholder of a corporate issuer of collateralized mortgage obligations. Furthermore, if the Issuer does not elect REMIC status with respect to a series of Bonds, the holders of the Residual Interests of such series will be liable for the expenses, taxes and other liabilities incurred in the administration of the Bond Collateral and the Bonds (other than the principal and interest on the Bonds) to the extent not previously paid from the Bond Collateral.

11. The choice of the form of Issuer for the Bonds, the sale of Bond Collateral to an Acquiring Trust and the identity of the owners of the Residual Interests or in the Bond Collateral, however, will not alter in any way the payments made to the holders of such Bonds, which are payments governed by an Indenture which will meet the requirements of the Trust Indenture Act of 1939. Moreover, the aggregate interests in the Bond Collateral of the holders of the Residual Interests and the expected returns to be earned by such holders will be far less than the payments made to Bondholders. Applicants do not intend to deposit, in respect of any series of Bonds, Mortgage Certificates with a collateral value that exceeds 120% of the aggregate principal amount of the related Bonds.

12. Except to the extent permitted by the limited right to substitute Mortgage Certificates, it will not be possible for the Applicants or owners of the Residual Interests to alter the Bond Collateral, and in no event will such right to substitute Mortgage Certificates result in a diminution in the value or quality of such Bond Collateral. Although it is possible that any substituted Mortgage Certificates may have a different prepayment experience than the Mortgage Certificates constituting the original Bond Collateral, the interests of the Bondholders will not be impaired because: (a) the prepayment experience will be determined by market conditions beyond the control of the holders of the Residual Interests, which market conditions are likely to affect all mortgage certificates of similar payment terms and maturities in a similar fashion; (b) the interests of the owners of the Residual Interests are not

[4] The Indenture further specifically provides that no amounts may be released from the lien of the Indenture to be remitted to the Issuer (and any Owner of the Residual Certificates thereof) until: (i) the Bond Trustee has made the scheduled payment of principal and interest on the Bonds; (ii) the Bond Trustee has received all fees currently owed to it; and (iii) to the extent required by any supplemental indentures executed in connection with the issuance of the Bonds, deposits have been made to certain reserve funds which will ultimately be used to make payments of principal and interest on the Bonds. For an Issuer that is a Trust, once amounts have been released from the lien of the Indenture, the trust agreement for each Trust will provide that the Owner Trustee under the trust agreement will have a right superior to that of the owners of the Residual Certificates to the remaining cash flow from the Trust property.

likely to be greatly different from those of the Bondholders with respect to Mortgage Certificate prepayment experience; and (c) to the extent that it may be possible for the owners of the Residual Interests to cause the substitution of Mortgage Certificates which have a different prepayment experience than the original Mortgage Certificates, this situation is no different for the Bondholders than the traditional collateralized mortgage obligation structure.

Applicants' Legal Conclusions

The requested amended order is necessary and appropriate in the public interest, because: (a) The Applicants and DLJAC as depositor are not the types of entities, and their activities are not the type of activities, to which the provisions of the 1940 Act were intended to be applied; (b) the activities of the Applicants and DLJAC as depositor are intended to serve a recognized and critical public need; (c) granting of the requested order will be consistent with the protection of investors because they will be protected during the offering and sale of the Bonds by the registration or exemption provisions of the Securities Act, and thereafter by the Bond Trustee representing their interests under the Indenture; and (d) the disclosure to the owners of Residual Certificates and the limitation of such holders to no more than 100 sophisticated institutional or non-institutional investors provide adequate safeguards to assure such owners do not require the protection of the 1940 Act.

Applicants' Conditions

Applicants agree that if an order is granted, it will be expressly conditioned on the following:

A. Conditions Relating to the Bond Collateral

1. Each series of Bonds will be registered under the Securities Act of 1933, as amended (the "Securities Act"), unless offered in a transaction exempt from registration either pursuant to Section 4(2) of the Securities Act or because such series of Bonds will come to rest outside the United States, provided that the Bonds are offered and sold outside the United States or to non-United States persons in reliance upon an opinion of United States counsel that registration is not required. No single offering of the Bonds both within and outside the United States would be made without registration of all such Bonds under the Securities Act without first obtaining a no-action letter permitting such offering or otherwise complying with applicable standards then governing such offerings. In all such cases, Applicants will adopt agreements and procedures reasonably designed to prevent such Bonds from being offered or sold in the United States or to United States persons (except as United States counsel may then advise is permissible). Disclosure provided to purchasers located outside the United States will be substantially the same as that provided to United States investors in United States offerings.

2. The Bonds will be "mortgage related securities" within the meaning of section 3(a)(41) of the Securities Exchange Act of 1934, as amended. In addition, the Mortgage Certificates collateralizing the Bonds will be limited to GNMA Certificates, FNMA Certificates, or FHLMC Certificates.

3. If new Mortgage Certificates are substituted for Mortgage Certificates initially pledged to secure a series of Bonds, the substitute Mortgage Certificates must: (a) Be of equal or better quality than the Mortgage Certificates replaced; (b) have similar payment terms and cash flow as the Mortgage Certificates replaced; (c) be insured or guaranteed to the same extent as the Mortgage Certificates replaced; and (d) meet the conditions set forth in paragraphs (2) and (4). In addition, new Mortgage Certificates may not be substituted for more than 40% of the aggregate face amount of the Mortgage Certificates initially pledged to the Bond Trustee as security for a series of Bonds. In no event may any new Mortgage Certificates be substituted for any substitute Mortgage Certificates.

4. All Bond Collateral securing a series of Bonds will be held by the Bond Trustee, or on behalf of the Bond Trustee by an independent custodian. Neither the Bond Trustee nor the custodian may be an affiliate (as the term "affiliate" is defined in Rule 405 under the 1933 Act, 17 CFR 230.405) of any Applicant, DLJAC, or the Owner Trustee. The Bond Trustee will be provided with a first priority perfected security or lien interest in and to all Bond Collateral. Any sale of Bond Collateral will only be made to Acquiring Trusts. After any such sale, the Bond Trustee will continue to have a first priority perfected security or lien interest in and to all Bond Collateral.

5. Each series of Bonds will be rated in one of the two highest bond rating categories by at least one nationally recognized statistical rating organization that is not affiliated with any of the Applicants. The Bonds will not be considered "redeemable securities" within the meaning of section 2(a)(32) of the 1940 Act.

6. So long as applicable law requires, at least annually, an independent public accountant will audit the books and records of each Applicant. In addition, an independent public accountant will report on whether the anticipated payments of principal and interest on the Mortgage Certificates continue to be adequate to pay the principal and interest on the Bonds in accordance with their terms. Upon completion, copies of the auditor's reports will be provided to the Bond Trustee.

7. None of the Applicants nor the holders of Residual Interests in any series of Bonds will sell the Mortgage Certificates securing such series of Bonds while such series of Bonds is outstanding without the written consent of each Bondholder to be affected thereby. In addition, after any such sale, the Bond Trustee will retain the first priority perfected security or lien interest in and to all Bond Collateral. Such sales will only be made to Acquiring Trusts, subject to the representations and conditions set forth in the application.

B. Conditions Relating to Floating Rate Bonds

8. Each class of floating interest rate Bonds will have a set maximum interest rate (an interest rate cap) or a minimum interest rate in the case of an inverse floating rate Bond, which, in each case, may vary from period to period.

9. At the time of the deposit of the Mortgage Certificates securing a series of Bonds with the Bond Trustee, as well as during the life of such series of Bonds, the scheduled payments of principal and interest to be received by the Bond Trustee on all Mortgage Certificates pledged to secure the Bonds of such series plus reinvestment income thereon, and any other funds, if any, pledged to secure the Bonds of such series will be sufficient to make all payments of principal and interest on the Bonds of such series then outstanding, assuming the maximum applicable interest rate for each specified period on each Class of floating interest rate Bonds. Such Mortgage Certificates will be paid down as the mortgages underlying the Mortgage Certificates are repaid, but will not be released from the lien of the Indenture (except as permitted by the Indenture) prior to the payment of the Bonds.[5]

[5] In the case of a series of Bonds that contains a class or classes of floating rate Bonds, a number of

Continued

C. Conditions Relating to REMIC Election

10. The election by an Applicant to be treated as a real estate mortgage investment conduit (a "REMIC") pursuant to the Internal Revenue Code of 1986, as amended, or to treat the arrangement by which the collateral for a series of Bonds issued by it secures such Bonds as a REMIC, will have no effect on the level of the expenses that would be incurred by an Applicant. Whether or not an Applicant elects to be treated as a REMIC, it will provide that all administrative fees and expenses in connection with the administration of the Applicant will be paid or provided for in a manner satisfactory to the agency or agencies rating the Bonds. Whether or not an Applicant elects to be treated as a REMIC, it will provide for the payment of administrative fees and expenses incurred in connection with the issuance of the Bonds by it and the administration of the Bond Collateral and the Bonds of such series by one or more of the methods set forth in the application.

11. Each Applicant will insure that the anticipated level of fees and expenses will be more than adequately provided for regardless of which or all of the methods (which methods may be used in combination) are selected by such Applicant to provide for the payment of such fees and expenses.

D. Conditions Relating to the Sale of Residual Interests

12. Notwithstanding the sale of Residual Interests, all of the outstanding stock of DLJ Acceptance Corporation (the depositor of each Trust) will continue to be owned by Donaldson, Lufkin & Jenrette Inc. If the sale of Residual Interests in an Applicant results in the transfer of control (as the term "control" is defined in Rule 405 under the Securities Act) of that Applicant from its original Owners, the relief afforded by any order of the Commission granted on this Application would not apply to subsequent Bond offerings by DLJAC or by any Applicant.

13. Residual Interests will be offered and sold only to no more than 100 (i) institutional investors or (ii) non-institutional investors which are "accredited investors" as defined in Rule 501(a) of the Securities Act. Institutional investors will have such knowledge and experience in financial and business matters as to be able to evaluate the risks of purchasing Residual Interests and understand the volatility of interest rate fluctuations as they afffect the value of mortgages, mortgage related securities and Residual Interests therein. Non-institutional accredited investors will be limited to not more than 15, will purchase at least $200,000 of such Residual Interests and will have a net worth at the time of purchase that exceeds $1,000,000 (exclusive of their primary residence). Further, non-institutional accredited investors will have such knowledge and experience in financial and business matters, specifically in the field of mortgage-related securities, as to be able to evaluate the risk of purchasing a Residual Interest and will have direct, personal and significant experience in making investments in mortgage-related securities and because of such knowledge and experience, understand the volatility of interest rate fluctuations as they affect the value of mortgage-related securities and Residual Interests therein. Owners of Residual Interests will be limited to mortgage lenders, thrift institutions, commercial and investment banks, savings and loan associations, pension funds, employee benefit plans, insurance companies, mutual funds, real estate investment trusts or other institutional or non-institutional investors as described above which customarily engage in the purchase of mortgages and mortgage-related securities. Mutual funds will continue to be required to satisfy themselves that purchases of such obligations comply with the provisions of Section 12(d)(1) of the 1940 Act.

14. Each sale of a Residual Interest will qualify as a transaction not involving any public offering within the meaning of Section 4(2) of the Securities Act.

15. Each sale of a Residual Interest will prohibit the transfer of such Residual Interest if there would be more than 100 owners of Residual Interests of any Applicant at any time.

16. Each sale of a Residual Interest will require each purchaser thereof to represent that it is not purchasing for distribution and that it will hold such Residual Interest in its own name or for accounts as to which it exercises sole investment discretion.

17. Each sale of a Residual Interests will provide that: (i) No owner of such Residual Interests may be affiliated with the Bond Trustee; and (ii) no holder of a controlling interest in an Applicant (as the term "control" is defined in Rule 405 under the Securities Act) will be affiliated with either: (a) any custodian which may hold the Mortgage Certificates on behalf of the Bond Trustee; or (b) any statistical rating agency rating the Bonds.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

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mechanisms exist to ensure that the representations above will be valid notwithstanding subsequent potential increases in the interest rate applicable to the floating rate Bonds. Procedures that have been identified to date for achieving this result include the use of (i) interest rate caps for the floating rate Bonds; (ii) "inverse" floating rate Bonds (which pay a lower rate of interest as the rate increases on the corresponding "normal" floating rate Bonds); (iii) floating rate collateral to secure the Bonds; (iv) interest rate swap agreements (under which the issuer of the Bonds would make periodic payments to a counterparty at a fixed rate of interest based on a stated principal amount, such as the principal amount of Bonds in the floating rate class, in exchange for receiving corresponding periodic payments from the counterparty at a variable rate of interest based on the same principal amount); (v) hedge agreements (including interest rate futures and option contracts, under which the issuer of the Bonds would realize gains during periods of rising interest rates sufficient to cover the higher interest payments that would become due during such periods on the floating rate class of Bonds); and (vi) structuring the Bonds so that the weighted average interest rate on the entire series of Bonds is equal to or less than the weighted average pass-through rate on the Mortgage Certificates securing such series. It is expected that other mechanisms may be identified in the future. Whatever method is used for a particular series, the collateral structure for each series of Bonds will be reviewed independently by the agency or agencies rating the Bonds (as well as by the independent accounts for the Applicant issuing such series) in order to ensure, for the appropriate rating, that the Bond Collateral is sufficient to meet all scheduled payments, as stated above. In all cases, these mechanisms will be adequate to ensure the accuracy of the representations set forth above. In the event that other mechanisms to ensure the accuracy of the representations set forth above are used by the Applicants, the Applicants will notify the Securities and Exchange Commission (the "SEC" or the "Commission") by letter of the use of any such additional mechanisms, and shall give the SEC an opportunity to comment on such mechanisms before they are used in order to give the SEC an opportunity to raise any questions as to the appropriateness of their use. No Bonds will be issued for which this is not the case.

[Release No. IC-16858; 812-7195]

Southwestern Life Insurance Co., et al.

March 10, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Order under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Southwestern Life Insurance Company ("Southwestern") and LifeFund Account ("LifeFund").

Relevant 1940 Act Sections: Order requested pursuant to Section 26(b).

Summary of Application: Applicants seek an Order to permit the substitution of shares of Advisers Management Trust

("AMT") for shares of The Insurers Series Fund, Inc. ("Insurers Fund") held by LifeFund.

Filing Date: The application was filed on December 9, 1988.

Hearing or Notification of Hearing: If no hearing is ordered, the requested order will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any request must be received by the SEC by 5:30 p.m. on April 4, 1989. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send a copy 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; Southwestern Life Insurance Company and LifeFund Account, c/o Joseph K. Haggerty, Esquire, Assistant General Counsel, ICH Corporation, 4211 Norbourne Boulevard, P.O. Box 7769, Louisville, Kentucky 40207.

FOR FURTHER INFORMATION CONTACT: Wendell M. Faria, Staff Attorney, at (202) 272–3450 or Clifford E. Kirsch, Special Counsel, at (202) 272–2061 (Division of Investment Management, Office of Insurance Products and Legal Compliance).

SUPPLEMENTARY INFORMATION: The 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).

Applicants' Representations

1. Southwestern is a stock life insurance company chartered in 1903 in Texas. LifeFund, established by Southwestern to fund flexible premium variable life insurance policies ("Policies"), is registered as a unit investment trust under the 1940 Act. The Policies are registered under the Securities Act of 1933. LifeFund is divided into nine divisions ("Subaccounts"). Each Subaccount invests in a designated series of Insurers Fund or AMT. Insurers Fund, a Delaware corporation, is registered as an open-end, diversified management investment company under the 1940 Act. ICH Financial Service, Inc. is the investment adviser for Insurers Fund. Insurers Fund consists of six portfolios: Insurers Corporate/Government Bond Portfolio, Insurers Growth Stock Portfolio, Insurers Asset Allocation Portfolio, Insurers Income/Equity Options Portfolio, Insurers Money Market Portfolio and Insurers Regional Stock Portfolio. AMT, a Massachusetts business trust, is also registered as an open-end, diversified management investment company under the 1940 Act. Neuberger & Berman Management Incorporated is AMT's investment adviser. AMT currently consists of three portfolios: Liquid Asset Portfolio, Growth Portfolio and Limited Maturity Bond Portfolio. It is anticipated that a balanced portfolio will be added in the near future.

2. Southwestern has discontinued Insurers Fund as an investment option for new premium payments and proposes to substitute shares of AMT for the Insurers Fund shares presently held by LifeFund. The Policy reserves to Southwestern the right to replace the shares of Insurers Fund held by LifeFund with shares of another registered investment company if, in the judgment of Southwestern's management, further investment in shares of Insurers Fund should become inappropriate in view of the purposes of the Policy. No substitution of securities may take place, however, without notice to Policyowners and the prior approval of the Securities and Exchange Commission.

3. It is intended that the substitution would be effected by a simple net asset value exchange, so that the dollar amount invested in shares of Insurers Fund would be invested in AMT shares after the substitution. Under the terms of the transaction, LifeFund will redeem shares of Insurers Fund shares it currently holds and simultaneously use the proceeds to purchase shares of AMT's Liquid Asset Portfolio. Pursuant to new allocation instructions received in response to Southwestern's letter of November 15, 1988 in which Policyowners were notified of the proposed substitution, Policyowners may then transfer Policy Values to their choice of AMT portfolios. These transfers would not count toward the 12 transfers Policyowners may make among subaccounts during each Policy Year without charge.

4. Applicants submit that the proposed substitution should be approved pursuant to Section 26(b) of the 1940 Act in that the management of Southwestern has determined that investment in shares of Insurers Fund is no longer appropriate in view of the purposes of the Policy. Moreover, Applicants contend that the substitution of AMT shares for the Insurers Fund shares held by LifeFund is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

5. Applicants state that because of the diversification requirements applicable to variable insurance products, it is difficult to make appropriate investments for Insurers Fund due to its relatively insignificant total net assets. LifeFund is the only separate account invested in insurers Fund. Southwestern does not anticipate that any new or existing products will use Insurers Fund for investment purposes, nor is there any intention to market Insurers Fund to separate accounts of other insurance companies.

6. Because of the relatively minor amount of assets, even with reimbursement of advisory fees, expenses incurred by Insurers Fund have remained relatively high. A large portion of each portfolio's expenses is fixed. Consequently, as the size of the portfolios decrease, these fixed expenses become a larger percentage of average daily net assets. The interests of Policyowners would be better served if the Policies were funded exclusively by AMT. As of June 30, 1988, AMT had assets in excess of $70 million. AMT offers its shares to separate accounts of both affiliated and unaffiliated insurance companies offering variable annuity and variable life insurance products and is therefore more likely to increase in size than Insurers Fund. Although the advisory fees charged the AMT portfolios are slightly higher than those charged Insurers Fund portfolios (.5% compared to .4% of net assets), the expense ratios of the AMT portfolios are lower. Lower expense ratios generally indicate higher possible investment returns for Policyowners.

7. AMT's Growth Portfolio, Limited Maturity Bond Portfolio and Liquid Asset portfolio offer Policyowners investments similar to Insurers Growth Stock Portfolio, Insurers Corporate/Government Bond Portfolio and Insurers Money Market Portfolio, respectively. The anticipated AMT balanced portfolio will provide a similar investment option to that of Insurers Asset Allocation Portfolio, except that the balanced portfolio will not have a money market component.

8. All expenses incurred in connection with the proposed substitution, including legal, accounting and other fees and expenses, will be borne by Southwestern. In addition, the proposed substitution will not impose any tax liability on Policyowners.

9. For the reasons set forth above, the requested Order under Section 26(b) is consistent with the protection of investors and the purposes fairly

intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-6221 Filed 3-15-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16859; File No. 812-7206]

Western Capital Specialty Managers Trust et al.; Notice of Application

March 10, 1989

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

Applicants: Western Capital Specialty Managers Trust (the "Trust"), Western Capital Variable Advisors Corp. ("Western Capital" or the "Manager"), and any other similar funds ("Other Funds") that Western Capital may manage in the future (collectively, the "Applicants").

Relevant 1940 Act Sections: Exemption requested under Section 6(c) of the 1940 Act from Sections 9(a), 13(a), 15(a) and 15(b) and Rules 6e-2(b)(15) and 6e-3(T)(b)(15).

Summary of Application: Applicants seek an order to the extent necessary to permit shares of the Trust to be sold to and held by variable annuity and variable life insurance separate accounts of both affiliated and unaffiliated life insurance companies.

Filing Date: December 27, 1988; amended on March 4, 1989.

Hearing or Notification of Hearing: If no hearing is ordered the application will be granted. Any interested person may request a hearing on the 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 April 4, 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 a copy to the Secretary of the SEC, along with proof of service by affidavit or, in the case of an attorney-at-law, by certificate. Requst 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. Applicants, Western Capital Variable Advisors Corp., 1925 Century Park East, Suite 2350, Los Angeles, California 90067.

FOR FURTHER INFORMATION CONTACT: David S. Goldstein, Special Counsel (202) 272-3012 (Division of Investment Management).

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) 253-4300).

Applicants' Representations

1. The Trust is an open-end management investment company organized as a Massachusetts business trust. The Trust currently consists of seven separate series (the "Series") each of which will initially be offered only to Western Capital Specialty Managers Separate Accounts A and B of Golden American Life Insurance company to serve as the investment vehicle for variable life insurance policies and variable annuity contracts issued by Golden American Life Insurance Company ("Golden American"). The Trust intends, however, to offer shares of its existing and future Series to separate accounts of other insurance companies, including insurance companies that are not affiliated with Golden American ("participating insurance companies"), to serve as the investment vehicle for various types of insurance products (collectively referred to herein as "variable contracts").

2. The use of a common management investment company as the underlying investment medium for both variable annuity and variable life insurance separate accounts is referred to herein as "mixed funding." The use of a common management company as the underlying investment medium for separate accounts funding variable contracts of one or more unaffiliated life insurance companies is referred to herein as "shared funding."

3. Rule 6e-2(b)(15) under the 1940 Act provides partial exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act in connection with the funding of scheduled premium variable life insurance contracts issued through a separate account registered under the 1940 Act as a unit investment trust (a "Trust Account"). However, Rule 6e-2(b)(15) does not permit mixed funding or shared funding. Applicants request an exemption for scheduled premium variable life insurance separate accounts of participating life insurance companies (and principal underwriters and depositors of such separate accounts), the Trust, and any Other Fund, to the extent necessary to permit mixed and shared funding.

4. Rule 6e-3(T)(b)(15) under the 1940 Act provides partial exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act in connection with the funding of flexible premium variable life insurance contracts issued through a Trust Account. However, Rule 6e-3(T)(b)(15) does not permit shared funding. Applicants request an exemption for flexible premium variable life insurance separate accounts of participating insurance companies (and principal underwriters and depositors of such separate accounts), the Trust, and any Other Fund to the extent necessary to permit shared funding.

5. Mixed funding and shared funding should benefit variable contractowners by: (1) Eliminating a significant portion of the costs of establishing and administering separate funds; (2) allowing for a greater amount of assets available for investment by the Trust, thereby promoting economies of scale, permitting greater safety through greater diversification, and/or making the addition of new portfolios more feasible; and (3) encouraging more insurance companies to offer variable contracts, resulting in increased competition with respect to both variable contract design and pricing, which can be expected to result in more product variation and lower charges. Each Series of the Trust will be managed to attempt to achieve the Series' investment objective or objectives and not to favor or disfavor any participating insurer or type of insurance product.

6. Rules 6e-2 and 6e-3(T) recognize that it is not necessary for the protection of investors or the purposes fairly intended by the policy and provisions of the 1940 Act to apply the provisions of Section 9(a) to the many individuals in an insurance company complex, most of whom typically will have no involvement in matters pertaining to investment companies in that complex. Therefore, there is no regulatory reason to apply the provisions of Section 9(a) to the many individuals in various unaffiliated insurance companies (or affiliated companies of participating insurance companies) that may utilize the Trust as the funding medium for variable contracts.

7. Shared funding by unaffiliated insurance companies does not present any issues that do not already exist where a single insurance company is licensed to do business in several or all states. The fact that different insurers may be domiciled in different states

does not create a significantly different or enlarged problem.

8. Rules 6e–2(b)(15)(iii) and 6e–3(T)(b)(15)(iii) provide partial exemptions from Sections 13(a), 15(a), and 15(b) of the 1940 Act to the extent that those sections have been deemed by the SEC to require "pass-through" voting with respect to management investment company shares held by a separate account, to permit the insurance company to disregard the voting instructions of its contractowners in certain limited circumstances. The right, under paragraph (b)(15) of both Rules 6e–2 and 6e–3(T), of the insurance company to disregard the voting instructions of its contractowners in certain limited circumstances does not raise any issues different from those raised by the authority of state insurance administrators over separate accounts. Affiliation does not eliminate the potential, if any exists, for divergent judgments as to the advisability or legality of a change in investment policies, principal underwriter, or investment adviser initiated by contractowners. The potential for disagreement is limited by the requirements in Rules 6e–2 and 6e–3(T) that the insurance company's disregard of voting instructions be reasonable and based on specific good faith determinations.

9. The exemptive request meets the standards set out in Section 6(c) of the 1940 Act and the order should, therefore, be granted.

Applicant's Conditions

1. A majority of the Board of Trustees of the Trust shall consist of persons who are not "interested persons" of the Trust, as defined by Section 2(a)(19) of the 1940 Act, except that if this condition is not met by reason of the death, disqualification, or bona fide resignation of any trustee or trustees, then the operation of this condition shall be suspended: (i) For a period of 45 days if the vacancy or vacancies may be filled by the Board of Trustees; (ii) for a period of 60 days if a vote of shareholders is required to fill the vacancy or vacancies; or (iii) for such longer period as the SEC may prescribe by order upon application.

2. The Board will monitor the Trust for the existence of any material irreconcilable conflict among the interests of the contractowners of all separate accounts investing in the Trust. An irreconcilable material conflict may arise for a variety of reasons, including: (i) An action by any state insurance regulatory authority; (ii) a change in applicable federal or state insurance, tax, or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretative letter, or any similar action by insurance, tax, or securities regulatory authorities; (iii) an administrative or judicial decision in any relevant proceeding; (iv) the manner in which the investments of any series are being managed; (v) a difference in voting instructions given by variable annuity contractowners and variable life insurance contractowners; or (vi) a decision by an insurer to disregard the voting instructions of contractowners.

3. Participating insurance companies and the Manager will report any potential or existing conflicts to the Board of Trustees of the Trust. Participating insurance companies and the Manager will be responsible for assisting the Board in carrying out its responsibilities under these conditions, by providing the Board with all information reasonably necessary for the Board to consider any issues raised. This includes, but is not limited to, an obligation by each participating insurance company to inform the Board whenever contractowner voting instructions are disregarded. The responsibility to report such information and conflicts and to assist the Board will be a contractual obligation of all insurers investing in the Trust under their agreements governing participation in the Trust and such agreements shall provide that such responsibilities will be carried out with a view only to the interests of the contractowners.

4. If it is determined by a majority of the Board of Trustees of the Trust, or a majority of its disinterested Trustees, that a material irreconcilable conflict exists, the relevant insurance companies shall, at their expense and to the extent reasonably practicable (as determined by a majority of the disinterested Trustees), take whatever steps are necessary to remedy or eliminate the irreconcilable material conflict, up to and including: (i) Withdrawing the assets allocable to some or all of the separate accounts from the Trust or any Series therein and reinvesting such assets in a different investment medium, (including another Series, if any, of the Trust) or submitting the question whether such segregation should be implemented to a vote of all affected contractowners and, as appropriate, segregating the assets of any appropriate group (*i.e.*, annuity contractowners, life insurance contractowners, or variable contractowners of one or more participating insurance companies) that votes in favor of such segregation, or offering to the affected contractowners the option of making such a change; and (ii) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of an insurer's decision to disregard contractowner voting instructions and that decision represents a minority position or would preclude a majority vote, the insurer may be required, at the Trust's election, to withdraw its separate account's investment in the Trust, and no charge or penalty will be imposed as a result of such withdrawal. The responsibility to take remedial action in the event of a Board determination of an irreconcilable material conflict and to bear the cost of such remedial action shall be a contractual obligation of all participating insurance companies under their agreements governing participation in the Trust and these responsibilities will be carried out with a view only to the interests of contractowners.

For purposes of this condition (4), a majority of the disinterested members of the Board shall determine whether or not any proposed action adequately remedies any irreconcilable material conflict, but in no event will the Trust or the Manager be required to establish a new funding medium for any variable contract. No participating insurance company shall be required by this condition (4) to establish a new funding medium for any variable contract if an offer to do so has been declined by vote of a majority of contractowners materially adversely affected by the irreconcilable material conflict.

5. The Board's determination of the existence of an irreconcilable material conflict and its implications shall be made known promptly to all participating insurance companies.

6. Participating insurance companies will provide pass-through voting privileges to all variable contractowners so long as the Commission continues to interpret the 1940 Act as requiring pass through voting privileges for variable contractowners. Participating insurance companies shall be responsible for assuring that each of their separate accounts participating in the Trust calculates voting privileges in a manner consistent with other participating insurance companies. The obligation to calculate voting privileges in a manner consistent with all other separate accounts investing in the Trust shall be a contractual obligation of all participating insurance companies under their agreements governing participation in the Trust.

7. The Trust will notify all participating insurance companies that prospectus disclosure regarding potential risks of mixed and shared

funding may be appropriate. The Trust shall disclose in its Prospectus that (1) shares of the Trust are offered to insurance company separate accounts which fund both annuity and life insurance contracts, (2) due to differences of tax treatment or other considerations, the interests of various contractowners participating in the Trust might at some time be in conflict, and (3) The Board of Trustees will monitor for any material conflicts and determine what action, if any, should be taken.

8. All reports received by the Board of Trustees of potential or existing conflicts, and all Board action with regard to determining the existence of a conflict, notifying participating insurance companies of a conflict, and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

9. If and to the extent that Rule 6e–2 and Rule 6e–3(T) are amended, or Rule 6e–3 is adopted, to provide exemptive relief from any provision of the Act or the rules thereunder with respect to mixed or shared funding on terms and conditions materially different from any exemptions granted in the order requested in this Application, then the Trust and/or the participating insurance companies as appropriate, shall take such steps as may be necessary to comply with Rules 6e–2 and 6e–3(T), as amended, and Rule 6e–3, as adopted, to the extent such rules are applicable.

10. The Trust will comply with all provisions of the 1940 Act requiring voting by shareholders, and in particular the Trust will either provide for annual meetings or comply with Section 16(c) of the 1940 Act (although the Trust is not one of the trusts described in Section 16(c) of the 1940 Act) as well as with Sections 16(a) and, if and when applicable, 16(b). Further, the Trust will act in accordance with the SEC's interpretation of the requirements of Section 16(a) with respect to periodic elections of Trustees and with whatever rules the Commission may promulgate with respect thereto.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–6222 Filed 3–15–89; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

Fine Arts Committee; Meeting

The Fine Arts Committee of the Department of State will meet on Tuesday, April 11, 1989 at 10:00 a.m. in Conference Room 1107. The meeting will last approximately until 11:30 a.m. and is open to the public.

The agenda for the committee meeting will include a summary of the work of the Fine Arts Office since its last meeting in September 1988, the announcement of gifts, loans, and financial contributions in calendar year 1988, and a report on the renovation of the offices of the Deputy Secretary of State. Also under discussion will be the publication of a book on the Diplomatic Reception Rooms.

Public access to the Department of State is controlled. Members of the public wishing to take part in the meeting should telephone the Fine Arts Office by Thursday, April 6, 1989, telephone (202) 647–1990 to make arrangements to enter the building. The public may take part in the discussion as long as time permits and at the discretion of the chairman.

March 6, 1989.

Clement E. Conger,

Chairman, Fine Arts Committee.

[FR Doc. 89–6073 Filed 3–15–89; 8:45 am]

BILLING CODE 4710–39–M

[CM–8/1273]

Advisory Committee to the United States National Section of the Inter-American Tropical Tuna Commission; Partially Closed Meeting

Notice is hereby given, pursuant to the provisions of Pub. L. 92–463, that a meeting of the Advisory Committee to the United States National Section of the Inter-American Tropical Tuna Commission will be held on April 25, 1989 from 9:00 a.m. to 4:30 p.m. in the auditorium of the Southwest Fisheries Center of the National Marine Fisheries Service at 8604 La Jolla Shores Drive, La Jolla, California. The Advisory Committee meets annually to discuss the conservation and management of tuna fisheries in the eastern Pacific Ocean and U.S. preparations for meetings of the Inter-American Tropical Tuna Commission. The 46th meeting of the IATTC is scheduled for May 10–12, 1989 in Paris, France.

The morning session will be open to the public and the public may participate in the discussions subject to the instructions of the Committee Chair. Subjects to be discussed include an evaluation of the 1988 fishery experience, assessment of tuna stocks, a preliminary outlook for the 1989 fishery, and the IATTC tuna-porpoise program.

The Advisory Committee will meet in closed session on the afternoon of April 25. At this session, documents classified in accordance with Executive Order 12356 of April 12, 1982 will be circulated and discussed and matters will be considered which the public interest requires be withheld from disclosure. Accordingly, a determination has been made to close this session pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. I, s.10(d) and 5 U.S.C. 552b (c)(1) and (c)(9).

Requests for further information on the meeting should be directed to Brian Hallman, OES/OFA, Room 5806, Department of State. He may be reached by telephone at (202) 647–2335.

Dated: March 2, 1989.

Edward E. Wolfe,

Deputy Assistant Secretary, Ocean and Fisheries Affairs.

[FR Doc. 89–6071 Filed 3–15–89; 8:45 am]

BILLING CODE 4710–09–M

[CM–8/1271]

The U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) Study Group D; Meeting

The Department of State announces that Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on April 27, 1989 at 10:00 a.m. in Room 1207, Department of State 2201 C Street, NW., Washington, DC.

Study Group D deals with data communications and telematic terminal functions.

The purpose of the meeting will be to review and approve U.S. Contributions and consider nomination of delegates to the upcoming meeting of Study Group VII, scheduled to begin on July 3, 1989. The meeting will also consider reports on the first meeting of Study Groups VIII and XVII, as well as any other issues related to Study Group D interests.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so

advise the office of Mr. Earl Barbely, State Department, Washington, DC, telephone (202) 647–5220. All attendees must use the C Street entrance to the building.

Date: March 3, 1989.

Earl S. Barbely,

Director, Office of Telecommunications and Information Standards; Chairman U.S. CCITT National Committee.

[FR Doc. 89–6070 Filed 3–15–89; 8:45 am]

BILLING CODE 4710–07–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Nos. 301–63; 301–65]

Petitions for Action Under Section 301

AGENCY: Office of the United States Trade Representative.

ACTION: Notice Regarding Certain Petitions for Action Under Section 301; Deadline.

SUMMARY: This notice identifies deadlines for determinations to be made in certain investigations initiated under section 302 of the Trade Act of 1974, as amended (19 U.S.C. 2412) ("the Trade Act"), prior to the enactment of the Omnibus Trade and Competitiveness Act of 1988.

FOR FURTHER INFORMATION CONTACT: A. Jane Bradley, Associate General Counsel and Chairman, Section 301 Committee, Office of the United States Trade Representative, (202) 395–3432.

SUPPLEMENTARY INFORMATION: Section 1301 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. No. 100–418, 19 U.S.C. 2411 et seq.) amends Chapter 1 of title III of the Trade Act of 1974, and provides, in section 309(c)(2), that the amendments to 19 U.S.C. 2411 et seq. shall apply to petitions filed, and investigations initiated, before August 23, 1988, if by that date no decision had been made under section 304 regarding the petition or investigation. Accordingly, section 309(c)(2) applies to the investigations listed below.

Section 304(a)(1) of the Trade Act, as amended, provides that the Trade Representative shall determine whether the rights to which the United States is entitled under any trade agreement are being denied, or whether any act, policy, or practice described in section 301(a)(1)(B) or (b)(1) exists. If that determination is affirmative, the Trade Representative must determine what action, if any, to take under section 301. Section 304(a)(2) sets certain deadlines by which these determinations must be made. In the following active section 302 investigations initiated prior to August 23, 1988, the Trade Representative is required to meet the deadlines set forth in section 304(a)(2). Those investigations and the deadlines for making section 304 determinations are as follows:

301–63 American Soybean Association petition regarding European Economic Community practices related to imports of oilseeds and oilseed substitutes (53 FR 964)-determinations due 30 days after the date on which the GATT dispute settlement procedure is concluded, or July 5, 1989, whichever is earlier;

301–65 American Meat Institute petition regarding Korean import restrictions on bovine meat (53 FR 10995)-determinations due 30 days after the date on which the GATT dispute settlement procedure is concluded, or by September 18, 1989, whichever is earlier.

A. Jane Bradley,

Chairman, Section 301 Committee.

[FR Doc. 89–6169 Filed 3–15–89; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Grants and Cooperative Agreements; Availability, etc.: Airport Improvement Program

AGENCY: Federal Aviation Administration, DOT.

ACTION: Noitce of intent to consider grant applications.

SUMMARY: This notice announces the intention of the Federal Aviation Administration to consider grant applications from airport sponsors for repairs to airports having suffered storm-related damage. This is authorized by section 340 of the Department of Transportation and Related Agencies Appropriations Act, 1989 (Pub. L. 100–457).

DATES: Applications for a grant made under this notice must be received by the local Federal Aviation Administration Airports District Office (or regional Airports Division Office, if there is no Airports District Office near the sponsor's airport) no later than 30 days from the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Ben Castellano, Program Guidance Branch (App–510), Office of Airport Planning and Programming, Federal Aviation Adminstration, 800 Independence Avenue SW., Washington, DC 20591. Telephone (202) 267–8822.

SUPPLEMENTARY INFORMATION: Section 340 of Pub. L. 100–457 makes available to the Federal Aviation Administration $100,000 for the purpose of issuing grants to carry out emergency repairs to airports having sustained storm-related damage. Such funds, while appropriated from the Airport and Airway Trust Fund, are distinct from funds provided under the the Airport Improvement Program. The Federal share of funding provided for such repairs shall not exceed 50% of the total cost of such repairs.

Sponsors of airports which have sustained storm-related damage should submit an application for section 340 grant funds, specifying the work to be performed and the total cost of such repairs. These applications should be made using Standard Form 424 and sent to the nearest Airports District Office (or the regional Airports Division Office if there is no Airports District Office near the sponsor's airport) in the region in which the airport is located. These offices may be contacted for the appropriate forms. Applications received by these offices after 30 days from the date of publication in the **Federal Register** will not be considered. Along with the application, each airport applying for such grant must certify that the damage for which it seeks funds was, in fact, storm-related. The Senate Committee on Appropriations has stated its concern about damage caused by a tornado on May 9, 1988, the Middlesboro, Kentucky, airport and has directed the FAA to give high priority consideration to an application for assistance from this airport. S. Rep. No. 100–411 at 58 (1988).

Issued in Washington, DC, on March 10, 1988.

Paul L. Galis,

Director, Office of Airport Planning and Programming.

[FR Doc. 89–6067 Filed 3–15–89; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Etowah County, AL

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Etowah County, Alabama.

FOR FURTHER INFORMATION CONTACT: Mr. W.R. Van Luchene, District

Engineer, Federal Highway Administration, 441 High Street, Montgomery, Alabama 36104–4684, Telephone: (205) 832–7379. Mr. Royce G. King, State of Alabama Highway Department, 1409 Coliseum Boulevard, Montgomery, Alabama 36130, Telephone: (205) 261–6311.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Alabama Highway Department, will prepare and circulate for comment an Environmental Impact Statement (EIS) for Alabama Highway Project F–503(1), Etowah County, Alabama. This is a proposal to extend I–759 from the present I–59 and I–759 interchange in the City of Attalla northwesterly to US 431 in Attalla. Estimated project length is approximately 3 miles.

There is presently no direct connection to Interstate 59/759 in the City of Attalla from US 431 and 11. There is considerable traffic congestion on the street system and the US routes through Attalla. An extension of I–759 from I–59 to US 431 will significantly reduce this congestion, especially that created by heavy truck traffic through the area whose destination is I–59 or I–759.

Alternatives under consideration and to be discussed in the Environmental Impact Statement include: (1) No build, (2) postponing the action, (3) reduced facility, (4) four alternate locations for the build alternative, and (5) alternate design features.

Letters describing the proposed action and soliciting comments have been sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in the proposal. Several public involvement meetings have been held in the City of Attalla. In addition, a location public hearing will be held after circulation of the Environmental Impact Statement. The Draft EIS will be available for public and agency review and comment prior to and at the public hearing.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Research Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: March 6, 1989.

W.R. Van Luchene,

District Engineer, Montgomery, Alabama.

[FR Doc. 89–6072 Filed 3–15–89; 8:45 am]

BILLING CODE 4910–22–M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 50
Thursday, March 16, 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).

COMMISSION ON CIVIL RIGHTS

Notice of Possible Continuation of Public Portion of Commission Meeting

The public portion of the Commission meeting scheduled for Friday, March 17, 1989, from 9:00 a.m. to 5:30 p.m., previously announced in 54 FR 10067 (March 9, 1989), may be continued on Saturday, March 18, 1989 at 9:00 a.m. in the same location.

William H. Gillers,

Solicitor.

March 14, 1989.

[FR Doc. 89-6322 Filed 3-14-89; 3:14 pm]

BILLING CODE 6335-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 3:00 p.m. on Tuesday, March 21, 1989, to consider the following matters:

Memorandum and resolution re: Proposed amendments to Part 304 of the Corporation's rules and regulations, entitled "Forms, Instructions, and Reports," which amendments would require an insured bank to report 21 days before implementing any special funding plan or arrangement designed to increase its assets by more than nine percent during any consecutive three-month period and, in any event, report within seven days whenever its asset growth exceeded nine percent during any such period.

Memorandum and resolution proposing the issuance of a statement of policy regarding the Community Reinvestment Act.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: March 14, 1989.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 89-6351 Filed 3-14-89; 3:32 pm]

BILLING CODE 6714-01-M

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NO. 89-5588.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 16, 1989, 10:00 a.m.

The Following Items Have Been Removed From the Agenda of March 16, 1989:
Correction and Approval of Minutes.
Certification for Payment of 1988 Primary Matching Funds.
Draft AO 1989-1—Ron Haskins, Congressional Employee
The Following Item Has Been Added to the Agenda of March 16, 1989:
Status of Presidential Audits.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202-376-3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 89-6258 Filed 3-14-89; 12:30 pm]

BILLING CODE 6715-01-M

STATE JUSTICE INSTITUTE

TIME AND DATE:

9:00 a.m. to 5:00 p.m., March 30, 1989
9:00 a.m. to 5:00 p.m., March 31, 1989
9:00 a.m. to 3:00 p.m., April 1, 1989

PLACE: Inter-Continental Hotel, 100 Chopin Plaza, Miami, Florida.

STATUS: The meeting will be open to the public, except for a brief period on the afternoon of Thursday, March 30, 1989.

MATTERS TO BE CONSIDERED:

Portions Open to the Public:
Consideration of concept papers submitted for Institute funding.
Portions Closed to the Public: Discussion of internal personnel matters.

CONTACT PERSON FOR MORE INFORMATION: David I. Tevelin, Executive Director, State Justice Institute, 120 South Fairfax Street, Alexandria, Virginia 22314, (703) 684-6100.

David I. Tevelin,

Executive Director.

[FR Doc. 89-6257 Filed 3-14-89; 12:30 pm]

BILLING CODE 6820-SC-M

TENNESSEE VALLEY AUTHORITY

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: March 13, 1989, 54 FR 10480.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. (CST) Wednesday, March 15, 1989.

PREVIOUSLY ANNOUNCED PLACE OF MEETING: Andrew Johnson Theater, Tennessee Performing Arts Center, 505 Deaderick Street, Nashville, Tennessee.

CHANGES IN THE MEETING: Each member of the TVA Board of Directors has approved the addition of the following item to the previously announced agenda:

F—Unclassified
6. Executive and Senior Manager Performance Bonus Awards Plan (Ratification.)

CONTACT PERSON FOR MORE INFORMATION: Alan Carmichael, Manager, Public Affairs, or a member of his staff can respond to reports for information about this meeting. Call 615-632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-479-4412.

Edward S. Christenbury,

General Counsel and Secretary to the Board.

[FR Doc. 89-6338 Filed 3-14-89; 3:15 pm]

BILLING CODE 8120-01-M

Corrections

Federal Register
Vol. 54, No. 50
Thursday, March 16, 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 HOUSING AND URBAN DEVELOPMENT

Office of the Regional Administrator-Regional Housing Commissioner

[Docket No. D-88-891]

Acting Regional Administrator, Region IV (Atlanta); Designation

Correction

In notice document 88-29735 beginning on page 52510 in the issue of Wednesday, December 28, 1988, make the following corrections:

1. The heading of the document should have read as set forth above.

2. On page 52510, in the third column, entry 1 should have read "Deputy Regional Administrator".

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Coordinating Council on Juvenile Justice and Delinquency Prevention; Meeting

Correction

In notice document 89-5155 appearing on page 9263, in the second column, in the issue of Monday, March 6, 1989, make the following corrections:

In the first and second paragraphs, "April 16, 1989" should read "April 6, 1989".

BILLING CODE 1505-01-D

federal register

Thursday
March 16, 1989

Part II

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for January 1989

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53114; FRL-3531-8]

Premanufacture Notices; Monthly Status Report for January 1989

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for January 1989. Nonconfidential portions of the PMNs and exemption request may be seen in the Public Reading Room NE-G004 at the address below between 8:00 a.m. and 4:00 p.m., Monday thru Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53114]" and the specific PMN and exemption request number should be sent to: Document Control Office (TS-790), Office of Toxic Substance, Environmental Protection Agency, 401 M Street, SW., Room 201 East Tower, Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M Street, SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during January; (b) PMNs received previous and still under review at the end of January; (c) PMNs for which the notice review period has ended during January; (d) chemical substances for which EPA has received a notice of commencement to manufacture during January; and (e) PMNs for which the review period has been suspended. Therefore, the January 1989 PMN Status Report is being published.

Date: February 22, 1989.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

Premanufacture Notice Monthly Status Report

January 1989

I. 103 Premanufacture Notices and Exemption Requests Received During the Month

PMN No.

P 89-0234	P 89-0235	P 89-0236	P 89-0239
P 89-0240	P 89-0241	P 89-0242	P 89-0243
P 89-0244	P 89-0245	P 89-0246	P 89-0247
P 89-0248	P 89-0249	P 89-0250	P 89-0251
P 89-0252	P 89-0253	P 89-0254	P 89-0255
P 89-0256	P 89-0257	P 89-0258	P 89-0259
P 89-0260	P 89-0261	P 89-0262	P 89-0263
P 89-0264	P 89-0265	P 89-0266	P 89-0267
P 89-0268	P 89-0269	P 89-0270	P 89-0271
P 89-0272	P 89-0273	P 89-0274	P 89-0275
P 89-0276	P 89-0277	P 89-0278	P 89-0279
P 89-0280	P 89-0281	P 89-0282	P 89-0283
P 89-0284	P 89-0285	P 89-0286	P 89-0287
P 89-0288	P 89-0289	P 89-0290	P 89-0291
P 89-0292	P 89-0293	P 89-0294	P 89-0295
P 89-0296	P 89-0297	P 89-0298	P 89-0299
P 89-0300	P 89-0301	P 89-0302	P 89-0303
P 89-0304	P 89-0305	P 89-0306	P 89-0307
P 89-0308	P 89-0309	P 89-0310	P 89-0311
P 89-0312	P 89-0313	P 89-0314	P 89-0315
P 89-0316	P 89-0317	P 89-0318	P 89-0319
P 89-0320	P 89-0321	P 89-0322	P 89-0324
P 89-0325	P 89-0326	P 89-0327	Y 89-0046
Y 89-0047	Y 89-0048	Y 89-0049	Y 89-0050
Y 89-0051	Y 89-0052	Y 89-0053	Y 89-0054
Y 89-0055	Y 89-0056	Y 89-0057	

II. 314 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.

P 85-0216	P 85-0535	P 85-0536	P 85-0619
P 85-0718	P 86-0294	P 86-0295	P 86-0592
P 86-1078	P 86-1189	P 86-1235	P 86-1602
P 86-1603	P 86-1604	P 86-1607	P 87-0057
P 87-0058	P 87-0059	P 87-0068	P 87-0105
P 87-0197	P 87-0198	P 87-0199	P 87-0200
P 87-0201	P 87-0323	P 87-0770	P 87-0794
P 87-0930	P 87-0931	P 87-0963	P 87-1028
P 87-1066	P 87-1104	P 87-1192	P 87-1226
P 87-1227	P 87-1273	P 87-1337	P 87-1379
P 87-1417	P 87-1436	P 87-1542	P 87-1546
P 87-1547	P 87-1548	P 87-1549	P 87-1555
P 87-1694	P 87-1759	P 87-1769	P 87-1770
P 87-1872	P 87-1881	P 87-1882	P 88-0049
P 88-0083	P 88-0156	P 88-0157	P 88-0195
P 88-0225	P 88-0275	P 88-0319	P 88-0320
P 88-0353	P 88-0387	P 88-0393	P 88-0436
P 88-0468	P 88-0515	P 88-0522	P 88-0576
P 88-0598	P 88-0602	P 88-0606	P 88-0622
P 88-0658	P 88-0671	P 88-0701	P 88-0726
P 88-0831	P 88-0836	P 88-0837	P 88-0862
P 88-0864	P 88-0875	P 88-0884	P 88-0888
P 88-0889	P 88-0890	P 88-0894	P 88-0898
P 88-0918	P 88-0972	P 88-0981	P 88-0985
P 88-0997	P 88-0998	P 88-0999	P 88-1005
P 88-1020	P 88-1021	P 88-1035	P 88-1063
P 88-1115	P 88-1116	P 88-1117	P 88-1118
P 88-1120	P 88-1168	P 88-1189	P 88-1211
P 88-1212	P 88-1220	P 88-1240	P 88-1243
P 88-1244	P 88-1250	P 88-1271	P 88-1272
P 88-1273	P 88-1274	P 88-1275	P 88-1277
P 88-1293	P 88-1303	P 88-1377	P 88-1403
P 88-1426	P 88-1439	P 88-1440	P 88-1443
P 88-1446	P 88-1460	P 88-1473	P 88-1514
P 88-1529	P 88-1543	P 88-1559	P 88-1567
P 88-1568	P 88-1618	P 88-1619	P 88-1620
P 88-1621	P 88-1622	P 88-1630	P 88-1631
P 88-1632	P 88-1647	P 88-1648	P 88-1653
P 88-1657	P 88-1658	P 88-1682	P 88-1686
P 88-1690	P 88-1691	P 88-1697	P 88-1698
P 88-1730	P 88-1735	P 88-1739	P 88-1740
P 88-1742	P 88-1748	P 88-1751	P 88-1753
P 88-1761	P 88-1763	P 88-1774	P 88-1783
P 88-1786	P 88-1801	P 88-1802	P 88-1805
P 88-1807	P 88-1809	P 88-1811	P 88-1813
P 88-1816	P 88-1823	P 88-1831	P 88-1839
P 88-1844	P 88-1850	P 88-1856	P 88-1857
P 88-1889	P 88-1898	P 88-1937	P 88-1938
P 88-1940	P 88-1945	P 88-1956	P 88-1958
P 88-1980	P 88-1982	P 88-1984	P 88-1985
P 88-1995	P 88-1999	P 88-2000	P 88-2001
P 88-2002	P 88-2069	P 88-2100	P 88-2107
P 88-2108	P 88-2110	P 88-2112	P 88-2132
P 88-2133	P 88-2145	P 88-2160	P 88-2169
P 88-2177	P 88-2179	P 88-2180	P 88-2181
P 88-2188	P 88-2196	P 88-2204	P 88-2210
P 88-2212	P 88-2213	P 88-2228	P 88-2229
P 88-2230	P 88-2231	P 88-2236	P 88-2237
P 88-2271	P 88-2275	P 88-2293	P 88-2328
P 88-2334	P 88-2341	P 88-2343	P 88-2344
P 88-2349	P 88-2365	P 88-2367	P 88-2380
P 88-2389	P 88-2398	P 88-2399	P 88-2403
P 88-2404	P 88-2405	P 88-2407	P 88-2422
P 88-2434	P 88-2435	P 88-2436	P 88-2437
P 88-2463	P 88-2469	P 88-2470	P 88-2473
P 88-2484	P 88-2487	P 88-2515	P 88-2518
P 88-2529	P 88-2530	P 88-2536	P 88-2540
P 88-2561	P 88-2562	P 88-2563	P 88-2564
P 88-2566	P 88-2568	P 88-2571	P 88-2575
P 88-2576	P 88-2582	P 88-2587	P 88-2597
P 88-2598	P 88-2599	P 88-2608	P 88-2610
P 88-2620	P 88-2631	P 88-2632	P 89-0030
P 89-0031	P 89-0052	P 89-0066	P 89-0073
P 89-0077	P 89-0078	P 89-0085	P 89-0089
P 89-0090	P 89-0091	P 89-0097	P 89-0099
P 89-0115	P 89-0116	P 89-0117	P 89-0122
P 89-0134	P 89-0171	P 89-0184	P 89-0191
P 89-0195	P 89-0208	P 89-0209	P 89-0210
P 89-0225	P 89-0227		

III. 124 Premanufacture Notices and Exemption Request for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Has Been Added to the Inventory).

PMN No.

P 87-1437	P 87-1673	P 87-1676	P 87-1677
P 87-1679	P 87-1680	P 88-0900	P 88-1115
P 88-1117	P 88-1304	P 88-1564	P 88-1616
P 88-1718	P 88-1732	P 88-1751	P 88-1832
P 88-1922	P 88-2009	P 88-2022	P 88-2148
P 88-2175	P 88-2215	P 88-2217	P 88-2221
P 88-2273	P 88-2285	P 88-2286	P 88-2294
P 88-2295	P 88-2333	P 88-2571	P 88-2614
P 88-2617	P 89-0002	P 89-0003	P 89-0004
P 89-0005	P 89-0006	P 89-0007	P 89-0008
P 89-0009	P 89-0010	P 89-0011	P 89-0013
P 89-0014	P 89-0015	P 89-0016	P 89-0017
P 89-0020	P 89-0021	P 89-0022	P 89-0023
P 89-0024	P 89-0025	P 89-0033	P 89-0034
P 89-0035	P 89-0036	P 89-0037	P 89-0038
P 89-0039	P 89-0040	P 89-0041	P 89-0042
P 89-0043	P 89-0044	P 89-0045	P 89-0046
P 89-0047	P 89-0048	P 89-0049	P 89-0050
P 89-0051	P 89-0053	P 89-0054	P 89-0055
P 89-0056	P 89-0057	P 89-0058	P 89-0059
P 89-0060	P 89-0061	P 89-0062	P 89-0063
P 89-0064	P 89-0065	P 89-0067	P 89-0068
P 89-0069	P 89-0070	P 89-0071	P 89-0072
P 89-0074	P 89-0075	P 89-0076	P 89-0079
P 89-0080	P 89-0081	P 89-0082	P 89-0083
P 89-0084	P 89-0086	P 89-0087	P 89-0129
P 89-0167	P 89-0198	P 89-0199	P 89-0200
P 89-0201	Y 89-0037	Y 89-0038	Y 89-0039
Y 89-0040	Y 89-0041	Y 89-0042	Y 89-0043
Y 89-0044	Y 89-0045	Y 89-0046	Y 89-0047
Y 89-0048	Y 89-0049	Y 89-0051	Y 89-0052

IV. 117 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/generic name	Date of commencement
P 79-0013	Alkyl hydroxymethyl alkanediol polymer with chloromethyl oxirane alkenoate	Apr. 23, 1981.
P 81-0537	1-Amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-methoxyethyl)oxo	Nov. 28, 1988.
P 82-0197	G Polyoxyalkylene aryl alkyl phenyl ether	June 9, 1982.
P 83-0295	G Organosulfur compound	Dec. 13, 1988.
P 84-1180	G Aminopolyamide resin	Jan. 4, 1989.
P 86-0648	G Polyurea urethane acrylate	July 28, 1988.
P 86-1718	G 2-Methoxyethanol methylcyanoacetate	Dec. 15, 1988.
P 87-0090	G Methylene-bis-trisubstituted aniline derivative	Dec. 20, 1988.
P 87-0256	G Polyesterimide resin	Dec. 5, 1988.
P 87-0294	Linear, C10-C13, alkylbenzenenesulfonic acid	Dec. 23, 1988.
P 87-0344	Polymer of: isophorone diisocyanate; jeffamine T-403; 2-hydroxy ethyl acrylate; and polyoxypropylene glycol	Dec. 20, 1988.
P 87-0356	G Urethane acrylate	Nov. 30, 1988.
P 87-0468	Toluenesulfonamide caprolactom formaldehyde resin	Sept. 25, 1987.
P 87-0577	G Alkylindolenium bromide	Nov. 22, 1988.
P 87-0619	G Linear saturated polyester resin containing hydroxyl groups	Nov. 19, 1988.
P 87-0973	G Substituted-substituted- naphthalenedisulfonic acid, salts	Dec. 13, 1988.
P 87-1210	G Substituted benzenediazonium salt polymer with substituted diphenyl ester	Dec. 19, 1988.
P 87-1231	Tetraethoxygermane	Dec. 27, 1988.
P 87-1260	G Carbocyanine dye	Dec. 1, 1988.
P 87-1477	G Tertiary amine salt	Jan. 17, 1989.
P 87-1578	G Thiazoline derivative of para-phenylenediamine	July 7, 1988.
P 87-1792	G Acrylated polymer	Jan. 13, 1989.
P 87-1829	G Sulfurized alkylphosphoric acid, monoester-amine-salt	Nov. 29, 1988.
P 88-0099	Adipic acid; 1,4-butane diol; neopentyl glycol; dibromoneopentyl glycol; tetrabutyl titanate	Jan. 14, 1988.
P 88-0166	G Chlorinated alkyd resin	Aug. 30, 1988.
P 88-0243	G Paint jet magenta ink	Apr. 7, 1988.
P 88-0363	G Alkyd resin	Dec. 27, 1988.
P 88-0514	G Substituted naphthalene disulfonic acid	Dec. 13, 1988.
P 88-0516	G Substituted-haloaryl and halo-substituted aryl thio-substitutedpyrazole	Dec. 27, 1988.
P 88-0519	G Acrylic polyol	Jan. 13, 1989.
P 88-0532	G Phosphated polyarylphenol ethoxylate	Nov. 22, 1988.
P 88-0571	G Sodium metal salt of phosphonomethylated diamine	Dec. 13, 1988.
P 88-0579	G Calcium salt of glycine derivative	Nov. 10, 1988.
P 88-0706	G Substituted N,N-dimethylcarboxamide heterocycle	Dec. 5, 1988.
P 88-0774	G Blocked urethane polymer	Dec. 15, 1988.
P 88-0792	G Polyol acetal	Oct. 28, 1988.
P 88-0854	G Acrylic copolymer, sodium salt	Nov. 27, 1988.
P 88-0873	G Polyester containing neopentyl glycol	Dec. 9, 1988.
P 88-0919	G Alkyl methacrylate copolymer	Dec. 18, 1988.
P 88-0938	G Copolymer of styrene and oxygenated vinyl alkane	Nov. 17, 1988.
P 88-1013	G Substituted indolium dyestuff	Nov. 22, 1988.
P 88-1014	G Substituted triazolium salt	Nov. 22, 1988.
P 88-1015	G Azo-substituted benzothiazole	Dec. 20, 1988.
P 88-1016	G Substituted triphenylmethane dye	Nov. 22, 1988.
P 88-1017	G Substituted cationic bis-azo dye	Nov. 22, 1988.
P 88-1018	G Cationic bis-azo dye	Dec. 22, 1988.
P 88-1077	G Epoxy resin	Jan. 11, 1989.
P 88-1154	G Cationic azo dyestuff	Nov. 22, 1988.
P 88-1198	G (Aminoaromatic alkyl) substituted heterocycle	Dec. 28, 1988.

IV. 117 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Identity/generic name	Date of commencement
P 88-1208	Terpolymer of 1,3-butadiene with 2-propenenitrile, and acrylic acid and alpha-omega-(2-hydroxy-3-2methylpropenoyloxy propyl, 4-cyano-4-methylbutyrate-.	Nov. 17, 1988.
P 88-1238	G Unsaturated polyester	Dec. 12, 1988.
P 88-1239	G (Amidoaromatic alkyl) halosubstituted heterocycle	Dec. 28, 1988.
P 88-1334	G Blocked isocyanurate	Oct. 21, 1988.
P 88-1435	G Styrene-N-butylacrylate copolymer	Dec. 6, 1988.
P 88-1477	G Acrylic copolymer	Jan. 17, 1989.
P 88-1501	G Fluorinated urethane compound	Dec. 12, 1988.
P 88-1509	G (Sulfonamidoaromatic alkyl) halosubstituted heterocycle	Jan. 22, 1989.
P 88-1510	(Aminoaromatic alkyl) halosubstituted heterocycle	Jan. 3, 1989.
P 88-1531	G Polyisocyanate based on hexamethylene diisocyanate	Dec. 20, 1988.
P 88-1540	G Polyester resin	Dec. 1, 1988.
P 88-1576	G Copolymer of ethylene, styrene and oxygenated vinyl alkane	Nov. 17, 1988.
P 88-1723	G Saturated polyester resin	Nov. 22, 1988.
P 88-1734	G Acrylic polymer containing quaternary ammonium salts	Dec. 19, 1988.
P 88-1738	G Perfluoroalkyl ethylacrylate oligomer	Dec. 26, 1988.
P 88-1743	G Amino alkyl substituted hydroxypropylcellulose	Nov. 30, 1988.
P 88-1747	G 1,4-Bis(2-(alkenoxy)alkoxy) benzene	Dec. 7, 1988.
P 88-1749	G Aromatic, polyether urethane	Nov. 28, 1988.
P 88-1756	G Substituted-phenyl tetrazole	Dec. 14, 1988.
P 88-1757	G Modified chlorinated polyolefin	Dec. 31, 1988.
P 88-1758	G Modified acrylic polymer	Nov. 28, 1988.
P 88-1790	G Indoaniline dye derivative	Nov. 28, 1988.
P 88-1791	G Indoaniline dye derivative	Nov. 28, 1988.
P 88-1792	G Indoaniline dye derivative	Nov. 28, 1988.
P 88-1793	G Imidazolazo dye derivative	Nov. 28, 1988.
P 88-1794	G Styryl dye derivative	Nov. 28, 1988.
P 88-1795	G Quinophthalon dye derivative	Nov. 28, 1988.
P 88-1796	G Styryl dye derivative	Nov. 28, 1988.
P 88-1797	G Quinophthalon dye derivative	Nov. 28, 1988.
P 88-1864	G Alkylamine salt of polymer of diisocyanates, aliphatic and aromatic polyesters, aliphatic diols and water	Dec. 15, 1988.
P 88-1867	G Prepolymer of an aromatic diisocyanate and an aliphatic diisocyanate with diols and polyether	Dec. 15, 1988.
P 88-1908	G Ethylene copolymer	Dec. 17, 1988.
P 88-1909	G Ethylene copolymer	Dec. 17, 1988.
P 88-1974	Fatty acids, C16-18 esters with pentaerythritol	Dec. 19, 1988.
P 88-1988	G Substituted-substituted-substituted-benzene polymer, aminomethylated, trimethylammonium quarternized, hydroxide	Dec. 16, 1989.
P 88-1993	G Epoxy modified oleoresinous varnish	Dec. 16, 1988.
P 88-1997	1,1-Bis(4-hydroxyphenyl)-1-phenylethane, polymer with dichlorocarbon monooxide, terminated by 4-(ter-butyl)phenol	Dec. 12, 1988.
P 88-2014	G Substituted-substituted-substituted-benzene polymer, hydrolyzed	Dec. 23, 1988.
P 88-2018	G Substituted-substituted-substituted-benzene polymer, aminomethylated, substitued, partial sodium salt	Jan. 11, 1989.
P 88-2088	Dodecanoic acid, diester with 2,2'-(isopropylenebis(paraphenyleneoxy)diethanol	Dec. 20, 1988.
P 88-2089	Dodecanoic acid,(1-methylidene)bis(4,1-phenyleneoxy-2,1-ethanediyloxy-2,1-ethanediyl)ester	Dec. 20, 1988.
P 88-2090	N-tridecanoic acid diester with 2,2'-(isopropylidene-bis(pheyleneoxy)diethanol.	Dec. 20, 1988.
P 88-2092	Ferrate(1-),bis(4-((5-chloro-2-hydroxyphenyl)azo)-3-hydroxy-N-phenyl-2-naphthalenecarboxamidato(2))-,ammonium, sodium and hydrogen.	Jan. 5, 1989.
P 88-2096	G Aliphatic aromatic polyalcohol ether amine	Dec. 20, 1988.
P 88-2163	G Polyamide modified acrylic resin	Jan. 9, 1989.
P 88-2193	G Substituted carboxylic acid, alkane diol polyester	Dec. 22, 1988.
P 88-2195	G Chrome yellow light	Dec. 27, 1988.
P 88-2390	4,4'-(2,2',2''-Trifluoro-1-(trifluoromethyl)ethyliden)bis-1,2-benzenedicarboxylic acid, aryl-dimethyl ester	Jan. 9, 1989.
P 88-2423	G Polyamide	Dec. 29, 1988.
P 88-2424	G Polymeric product of the reaction of epoxy with organic acids and anhydrides	Jan. 4, 1989.
P 88-2425	G Polymeric product of the reaction of epoxy with organic acids and anhydrides	Jan. 4, 1989.
P 88-2426	G Polymric product of the reaction of epoxy with organic acids and anhydrides	Jan. 4, 1989.
P 88-2427	G Polymeric product of the reaction of epoxy with organic acids and anhydrides	Jan. 4, 1989.
P 88-2485	G Tetra-substituted-naphthol	Jan. 5, 1989.
P 88-0022	G Octylacrylamid/acrylates copolymer (CFRA designation)	Jan. 5, 1989.
Y 88-0219	G Modified polyester of carbomonocyclic acids and hydride with neopentyl glycol	Nov. 7, 1988.
Y 88-0086	G Water-reducible methacryl-styrene copolymer	Apr. 20, 1987.
Y 88-0155	G Long oil alkyd	Dec. 21, 1989.
Y 88-0167	G Tall oil fatty acid alkyd.	Dec. 12, 1988.
Y 88-0245	G Aromatic polyester resin	Jan. 9, 1989.
Y 88-0246	G Aromatic polyether esterified with hydroxyacid or polyester	Jan. 9, 1989.
Y 88-0298	G Short oil alkyd	Nov. 2, 1988.
Y 88-0319	G Polyester resin	Oct. 19, 1988.
Y 88-0320	G Saturated polyester resin	Oct. 19, 1988.
Y 89-0021	(2,2-bis(4-hydropropoxyl)propane, isophthalic acid neopentyl glycol trimethylol dimethyl terephthalenate isophorone diisocyanate.	Dec. 24, 1988.
Y 89-0029	G Aqueous polyurethane dispersion	Dec. 24, 1988.
Y 89-0033	2,2-bis(4-(2-hydroxypropoxyl)phenyl) propane polymer with isophthalic acid neopentyl glycol trimethylol propane and toluene diisocyanate.	Dec. 24, 1988.
Y 89-0035	G Polyether polyurethane polymer	Jan. 13, 1989.

V. 48 Premanufacture Notices for Which the Period Has Been Suspended

PMN No.			
P 87-0057	P 87-0058	P 87-0059	P 87-0197
P 87-0198	P 87-0199	P 87-0200	P 87-0201
P 88-0701	P 88-1240	P 88-1271	P 88-1272
P 88-1273	P 88-1274	P 88-1682	P 88-1801
P 88-1802	P 88-1898	P 88-2139	P 88-2177
P 88-2196	P 88-2237	P 88-2341	P 88-2359
P 88-2398	P 88-2435	P 88-2436	P 88-2437
P 88-2463	P 88-2515	P 88-2518	P 88-2540
P 88-2576	P 88-2582	P 88-2614	P 88-2631
P 88-2632	P 88-2633	P 89-0052	P 89-0066
P 89-0073	P 89-0077	P 89-0078	P 89-0085
P 89-0099	P 89-0116	P 89-0185	P 89-0273

[FR Doc. 89-4848 Filed 3-15-89; 8:45am]

BILLING CODE 6560-50-M

federal register

Thursday
March 16, 1989

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 129

Security Programs for Foreign Air Carriers; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 129

[Docket No. 25693; Amdt. No. 129-18]

RIN 2120-AC42

Security Programs for Foreign Air Carriers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Aviation Regulations to require foreign air carriers that land or take off in the United States to submit a written security program to the FAA that is acceptable to the Administrator. The security program must describe the procedures, facilities, and equipment that the foreign air carrier will use to ensure the safety of persons and property traveling in air transportation. The final rule is needed to ensure that adequate security measures are being implemented by foreign air carriers that land or take off in the United States. The final rule is intended to reduce the risk of fatalities and property damage attributable to acts of criminal violence directed against civil aviation and to prevent acts of air piracy.

EFFECTIVE DATE: The final rule is effective on April 17, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. David A. Smith, Manager, Domestic Civil Aviation Security Division (ACS-100), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3947.

SUPPLEMENTARY INFORMATION:

Availability of the Final Rule

Any person may obtain a copy of the final rule by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Inquiry Center (APA-230), 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Requests must include the amendment number identified in this final rule. Persons interested in being placed on a mailing list for future rulemaking actions should request a copy of Advisory Circular 11-2A, "Notice of Proposed Rulemaking Distribution System," which describes the application procedure.

Background

On August 31, 1988, the Federal Aviation Administration (FAA) issued a notice of proposed rulemaking (NPRM) (53 FR 34874; September 8, 1988) that set forth a proposed amendment to Part 129 of the Federal Aviation Regulations. Part 129 governs the operations of foreign air carriers that hold a permit issued by the Civil Aeronautics Board or the Department of Transportation under section 402 of the Federal Aviation Act or that hold another appropriate economic or exemption authority issued by those entities. In the NPRM, the FAA proposed to amend § 129.25 of the regulations that currently requires each foreign air carrier that lands or takes off in the United States to adopt and to use a security program for each scheduled and public charter passenger operations as defined in that section.

Discussion of the Comments

As of January 5, 1989, the FAA received over 50 comments in response to the proposal contained in the NPRM. Thirty of these comments were received by November 7, 1988, the formal closing date of the comment period. An additional 16 comments were received within days of November 7, 1988. One comment, dated December 20, 1988, was received on December 22, 1988. All comments received by January 5, 1989 have been considered in the development of the final rule.

The largest group of commenters is that of foreign air carriers who would be affected by the proposed rule. More than 30 comments from foreign air carriers are in the docket. Several of those comments were filed on behalf of more than one foreign air carrier. A number of the comments contain virtually identical arguments, although separately filed on behalf of several foreign air carriers. These commenters generally were opposed to the proposed rule. However, several foreign air carriers expressed support for the proposed rule, although at least one of those recommended modifications to the proposal. Several others did not express any opinion on the basic concept of the proposed rule, but suggested that changes be made to the proposed rule if issued as a final rule. Several commenters, apparently believing that the NPRM was a final rule, submitted their security program or other security-sensitive documents. The FAA did not include these materials in the docket. Letters were sent to the commenters, copies of which are in the docket, inviting comments on the NPRM. The FAA's letters indicated that material included in the docket is available to the public, a consequence that FAA believed the commenters did not realize. Indeed, public disclosure of security-sensitive material, such as an air carrier's security plan or program, would be completely inconsistent with the common goal of all participants in this rulemaking: namely, to ensure the safety of persons and property traveling in air transportation against acts of criminal violence and air piracy.

Comments were received from five individuals who are considering traveling as passengers on foreign air carrier flights operating to or from the United States. These commenters endorsed the proposal, usually with little elaboration, as a means of assuring that security measures are followed. Several of these commenters stated that foreign air carriers should follow the same security procedures as U.S. air carriers.

Another group of commenters, comprised of organizations representing various segments of the U.S. aviation community, supported the proposed rule. This group includes the Air Transport Association of America (ATA), the Air Line Pilots Association (ALPA), the American Association of Airport Executives (AAAE), and the Airport Operators Council International (AOCI), which commented on behalf of its U.S.-member airports.

Comments were received from a number of foreign governments and organizations. The British Embassy and the Embassy of Switzerland sent diplomatic notes to the U.S. Department of State for inclusion in the docket. Comments also were received from the Civil Aviation Bureau of Japan, the Department of Civil Aviation of Malaysia, the Soviet Union through the U.S. Embassy in Moscow, the European Civil Aviation Conference (ECAC), the International Air Transport Association (IATA), the Association of European Airlines (AEA), and the Air Transport Association of Canada (ATAC). This group of commenters generally were opposed, in whole or in substantial part, to the proposed rule. In particular, there was concern expressed about application of the rule to airports located outside the United States.

Finally, the docket includes a letter of inquiry about the rulemaking, a copy of a summary of the proposal published in a periodical, and a comment from an entity that operates several airports in the United States concerning the relationship of the proposal to the security requirements applicable to airport operators under 14 CFR Part 107.

The commenters addressed a variety of specific issues. However, the issues fall into two broad categories. The first category, and the one that generated the largest volume of comments, involves the proposal's impact on relationships between the United States and other countries. The specific issues in this category include the legality and

consistency of the proposal with the Convention on International Civil Aviation ("Chicago Convention"), particularly Annex 17; the legality and consistency of the proposal with current bilateral air transport agreements; and the impact of the proposal on the sovereignty of countries. The second category involves issues of implementation and other specific aspects of the proposed rule. The issues in the second category include the time frames for submission and acceptance of a security program, the adequacy of the statement of need for the proposal, and concerns about the preparation and availability of a model standard security program.

International Issues

The majority of commenters who objected to the proposal raised concerns about the extent of U.S. authority over the security of foreign air carrier operations. None of these commenters questioned the jurisdiction of the United States to require foreign air carriers to submit their security programs for acceptance by the Administrator with respect to the activities of those air carriers at U.S. airports. Their concerns were based upon the application of the requirement to foreign air carrier operations at foreign airports that are the last point of departure prior to landing in the United States. The comments on this point generally focused on five issues.

First, a few commenters questioned the FAA's statutory authority to apply the proposed rule to the foreign air carrier's last point of departure to the United States. One commenter argued that sections 315 and 316 of the Federal Aviation Act apply to aviation security only at U.S. airports and do not authorize the regulation of foreign air carrier activities at points outside the United States. Other commenters, remarking upon discussion in the preamble to the NPRM, cited the International Security and Development Cooperation Act (ISDCA) for different propositions. Some argued that ISDCA failed to provide any authority for the proposed rule; others believed that the ISDCA eliminated any need for the proposed rule, and that the rule, therefore, was redundant and unnecessary.

Sections 315 and 316 of the Federal Aviation Act are specific and comprehensive and provide ample authority for the proposed rule. Section 315 provides that the FAA shall require

> * * * that all passengers and all property intended to be carried in the aircraft cabin in air transportation * * * be screened by weapon-detecting procedures or facilities employed or operated by employees or agents of the air carrier, intrastate air carrier, or foreign air carrier prior to boarding the aircraft for such transportation [49 U.S.C. 1356(a)].

Section 316 is even more comprehensive in scope: it provides that the FAA

> * * * shall prescribe such reasonable rules and regulations requiring such practices, methods, and procedures * * * as [it] may deem necessary to protect persons and property aboard aircraft operating in air transportation * * * [49 U.S.C. 1357(a)].

If these sections applied only to operations at U.S. airports, as argued by one commenter, these sections would provide no authority for the FAA to regulate the security of U.S. air carriers abroad, a result clearly not intended by Congress. As another commenter rightly pointed out, the definition of the term "air transportation" is defined to include "foreign air transportation" [49 U.S.C. 1301(10)]. In turn, "foreign air transportation" is defined as

> the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce between * * * a place in the United States and any place outside thereof * * * [49 U.S.C.App. 1301(24)].

These terms clearly indicate that sections 315 and 316 of the Federal Aviation Act were intended to apply to operations to and from the United States. The FAA, in promulgating § 129.25 in 1975, implemented these provisions of the Federal Aviation Act, and in so doing clearly expressed its understanding that the law applied to inbound operations of foreign air carriers, as well as to their operations from U.S. airports. The FAA agrees that ISDCA does not provide specific statutory authority to require foreign air carriers to submit their security programs to the FAA for acceptance. The FAA did not cite ISDCA as statutory authority for the NPRM. The FAA, nevertheless, believes that the final rule is necessary to make Part 129 more consistent with the provisions of ISDCA. Evaluations of the effectiveness of the security measures used by foreign air carriers at the foreign airports covered by ISDCA is integral to the airport assessments required by that law. The final rule will provide an additional means of ensuring that the purpose of ISDCA is fulfilled.

Second, several commenters argued that the extension of U.S. jurisdiction to the foreign air carrier's last point of departure to the United States is inconsistent with the Chicago Convention and Annex 17 thereto. The commenters cite no specific provision of the Convention to support this contention but generally argue that the rule somehow undermines the fact that each Contracting State to the Chicago Convention has the basic responsibility for the security of all international civil aviation operations within its territory. These commenters do cite provisions of Annex 17, calling upon States to establish a national civil aviation security program, to ensure the establishment of airport security programs for airports in their respective territories, and to cooperate with other States in adapting their respective national civil aviation security programs. The commenters argue that these provisions prohibit a Contracting State from exercising any jurisdiction over the security of foreign aircraft entering its territory from a foreign airport.

The FAA believes that the final rule is consistent with the Chicago Convention and Annex 17. As many commenters pointed out, Article 1 of the Convention recognizes the complete and exclusive sovereignty of each State over the airspace above its territory. An inherent aspect of this sovereignty is the right of each State to protect its inhabitants from potential threats to their safety from foreign aircraft entering its airspace from foreign locations. The very real potential exists that an aircraft that has not been subjected to adequate security precautions at the last point of departure to another country may be the target of an act of unlawful interference or sabotage and that the aircraft may therefore pose a hazard to the safety of the inhabitants of the country into which the aircraft operates. The Chicago Convention recognizes this fundamental right in Article 11. That Article provides that

> * * * the laws and regulations of a contracting State relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, * * * shall be complied with by such aircraft upon entering or departing from or while within the territory of that State."

Nothing in the Convention detracts from this basic right with respect to issues of aviation security.

Annex 17 to the Chicago Convention, which contains international standards and recommended practices on aviation security, does not preclude a State from requiring that foreign air carrier security programs with respect to operations into, within, and from its territory be submitted for its acceptance. On the contrary, Chapter 5 of Annex 17 specifically states that

[e]ach Contracting State shall require operators providing service to or from that State to adopt a security programme and to apply it in proportion to the threat to international civil aviation and its facilities * * *.

The FAA, therefore, believes that the final rule is not only consistent with, but is contemplated by, the provisions of Annex 17.

Third, several commenters raised questions as to the consistency of the proposed rule with various U.S. bilateral air transport agreements. Those commenters argue that the air transport agreements do not contemplate one State unilaterally imposing on the airlines of another State security requirements to be implemented in the territory of that other State. Some commenters stated that the air transport agreements are even more restrictive and provide no authority for one State to regulate the security procedures employed by the airline of the other. Some commenters also believed that certain air transport agreements require governmental consultations before action may be taken to require a foreign air carrier to make changes to its security program.

The FAA is very much aware of the obligations contained in the various U.S. bilateral air transport agreements and intends that the final rule be implemented consistent with the commitments made in those agreements. U.S. bilateral air transport agreements are not identical in their provisions. There is uniformity, however, with respect to certain provisions. Among these is an obligation which tracks the obligation in Article 11 of the Chicago Convention; that is, the airlines of one contracting Party to the air transport agreement are obligated to comply with the rules governing entry into, departure from, and operation within the territory of the other contracting Party. As discussed, the requirement in the final rule regarding acceptance of security programs for operations into, within, and from the United States is consistent with this universal provision of U.S. bilateral air transport agreements.

Many of these agreements also contain specific articles regarding aviation security. Some security articles contain specific language acknowledging the obligations of the airlines of one contracting Party to abide by the security requirements of the other. All of these security articles recognize the obligation of the airlines of the contracting Parties to adhere to International Civil Aviation Organization (ICAO) standards and recommended practices for aviation security. These security articles in no way detract from the ability of each Party to require compliance with these international measures by the air carrier of the other. The security articles do impose the obligation that, absent an emergency, the Parties will consult regarding possible breaches of aviation security obligations prior to either Party taking unilateral action to withhold operating rights under the bilateral air transport agreements.

Fourth, a few commenters objected to the rule on the grounds that security measures in some countries are only to a certain extent within the control of the airlines. The commenters stated that, in those countries, many aspects of aviation security, including the screening of passengers and carry-on baggage, are the responsibility of governmental authorities and that it is unfair to require those airlines to inform the FAA of all relevant aspects of the aviation security program for that airline or to hold the air carrier accountable for adherence to that program.

The FAA notes that similar objections were made when the current regulation on foreign air carrier security, § 129.25, was proposed. That regulation currently requires each foreign air carrier taking off or landing in the United States to adopt and to use a security program that meets the requirements listed in § 129.25(c) and to provide the FAA with information on its security program, if requested. For almost 14 years, the FAA has required compliance with that regulation by foreign air carriers with respect to their operations at U.S. airports and foreign airports that are a last point of departure to the United States. Foreign air carriers, with very few exceptions, have consistently complied with these requirements.

This is not surprising because the basic security requirements in the current § 129.25 are reflective of the international standards and recommended practices contained in Annex 17. The host governments of foreign air carriers that do not comply with the provisions of that section arguably would not be carrying out their commitments under the Chicago Convention or bilateral air transport agreements with the United States. The final rule does not alter this fact and many commenters who object to the proposed rule hail the current rule as workable.

Fifth, but in the same vein, several commenters expressed concern that the proposed rule would undermine international cooperation in the area of aviation security; would be the first step toward the promulgation of overlapping, inconsistent security requirements across the world and, hence, would be an impediment to international air transportation; and would provide a disincentive for other States to carry out their responsibilities in this important area. Some of these commenters express the belief that the FAA has forgotten the importance of cooperative international efforts in achieving effective international civil aviation security.

The FAA believes that international cooperation is absolutely essential to combatting the continuing threats to civil aviation security. The FAA places the utmost importance on its work with other countries in the context of ICAO to achieve the highest and most effective international standards on this subject. The FAA also has worked, and will continue to work, closely with its aviation partners to improve the level of international aviation security through technical assistance and consultations. In this regard, the FAA notes that the February 15, 1989 meeting of the members of the International Civil Aviation Organization resulted in unanimous passage of a resolution calling upon all member states to intensify their efforts for the implementation of existing standards, recommended practices and procedures relating to aviation security, to monitor such implementation, and to take all necessary steps to prevent acts of unlawful interference against international civil aviation. This United Nations organization recognized that terrorism in the skies is a global threat that must be addressed independently and collectively by all nations.

The FAA does not believe that the final rule undermines any of these important international efforts. Rather, the rule is a vehicle for the FAA to fulfill its obligations under the Federal Aviation Act, the ICAO resolution, and Chapter 5 of Annex 17 with respect to the operations of foreign air carriers to, within, and from the United States. The rule will accomplish this by allowing the FAA to assure itself that these foreign air carriers are implementing security programs adequate to meet the threat to international civil aviation and its facilities. The FAA recognizes that conditions at the various foreign airports around the world are not identical and that the details of security programs for foreign air carriers will vary, depending on local conditions. In this respect, the FAA will take due regard of concerns that may be expressed by foreign air carriers faced with differing requirements under U.S. and local law. The FAA expects to work closely with civil aviation safety authorities in other countries in order to keep them advised of any proposed changes to foreign air

carrier security programs. However, consistent with the provisions of Annex 17, the FAA expects that the critical requirements of § 129.25 will continue to be met by foreign air carriers operating to or from the United States.

Rule Implementation and Other Issues

A number of comments address the schedule for submission and acceptance of a foreign air carrier security program. The NPRM envisioned a 150-day period from publication of a final rule to the use of a security program acceptable to the Administrator. The preamble of the NPRM anticipated that the effective date of the rule would be 60 days after the date of publication. The NPRM proposed to require a foreign air carrier subject to the rule to submit its proposed security program by the effective date. The preamble further indicated that the use of a security program acceptable to the Administrator would not be required until 90 days after the effective date. (The proposed rule language is confusing with regard to the date by which a security program acceptable to the Administrator must be used by each foreign air carrier. The **Federal Register** mistakenly inserted "December 7, 1988," a date 90 days after publication of the NPRM, in several places in the printed NPRM in lieu of the phrase, "90 days after the effective date of the final rule," that was in the FAA's document sent for publication.)

There is support in the comments both for the proposition that the schedule is reasonable and for the proposition that the time intervals should be lengthened. The FAA is not convinced that the 150-day interval in the proposed rule, from publication of the final rule to use of a security program acceptable to the Administrator, is unreasonably short, although the interval is predicated on diligence and cooperation by foreign air carriers and the FAA.

As noted in the preamble of the NPRM, § 129.25(b) of the Federal Aviation Regulations currently requires each foreign air carrier that lands or takes off in the United States to adopt and to use a security program for each scheduled and public charter passenger operation as defined in § 129.25 (a)(5) and (a)(6). The FAA does not believe that submission of the security program for acceptance by the Administrator necessarily requires anything more than identifying what is currently done by a foreign air carrier. In many cases, it may involve submitting only an existing document detailing the security procedures of the foreign air carrier. The requirement to submit a security program for acceptance, however, will ensure that adequate security measures are being implemented by foreign air carriers with respect to operations to, within, and from the United States. The process of acceptance will provide an opportunity for the FAA to assess whether the existing security programs, adopted and used by foreign air carriers, adequately meet the requirements of § 129.25 (c) and (d), in light of current international standards and recommended practices and the current level of threat to international aviation.

The FAA's view of the basic reasonableness of the time frame is reinforced by its commitment to provide a model standard security program (MSSP). The MSSP, which is not identical to the security program of the U.S. carriers, will provide substantial assistance to foreign air carriers who do not have such a written document now. The FAA believes that a 90-day period between submission of a proposed security program and use of a program acceptable to the Administrator provides sufficient time for the FAA and a foreign air carrier to identify possible inadequacies and make appropriate modifications. Since the FAA will notify the foreign air carrier of the security program's acceptability, or the need to modify the program, within 30 days after receiving it, 60 days, at a minimum, will remain for further discussion and program modification.

The final rule is modified from the proposal, however, to clarify the compliance dates in the final rule and to extend the implementation schedule by 30 days. The final rule is effective 30 days after publication. A foreign air carrier must submit a proposed security program not later than 60 days after the effective date. A foreign air carrier must use a security program acceptable to the Administrator by 150 days after the effective date. Thus, the interval from publication of the final rule to use of a security program acceptable to the Administrator is 180 days. The final rule also would permit the Administrator to allow deviations from the security program submission schedule. Deviations from the 90-day advance submission requirement, for example, may be needed in some circumstances to prevent the delay or disruption of air service between the United States and a foreign country.

The statement in the NPRM that the FAA would prepare an MSSP for use by foreign air carriers in the event of the issuance of a final rule generated a number of comments. One commenter expressed concern that the MSSP would not be available in time to prepare its proposed security program. Several commenters indicated that foreign air carriers should be able to see the MSSP in order to formulate their response to the NPRM. Another commenter, presuming that FAA intended to require all foreign air carriers to conform to the MSSP, stated it would be contrary to the Administrative Procedure Act for the FAA to "promulgate" the MSSP without giving foreign air carriers the opportunity to comment on a draft. Still another commenter, anticipating that the MSSP would become the *de facto* standard, felt that the MSSP need not and should not be introduced into this rulemaking, further noting that it is premature to seek comments regarding a commitment to subscribe to such a program.

While the FAA understands the various concerns expressed by the different commenters regarding the MSSP, many comments appear to be based on a misperception of the legal and practical effects of the MSSP. First, the MSSP, which will be available to foreign air carriers on or before the effective date of this final rule, is a "model" security plan. The purpose of the MSSP is to provide guidance, if needed, to foreign air carriers in preparing their proposed security programs. The MSSP itself is not regulatory. Second, as stated in the NPRM, the MSSP will meet "the requirements of the final rule and is based on the international security provisions established by ICAO" (53 FR 34875). The FAA believes that most foreign air carriers have established and carry out a security program responsive to current § 129.25 and international standards. As previously noted, the process of acceptance of security programs of foreign air carriers will provide an opportunity for the FAA to assess whether they are consistent with § 129.25 in light of all circumstances bearing on civil aviation security. Security programs may be found acceptable to the Administrator without regard to whether they are identical to the MSSP. However, for some foreign air carriers, adoption of the MSSP may be quite useful. The MSSP also may aid the drafting or structuring of portions of other foreign air carriers' proposed security programs. Third, even if the FAA intended to make the MSSP mandatory on all foreign air carriers under § 129.25, the FAA would not publish the MSSP in the **Federal Register**. Rather, the FAA would provide notice of the proposed action directly to affected foreign air carriers.

Except in the case of an emergency, the FAA would receive comments from the foreign air carrier or carriers before taking final action on any change to a

security program previously found to be acceptable. The final rule includes the procedures in the NPRM regarding amendments to security programs, both on a nonemergency and an emergency basis [§ 129.25 (e)(2) and (e)(3)]. As previously noted, the FAA intends to keep foreign civil aviation safety authorities advised of any proposed changes to foreign air carrier security programs.

Several commenters note the absence in the NPRM preamble of an expansive justification for the proposed amendment. These commenters believe that a detailed and specific statement of weaknesses in the current security arrangements is necessary to justify the proposed rule. The FAA agrees that the NPRM does not contain an extensive analysis of specific security problems; but the FAA believes that such an analysis is unnecessary. The rule does not expand the scope of § 129.25 to include additional foreign air carriers that were not subject to § 129.25 previously. The justification that the NPRM identifies for this rulemaking action is to ensure that adequate security measures are being implemented by foreign air carriers with respect to operations to and from the United States. It is unnecessary to restate that a security threat to civil aviation exists or that reasonable requirements, designed to ensure that security measures are implemented, are justified.

Discussion of the Amendments

The final rule is substantially similar to the proposed amendment contained in the NPRM. The FAA has kept the basic requirement that certain foreign air carriers must submit proposed security programs to the FAA for acceptance by the Administrator. The final rule also contains the proposed procedures regarding amendment of a foreign air carrier security program, on a nonemergency and an emergency basis.

The FAA modified the proposal in several respects. As previously noted, the FAA clarified the effective date of the final rule, the date by which each foreign air carrier must submit a proposed security program, and the date by which each foreign air carrier must use the security program that has been accepted by the Administrator. The FAA also simplified the proposed regulation by directly stating the requirement that the foreign air carrier security program must be acceptable to the Administrator in § 129.25(e), the same section that addresses the procedures for acceptance and amendment of a security program. As a result of this revision, it is unnecessary to amend § 129.25 (b), (c), and (d) of the regulations to include a date in these sections. This revision also eliminates any uncertainty about the status of § 129.25 (b), (c), and (d), and the requirements contained on those sections, after this final rule is effective but before a foreign air carrier security program has been accepted by the Administrator and must be used by the foreign air carrier.

After reviewing the existing requirements and the proposed amendments, the FAA retained the current language of § 129.25(e) in the final rule. That section states that the FAA can request information about the implementation and operation of the security program used by each foreign air carrier. The FAA must know and understand the methods and procedures used by a foreign air carrier under the security program that was submitted and found to be acceptable. With this information, the FAA can ensure that the foreign air carrier complies with the security program that is acceptable to the Administrator.

Economic Summary

In accordance with the requirements of Executive Order 12291, the FAA reviewed the cost impact and the benefits that may accrue as a result of promulgation of the final rule. The FAA has determined that the final rule does not meet the criteria of a "major" rule under Executive Order 12291 because it is not likely to have an annual effect on the economy of $100 million or more. A regulatory evaluation containing the FAA's estimates of costs and benefits of the final rule has been prepared and placed in the public docket.

The FAA has determined that the final rule will affect 111 foreign air carriers currently operating scheduled flights into the United States under Part 129. The final regulatory evaluation prepared for this rule states that the total cost of compliance with the requirements of the final rule to the 111 affected foreign air carriers is $749,340 in 1988 dollars. Costs associated with possible future amendments to foreign air carrier security programs are not identified here because these costs are speculative and nonquantifiable and they would be the result of actions separate from this rulemaking. An additional 200 entities, whose operations are not included in § 129.25(b), are involved in small aircraft charter and air taxi operations to the United States on a nonscheduled basis. They are not now required to have security programs, and this final rule will not require them to have security programs.

The primary benefits of this final rule will be the prevention of potential fatalities, injuries, and property losses resulting from criminal acts, acts of terrorism, and air piracy directed against U.S. and foreign civil aviation interests. The FAA has not been able to quantitatively estimate the extent to which the final rule will be effective in deterring or preventing these acts against civil aviation. However, the FAA believes that the $749,340 estimated cost of compliance with the final rule will be fully recovered if only a single life is saved by promulgating the final rule and preventing criminal acts and terrorism against civil aviation interests. If only one fatality is prevented as a result of the requirements of the final rule during the 10-year period following implementation of the rule by foreign air carriers, the benefits of the final rule will be 1.3 times greater than the cost, assuming that the statistical economic value of a human life is at least $1.0 million, as is generally agreed by economists. Moreover, additional benefits will accrue to affected foreign air carriers based on the public perception of the additional safety provided by this rulemaking. The FAA believes that increased public confidence in the safety of air travel likely will result in increased air travel and revenues.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 requires a Federal agency to review each final rule to assess its impact on small, domestic enterprises and businesses. The requirements of the final rule apply only to foreign air carriers operating under the authority of a permit or other economic or exemption authority issued by the Civil Aeronautics Board or the Department of Transportation. Therefore, the FAA certifies that the final rule will not have a significant impact, positive or negative, on a substantial number of small, domestic entities.

International Trade Impact Analysis

This final rule affects foreign air carriers operating under Part 129. The average one-time cost impact of $6,750 for each of the affected foreign air carriers is considered negligible in comparison to the annual operating budgets of these carriers. Accordingly, this final rule will have little or no impact on trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

Paperwork Reduction Act Approval

Section 129.25(e)(1) requires each foreign air carrier landing or taking off in the United States to submit a security program acceptable to the Administrator of the FAA. In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the recordkeeping and reporting provisions contained in this final rule have been submitted to the Office of Management and Budget (OMB) for approval. Notification of the OMB approval number will be published in the Federal Register upon receipt from OMB.

Federalism Implications

The amendments contained herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with Executive Order 12612, the FAA has determined that such regulation does not have Federalism implications warranting the preparation of a Federalism Assessment.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this final rule is not a major rule under the criteria of Executive Order 12291. Additionally, this final rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This final rule is considered significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11023; February 26, 1979). A regulatory evaluation of the final rule, including a Regulatory Flexibility Determination and Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under "For Further Information Contact."

List of Subjects in 14 CFR Part 129

Aircraft, Air carrier, Airports, Aviation safety, Weapons.

The Amendment

Accordingly, the FAA amends Part 129 of the Federal Aviation Regulations (14 CFR Part 129) as follows:

PART 129—OPERATIONS: FOREIGN AIR CARRIERS AND FOREIGN OPERATORS OF U.S. REGISTERED AIRCRAFT ENGAGED IN COMMON CARRIAGE

1. The authority citation for Part 129 continues to read as follows:

Authority: 49 U.S.C. 1346, 1354(a), 1356, 1357, 1421, 1502, and 1511; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

2. Section 129.25 is amended by revising paragraph (e) to read as follows:

§ 129.25 Airplane security.

* * * * *

(e) After September 14, 1989, each foreign air carrier required to adopt and use a security program pursuant to paragraph (b) of this section shall have a security program acceptable to the Administrator. The following procedures apply for acceptance of a security program by the Administrator:

(1) Unless otherwise authorized by the Administrator, each foreign air carrier required to have a security program by paragraph (b) of this section shall submit its proposed security program to the Administrator by June 16, 1989, or at least 90 days before the intended date of passenger operations, whichever is later. The proposed security program must be in English unless the Administrator requests that the proposed program be submitted in the official language of the foreign air carrier's country. The Administrator will notify the foreign air carrier of the security program's acceptability, or the need to modify the proposed security program for it to be acceptable under this part, within 30 days after receiving the proposed security program. The foreign air carrier may petition the Administrator to reconsider the notice to modify the security program within 30 days after receiving a notice to modify.

(2) In the case of a security program previously found to be acceptable pursuant to this section, the Administrator may subsequently find that the program will become unacceptable unless appropriate revisions are made in the interest of safety in air transportation or in air commerce and in the public interest within a specified period of time. In making such a finding the following procedures apply:

(i) The Administrator notifies the foreign air carrier, in writing, of a proposed finding of unacceptability, fixing a period of not less than 45 days within which the foreign air carrier may submit written information, views, and arguments on the proposed finding.

(ii) At the end of the comment period, after considering all relevant material, either the Administrator issues a finding of unacceptability, specifying appropriate revisions to make the program acceptable, or rescinds the proposed finding. If the Administrator issues a finding of unacceptability, the program becomes unacceptable 45 days thereafter, unless the foreign air carrier either—

(A) Revises the program so that it becomes acceptable to the Administrator and submits the revised programs to the Administrator; or

(B) Petitions the Administrator to reconsider the finding of unacceptability, in which case the program remains unacceptable until the Administrator reconsiders the matter.

(3) If the Administrator finds that there is an emergency requiring immediate action with respect to safety in air transportation or in air commerce, the Administrator may issue an emergency notice of unacceptability. In such a case, the Administrator incorporates in the notice the finding of unacceptability, a brief statement of the reasons for proposed revisions, and appropriate revisions that would make the security program acceptable to the Administrator. The security program is considered to be unacceptable when the foreign air carrier receives the emergency notice of unacceptability unless immediate revisions are made to the security program. To ensure acceptability of revisions, the foreign air carrier must submit a copy of any revisions to the Administrator.

(4) A foreign air carrier must submit any amendments to its security program to the Administrator for a finding of acceptability. The proposed amendment must be filed with the Administrator at least 45 days before the date the foreign

air carrier proposes for the amendment to become effective, unless a shorter period is allowed by the Administrator. Within 30 days after receiving a proposed amendment, the Administrator will notify the foreign air carrier whether the amendment is acceptable. The foreign air carrier may petition the Administrator to reconsider a notice of unacceptability of the proposed amendment within 45 days after receiving notice of unacceptability.

(5) Each foreign air carrier required to use a security program by paragraph (b) of this section shall, upon request of the Administrator, and in accordance with applicable law, provide information regarding the implementation and operation of its security program.

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Issued in Washington, DC, on March 13, 1989.

Robert E. Whittington,

Acting Administrator.

[FR Doc. 89-6054 Filed 3-14-89; 8:45 am]

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federal register

Thursday
March 16, 1989

Part IV

Office of Personnel Management

SES Positions That Were Career Reserved During 1988; Notice

OFFICE OF PERSONNEL MANAGEMENT

SES Positions That Were Career Reserved During 1988

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: As required by the Civil Service Reform Act of 1978, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 1988.

FOR FURTHER INFORMATION CONTACT: Charles Vaughn, Office of Executive Personnel, (202) 632–7727.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved any time in calendar year 1988 whether or not they were still career reserved on December 31, 1988. Section 3132(b)(4) of title 5, United States Code, requires that the head of each agency publish the list by March of the following year. OPM is publishing a consolidated list for all agencies.

U.S. Office of Personnel Management.

Constance Horner,

Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988

Agency/organization	Career reserved positions
ACTION	
Ofc of the Director	Assistant Director for Compliance.
Office Inspector General.	Inspector General.
Organization abolished	Asst Dir for Financial Management.
Assoc Director for Mgnt & Budget.	Associate Director for Management & Budget.
Administrative Conference of the U.S.	
Administrative Conference of the U.S.	Executive Director.
	Research Director.
	Legal Counsel.
Advisory Council on Historic Preservation	
Ofc of the Exec Director.	Executive Director.
Department of Agriculture	
Ofc of the Inspector General.	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigation.
	Asst Inspector General for Audit.
	Dep Assistant Inspector General for Audit.
	Dep Asst Inspector General for Audit.
	Dep Asst Inspector General for Investigations.
	Asst Inspector Gen for Pol Dev & Res Mgmt.
Office of Operations	Director Office of Operations.
Office of Finance and Management.	Director, Applications Systems Division.
	Dir, Info Resources Management Division.
	Director, Financial Services Division.
	Dir, Thrift Savings Plan Development Division.
Farmers Home Administration.	Deputy Administrator for Management.
	Assistant Administrator, Finance Office.
	Asst Admr for Automated Information Services.
	Asst Admr, Community and Business Programs.
Federal Crop Insurance Program.	Asst Mgr for Actuarial & Underwriting Svcs.
Agricultural Marketing Service.	Deputy Administrator, Management.
	Director, Fruit & Vegetable Division.
	Director, Cotton Division.
	Director, Dairy Division.
	Director, Livestock Division.
	Director, Tobacco Division.
	Agricultural Marketing Svc, Dir Poultry Div.
	Director, Compliance Staff.
	Dir, Commodity Scientific Support Division.
Animal & Plant Health Inspection Service.	Deputy Administrator for Management & Budget.
	Assoc Dep Administrator for Mgt. & Budget.
	Dep Admr, Regulatory Enforcement/Animal Care.
Veterinary Services	Asst Dep Admr, Inmatl Prog, Vet Services.
	Dir Natl Veterinary Services Labs, Ames.
	Asst Dep Admr, Prog Plnng & Development.
	Director, Northern Region.
	Dir, SE Region, Veterinary Services.
	Director, Western Region.
	Director, South Central Region.
	Assistant Deputy Administrator.
	Dep Admr, Animal Damage Control.
	Dir, Operational Support, Veterinary Services.
Plant Protection & Quarantine Service.	Director, Program Planning & Development.
	Dep Admr, International Services.
	Director Northeastern Region.
	Director, South Central Region.
	Director, Western Region.
	Asst Deputy Administrator for National Progs.
	Director, Southeastern Region.
	Asst to the Asst Dep Admr, Natl Programs, PPQ.
	Director Operational Support PPQ.
Food Safety and Inspection Service.	Asst Deputy Admin Technical Services.
	Dep Admr-Administrative Mgmt.
	Dir Northeast Region, Phila., PA.
	Regl Director, Atlanta, Georgia.
	Dir, North Central Region, Des Moines, Iowa.
	Director, Southwestern Region, Dallas, Texas.
	Dir, Western Region, Alameda, California.
	Asst Dep Admr Comp & Staff Operations.
	Asst Dep Admr Inspection Mgmt Program.
	Asst Dep Admr, Scientific Staff Services.
	Asst Dep Admin (Admin Mgt).
	Deputy Administrator, Science.
	Dep Admr Internl Programs.
	Asst Dep Admr Administrative Management.
	Associate Deputy Administrator.
	Asst to the Admr for Intl Scientific Liaison.
Food & Nutrition Service.	Deputy Admin for Financial Management.
	Deputy Admr for Management.
Agricultural Stabilization & Conservation Service.	Accounting Officer.
Foreign Agricultural Service.	Asst Administrator, Management.
	Dir. Sugar, Horticultural & Trop Prod Div.
	Dir. Grain & Feed Div.
	Dir. Oilseeds & Prod Div.
	Deputy Assistant Administrator Export Credits.
	Dep Asst Admr, Internl Agric Statistics.
Agriculture Research Service.	Dep Admr for Adm Mgmt.
	Assoc Dep Admin for Administrative Management.
	Asst Adm for Cooperative Interactions.
National Program Staff Office.	Deputy Administrator National Program Staff.
	Assoc Dep Admr.
	Assoc Dep Admr, Natl Prog. Staff.
Beltsville Area Office	Dir, Beltsville Human Nutrition Research Ctr.
	Director Beltsville Area Office.
	Head Sensors & Control Systems Group.
	Assoc. Dir Beltsville Area.
North Atlantic Area Office.	Director, Eastern Regl Reseach Center.
	Dir. Plum Island Animal Disease Ctr.
	Director, North Atlantic Area.
	Assoc Dir, North Atlantic Area.
South Atlantic Area Office.	Research Leader-Forage and Turf Research.
	Res Leader-Plant Physio & Photosynthesis Res.
	Director South Atlantic Area.
	Associate Dir South Atlantic Area.
Midwest Area Office	Dir Northern Regional Research Center.
	Dir Midwest Area.
	Dir Northern Regional Research Ctr.
	Assoc Dir, Midwest Area.
Midsouth Area Office	Dir, Southern Regional Res Center, New Orlean.
	Director, Mid-South Area.
	Associate Director, Mid South Area..
Northern States Area Office.	Director, Northern States Area.
Central Plains Area Office.	Dir Natl Animal Disease Ctr.
Southern Plains Area Office.	Director Southern Plains Area.
	Director Conservation & Production Res Lab.
	Assoc Dir, Southern Plains Area.
Northern Plains Area Office.	Director, Northern Plains Area.
	Associate Director, Northern Plains Area Ofc.
	Dir R.L. Hruska U.S. Meat Animal Res Center.
Northwest Area Office	Director, Northwest Region.
Pacific West Area Office.	Director, Western Regional Research Center.
	Research Leader-Fruit & Vegetable Chem Research.
	Director, U.S. Salinity Laboratory.
	Res Leader Natural Products Chemistry Res.
	Dir, Western Human Nutrition Research Center.
	Director, Pacific West Area Office.
	Director, Plant Gene Expression Center.
	Associate Director, Pacific West Area Office.
Cooperative State Research Service.	Assoc Administrator for Grants & Program Sys.
Extension Service	Deputy Admin Management.
Soil Conservation Service.	Director Engineering Division.
	Dir Ecological Sciences and Technology Divisi.
	Dep Chf for Administration.
	Dir, Consv Planning and App.
	Dir, Project Dev and Maint.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Dir, Basin & Area Planning (Soil Conserv).
	Assoc Dep Chief for Administration.
	Dir, Soils (Soil Scientist).
	Dir, Land Treatment Program.
	Dir Information Resources Management.
	Dir South National Technical Center.
	Special Asst for Science & Technol.
Forest Service	Dep Chf for Administration.
	Associate Deputy Chief-Administration.
	Dir Forest Pest Mgmt Staff.
	Dir Fiscal and Accounting Management.
	Associate Deputy Chief for Administrator.
	Director, Fire and Aviation Staff.
Research	Director, Timber Mgmt Research Staff.
	Dir Insect and Disease Research Staff.
	Dir Forest Environment Research Staff.
	Director, Forest Resource Economics Staff.
	Dir Forest Prod & Harvesting & Research Staff.
	Dir, Forest Fire & Atmos Sciences Res Staff.
Nat'l Forest System	Dir, Range Management Staff.
	Dir, Recreation, Mgmt Staff.
	Dir Timber Management Staff.
	Director, Engineering Staff.
	Director, Lands Staff.
	Dir Land Management Planning Staff.
	Dir, Wildlife & Fisheries Mgmt Staff.
	Dir, Minerals & Geology Staff.
	Director, Watershed & Air Management Staff.
State & Private Forestry	Dir of Area Planning & Dev Staff.
	Dir Cooperative Forestry.
Field Units	NE Area Dir, State & Private Forestry, U DARB.
	Dir Intermountain Forest & Range Exp Stat, OGD.
	Dir N Eastern Forest Experiment Station.
	Dir, North Central Forest Exp Station.
	Dir, Pacific NW Forest & Range Exp Station.
	Dir, Pacific SW For & Range Exper Sta.
	Director Rocky Mt Forest & Range Exper Stat.
	Dir S Eastern Forest Experiment Station.
	Dir, S. Forest Experiment Station, New Orlean.
	Director, Forest Products Laboratory.
	Dep Dir Forest Products Lab.
Economic Research Service.	Admr, Economic Research Service.
	Associate Administrator-Economic Rech Svc.
	Director Agriculture & Trade Analysis Div.
	Director Commodity Economics Division.
	Director Resources & Technology Division.
	Director Agriculture & Rural Econ Division.
	Deputy Administrator for Situation & Outlook.
Economics Management Staff.	Director, Economics Management Staff.
National Agricultural Statistics Service.	Admr, National Agricultural Statistics Serv.
	Deputy Administrator for Operations.
	Dir Estimates Div.
	Dir, Research and Applications Division.
	Dir, State Statistical Division.
	Deputy Administrator for Programs.
	Dir, Systems & Information Division.
World Agricultural Outlook Board.	Chairperson.
	Dep Chairperson.
Board for International Broadcasting	
Board Staff	Exec Director.
	Dir for Research & Engineering.
	Dep Exec Director/Director of Program Review.
Department of Commerce	
Office of the General Counsel.	Asst General Counsel for Finance & Litigation.
Ofc of Asst Secy for Administration.	Dir, Ofc of Finance & Federal Assistance.
	Spec Asst to the Asst Secy for Administration.
Director for Management and Information.	Dir, Ofc of Information Resources Management.
Director for Procurement & Administrative Services.	Director for Procurement & Admin Services.
	Dep Dir for Procurement & Admin Services.
	Deputy Director for Procurement.
Director Personnel and Civil Rights.	Director for Personnel and Civil Rights.
	Deputy Director of Personnel.
Director for Planning Budget and Evaluation.	Director, Office of Budget.
Ofc of the Under Secy for Economic Affairs.	Statistical Coord for the Under Sec/Eco Aff.
	Dir Office of Business Analysis.
	Supervisory Economist.
Bureau of Economic Analysis.	Director.
	Dep Dir, Bur of Economic Analysis.
	Assoc Dir for Natl Economic Accounts.
	Assoc Dir for Natl Analysis & Projections.
	Assoc Dir for Regional Economics.
	Assoc Dir for Internat'l Economics.
	Chief Economist.
	Chf Statistician.
	Asst to the Director for Econometrics.
	Chf, Nat'l Income & Wealth Div.
	Chief, Current Business Analysis Div.
	Chief, Business Outlook Div.
	Chief International Investment Division.
Bureau of the Census	Dep Dir.
	Asst Director for Adp.
	Chief, Technical Services Division.
	Assoc Dir for Management Services.
	Senior Program Analyst.
	Asst Dir for Administration.
	Chief Data User Services Division.
	Chief, Computer Services Division.
Demographic Fields	Associate Director for Demographic Fields.
	Chf, Population Div.
	Chief, Demographic Surveys Division.
	Asst Dir for International Programs.
	Asst Dir for Publicity and Outreach.
	Associate Director for the Decennial Census.
	Chief, Decennial Planning Division.
	Chief, Decennial Operations Division.
	Chief, Statistical Support Division.
	Chf, Housing & Household Econ Statistics Div.
	Chief, Statistical Methods Division.
Statistical Standards and Methodology.	Assoc Dir for Statistical Standards & Method.
	Chief, Statistical Research Division.
	Senior Program Analyst.
Field Operations	Assoc Dir for Field Operations.
	Chf, Geography Div.
	Chief, Field Div.
	Chief Data Preparation Division.
Economic Fields	Associate Director for Economic Fields.
	Asst Dir for Economic & Argic Censuses.
	Chief, Agriculture Div.
	Chf, Business Div.
	Chf, Construction Statistics Div.
	Chf, Econ Surveys Div.
	Chf, Foreign Trade Div.
	Chf, Government Div.
	Chf, Industry Div.
	Chf, Census Programming Division.
Institute for Telecommunications Sciences.	Assoc Admr for Telecommunications Science.
	Deputy Dir for Systems & Networks.
	Special Technology Liaison.
	Deputy Director for Spectrum.
Economic Development Administration.	Deputy Asst Secretary for Management Support.
	Deputy Director for Grant Programs.
Ofc of the Inspector General.	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Deputy Assistant Inspector Gen for Auditing.
	Asst Insp Gen for Plng, Eval & Inspections.
	Counsel to the Inspector General.
	Dep Asst Insp Gen for Investigations.
	Asst Inspector General for Auto Info Sys.
Ofc Dep Asst Secy for Cap Goods & Intl Const.	Dir, Office of Special Industrial Machinery.
Ofc of Dep Asst Secy for Automotive Aff & Cons Gds.	Director, Office of Consumer Goods.
Ofc of Dep Asst Secy for Import Administration.	Dir, Office of Agreements Compliance.
	Dir, Office of Antidumping Investigations.
	Dir, Office of Antidumping Compliances.
	Dir, Office of Countervailing Investigations.
National Oceanic and Atmospheric Administration.	Dir, Natl Ocean Pollution Program Office.
National Marine Fisheries Service.	Dir, Management & Budget Office.
	Senior Scientist for Fisheries.
	Dir, Ofc of Research & Environmental Info.
Fisheries Resource Management.	Director, Office of Enforcement.
Fisheries Centers	Science & Research Dir Northeast Region.
	Science & Research Dir.
	Science & Research Dir Southwest Region.
	Science & Research Dir.
	Science and Research Director.
Natl Environ Satellite, Data & Info Services.	General Physical Scientist.
	Dir, Ofc of Sys Development.
Dep Asst Admr for Information Services.	Dir, Natl Oceanographic Data Center.
	Dir, Assessment and Information Services.
	Deputy Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Director, National Climatic Data Center.
	Dir, National Geophysical Data Center.
Office of Sea Grant & Extramural Programs.	Dep Dir, Ofc of Sea Grant & Extramural Progr.
Environmental Research Laboratories.	Dep Dir, Environmental Research Laboratories.
	Dir, Space Environment Laboratory.
Atlantic Oceanographic and Meterological Labs.	Dir, Atlantic Oceanographic & Meteorological.
	Depy Dir Atlantic Oceanogr4aphic & Meteorologi
Wave Propagation Lab	Director.
Aeronomy Lab	Director, Aeronomy Laboratory.
	Senior Scientist/Deputy Director.
Geophysical Fluid Dynamics Laboratories.	Director.
	Supervisory Rsch Meteorologist.
	Supervisory Rsch Meteorologist
	Supervisory Rsch Meteorologist
Great Lakes Environmental Research Lab.	Dir Great Lakes Environmental Research Lab.
National Severe Storms Laboratory.	Dir Nat'l Severe Storms Lab.
Air Resources Laboratory.	Director Air Resources Laboratory.
Pacific Marine Environmental Lab.	Dir Pacific Marine Environmental Lab.
Ocean Services & Coastal Zone Management.	Special Assistant to the Chief Scientist.
Ocean and Coastal Resources Management.	Spec Asst to Dir Ofc of Ocean & Coastal Res.
Oceanography & Marine Services.	Chief, Ocean Systems Division.
	Chief, Ocean Resources Assessment Division.
	Chf, Physical Oceanography Division.
National Ocean Service	Dir Geodetic Research & Development Lab.
	Assoc Dir Ofc of Aeronautical Charting & Cart.
	Chf. NOAA Charting Res & Devel Laboratory.
	Chief Geodesist.
National Weather Service.	Director, NOAA Data Buoy Office.
	Dir, Transition Program Office.
	Dir, Nexrad Joint Systems Program Ofc.
	Chief, Management and Budget Staff.
	Chief, International Affairs Division.
	Chf. Ofc of the Fed Coordinator for Meteorolog.
	Dir, Nexrad Operational Support Facility.
	Chief, Policy and Long Range Planning Staff.
Office of Meteorology	Dir, Office of Meteorology.
	Chief Operations Division.
	Chf. Prog Requirements & Plng Division.
Office of Hydrology	Director, Office of Hydrology.
	Chief, Hydrologic Services Division.
	Chief, Hydrologic Research Laboratory.
Office of Systems Operations.	Chief, Engineering Division.
	Chief, Systems Operations Center.
	Chief, Systems Integration Division.
	Dir, Office of Systems Operations.
Office of Systems Development.	Director, Office of Systems Development.
	Chief, Integrated Systems Laboratory.
	Chief, Techniques Devel Laboratory.
	Program Manager.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Dep Dir, Office of Systems Development.
	CHF/AWI Interactive Processing System/1990's.
National Meteorological Ctr.	Director National Meteorological Center.
	Deputy Director.
	Director, Climate Analysis Center.
	Chief, Automation Division.
	Chief, Development Div.
	Chf, Meteorological Operations Division.
Regional Offices & Centers.	Dir Southern Region, Ft Worth.
	Dir, Salt Lake City Region.
	Dir, Alaska Region, Anchorage.
	Dir Eastern Region NWS.
	Director Central Region.
	Dir, Natl Severe Storms Forecast Center.
	Director Natl Hurricane Center.
National Bureau of Standards.	Assoc Dir for International & Academic Affs.
	Dir. Ofc of Res & Technology Applications.
	Assoc Dir for Programs, Budget and Finance.
	Chief, Program Office.
	Dep Assoc Dir for International Affairs.
	Director for Academic Affairs.
	Dep Assoc Dir for Industry & Standards.
National Measurement Lab.	Senior Mathematical Statistician.
	Group Leader Surface and Structure Kinetics.
	Chief, Molecular Spectroscopy Division.
	Chief Inorganic Analytical Research Division.
	Chief Gas and Particulate Science Division.
Deputy Director for Programs.	Deputy Director for Programs.
	Director, Standard Reference Data.
	Prog Manager, Industrial Process Data.
	Director, Measurement Services.
	Chief, Office of Standard Reference Materials.
Center for Basic Standards.	Dir. Center for Basic Standards.
	Chief, Electricity Division.
	Chief, Quantum Metrology Division.
	Mgr. Tech Applications of Measurement Stds.
	Chief, Quantum Physics Division.
Quantum Physics Division.	Senior Scientist & Fellow of Jila.
	Senior Scientist.
	Senior Scientist & Fellow of Jila.
	Senior Scientist & Fellow of Jila.
	Chief, Temperature and Pressure Division.
Time and Frequency Division.	Chief, Time and Frequency Division.
	Group Leader & Senior Scientist.
Center for Analytical Chemistry.	Director-Center for Analytical Chemistry.
	Deputy Director, Ctr for Analytical Chemistry.
	Chief Organic Analytical Research Division.
Center for Radiation Research.	Dir Center for Radiation Research.
	Dep. Dir. Ctr for Radiation Research.
	Chief, Atomic and Plasma Radiation Division.
	Chf, Radiation Source & Instrumentation Div.
	Chief Radiometric Physics Division.
Ionizing Radiation Division.	Chief Ionizing Radiation Division.
	Physicist (Nuclear).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Prin Scientist Nuclear Radiation Division.
Center for Radiation Research.	Physicist (Nuclear).
	Principal. Scientist in X-Ray Physics.
	Group Leader for Far Ultraviolet Physics.
	Chief Radiation Physics Division.
Institute for Materials Science & Engineering.	Dir Institute for Materials Science & Eng.
	Senior Scientist.
	Chf, Ofc of Nondestructive Evaluation.
	Chf, Metallurgy Division.
	Scientific Assistant to the Director.
	Manager, Cold Neutron Program.
	A/D for R/O, Instit for M/S and Engineering.
	Dep Dir Institute for Materials Science Eng.
Fracture and Deformation Division.	Chf Fracture and Deformation Division.
Ceramics Division	Group Leader for Crystallography.
	Grp Leader for Glass Tech Inorganic Materl Dv.
	Group Leader, Mechanical Properties.
	Chief Ceramics Division.
Polymer Science and Standards Division.	Physicist (Solid State).
	Chief, Polymers Division.
Reactor Radiation Division.	Chief, Reactor Radiation Division.
	Group Leader Neutron Condensed Matter Science.
Center for Physical Physics.	Director, Center for Chemical Physics.
	Deputy Director, Center for Chemical Physics.
	Chief, Surface Science Div.
National Engineering Lab.	Assoc Dir for Technical Evaluation.
	Chf, Office of Energy Related Inventions.
Center for Fire Research.	Director-Center for Fire Research.
	Chief, Fire Measurement & Research Division.
	Deputy Director, Center for Fire Research.
Center for Building Technology.	Dir, Center for Building Technology.
	Deputy Director, Center for Building Tech.
	Chief, Structures Division.
	Chf, Building Materials Div.
	Chief, Building Environment Division.
Ctr for Manufacturing Engring.	Dir, Center for Manufacturing Engineering.
	Chief, Precision Engineering Division.
	Manager Ofc of Auto Manufacturing Tech Transf.
	Chief, Robot Systems Division.
	Dep Dir, Center for Manufacturing Engineering.
	Chief, Fabrication Technology Division.
	Chief, Thermophysics Division.
Center for Applied Mathematics.	Dir, Ctr for Computing & Applied Mathematics.
	Dep Dir, Ctr for C & A Mathematics.
	Chief, Computer Services Division.
	Chief, Statistical Engineering Division.
	Assoc Dir for Computing.
	Asst Dir for Management Information Technolog.
	Chief, Mathematical Analysis Division.
Center for Electronics and Electrical Engring.	Dir, Ctr for Electronics & Electrical Eng.
	Chief, Electrosystems Division.
	Chf-Electromagnetic Technology Division.
	Senior Research Scientist.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Dep Dir, Ctr for Electronics & Electrical Eng.
Center for Chemical Engineering.	Deputy Director Ctr for Chemical Engineering.
	Director Center for Chemical Engineering.
Inst for Computer Sciences and Technology.	Dir Center for Computer Systems Engineering.
	Chf, Advanced Systems Division.
	Chf, Info Syst Engineering Division.
	Chf, Systems and Software Technology Division.
	Dep Dir. Institute for Computer Sci & Technol.
	Chief, Computer Security Division.
Patent and Trademark Administration.	Asst Commissioner for Finance and Planning.
	Assistant Commissioner for External Affairs.
Office of Assistant Commissioner for Patents.	Adm'r for Documentation.
	Dep Assistant Commissioner for Administration.
Chemical	Group Director 110.
	Group Director 120.
	Group Director for 130.
	Group Director 150.
	Group Director for 260.
	Group Director—180.
Electrical	Group Director 210.
	Group Director for 220/290.
	Group Director—230.
	Group Director 240.
	Group Director 250.
Mechanical	Group Director—310.
	Group Director—320.
	Group Director—330.
	Group Director—340.
	Group Director—350.
Office of Assistant Commissioner for Trademarks.	Chairman, Trademark Trial & Appeal Board.
	Deputy Asst Commissioner for Trademarks.
	Director, Trademark Examining Operation.
Commodity Futures Trading Commission	
Office of the General Counsel.	Assoc Gen Counsel (Opinions & Review).
	Deputy General Counsel (Litigation).
	Deputy General Counsel (Reg & Adm).
Office of the Executive Director.	Dep Exec Dir.
	Dir. Ofc in Information Resources Mgmt.
Office of Economic Analysis.	Dep Chf Economist.
	Chf, Analysis Section.
	Associate Director for Surveillance.
Division of Enforcement	Deputy Director (Western Operations).
	Deputy Director (Eastern Operations).
Division of Trading and Markets.	Deputy Director (Contract Markets).
	Chief Counsel.
Consumer Product Safety Commission	
Ofc of Executive Dir.	Associate Executive Dir for Field Operations.
	Dir, Office of Program Management & Budget.
Office of AED for Epidemiology.	Associate Exec Dir for Epidemiology.
Ofc of AED for Compliance & Administrative Litigation.	Assoc Exec Dir for Compl & Admin Litigation.
Ofc of AED for Administration.	Assoc Exec Dir for Adm.
Ofc of the AED for Economics.	Associate Executive Director for Economics.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Ofc Secy of Defense	
Office of the Secretary	Asst to the Secy of Defense (Intel Oversight).
Ofc of Deputy Under Secy for policy.	Dir, C/I Programs.
Ofc of Asst Secy (Solic)	Deputy Asst Secy of Defense (Resources).
Director Operational Test and Evaluation.	Deputy Director for Plans and Programs.
	Dir, Strategic Def Syst Operational Test Org.
	Dep. Dir for Resources & Administration.
POfc of Inspector General.	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Dir, Contract & Ext O/Sight and Evaluation.
	Dep Asst IG for GAO Reports Analysis.
	Director, Major Acquisition Programs.
	Director, Contract Audit Programs.
	Asst Insp Gen for Criminal Invest Pol & Ovsht.
	Asst Inspector Gen for Audit Policy & Oversht.
	Dept Inspector Gen Prog Plng, Review & Mgt.
	Asst Dep IG for Prog Planning, Review & Mgnt.
	Dept Asst Inspector General For Auditing.
	Dir Financial Manpower & Security Asst Audits.
	Dep Asst Inspector Gen for Investigations.
	Dep Asst Inspector General for Inspections.
	Director, Acquisition Support Programs.
	Dir, Intelligence, Comm & Related Programs.
	Director Logistics & Support Programs.
	Assistant Inspector General for Auditing.
	Asst Inspector Genl for Analysis & Followup.
	Asst Insp Gen for Adm & Info Management.
	Asst Inspector General for Special Program.
	Dep AIG for Audit Policy & Oversight.
	Asst I/G For Criminal Investigations P & O.
	Dept Asst Inspector Gen for Adm & Info Mgmt.
Ofc Dept Asst Sec (Civilian Personnel Policy & Req).	Dep Dir Compensation & Overseas Emply Policy.
	Dir for W/R, Training & Staffing Policy.
	Director, Personnel Management.
	Dep Dir C/E Stability, N/F Special Projects.
Ofc of Dir of DOD Dependents Schools.	Dir Pacific Region DODDS.
	Director, Germany Region.
	Dep Dir Dep of Defense Dependents School.
ODASD (Mobilization Planning & Requirements).	Asst Dir for Syst Engineering & Integration.
Office Assistant Sec Health Affairs.	Dir, Defense Medical Systems Support Center.
	DAS of Defense for Medical Resource Adm.
	Dep Dir, Def Medical Systems Supportctr.
Office of Assistant Secretary, Public Affairs.	Dir. Freedom of Information & Security Review.
DASD (Theater Assessments & Planning).	Assistant for Planning.
DASD Contract Audit Cost Control.	Director for Contract Audit Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Washington Headquarters Services.	Director of Personnel and Security.
Ofc of Under Secy of Def for Acquisition Policy.	Deputy Dir Program Assessment.
	Dir Program Integration.
	Dept Dir. Program & Budget Integration.
	Dir, DOD Contracted Advisory & Asst Services.
Ofc of the Dir. Defense Research & Engineering.	Exec Dir of the Def Science Board.
Ofc of Dept Under Secy (International Programs and Tech).	ADUSD (Technology Cooperation & Planning).
	Spec Asst for MCTL & Long-Range Plnng Matters.
	ADUSD (NATO/European Affairs).
	ADUSD (Asia/Southern Hemisphere Affairs).
	ADUSD (International Programs & Technology).
Office of the DUSD (Devel, Test & Evaluation).	Staff Spec for Strategic Naval & C3I Systems.
	Director Test Facilities and Resources.
	Director Live Test Fire.
	Director Weapon System Assessment.
	Director Special T&E Programs.
Ofc of Dept Under Secy for Research and Advanced Tech.	Dir (Engineering Technology).
	Staff Specialist for Vehicle Propulsion.
	Staff Specialist for Materials & Structures.
	Staff Spec for Elec Warfare and Target Acq.
	Staff Specialist for Weapons Technology.
	Staff Specialist for Research.
	Dir Environmental & Life Sciences.
	Staff Spec/Mobility, Logistics & Adv Concepts.
	Dir, Research & Laboratory Management.
	Dir, Computer & Electronics Technology.
	Spec Asst to the DUSD (R&AT) (Spec Projects).
	Director Electronics Systems Technology.
Ofc of Dept U/Secy Strategic & Theater Nuclear Forces.	Director Offensive and Space Sytems.
	Director Defensive Systems.
	Dir Strategic Aeronautical & Theater N/S.
	Staff Specialist for Space & Advanced Systems.
	Staff Spec for Techn & Analysis (Off Sys).
	A/D Under S/D (Start & Arms Control).
	Staff Spec for Ball Missile Def Sys.
	Director Force Analysis Concepts and Plans.
Ofc of Dep Under Secy Tactical Warfare Progs.	Asst Dep Under Secy of Def (Air Warfare).
	Asst Dep Under Secy of Def (N W and Mobility).
	Staff Spec for Interdiction/Naval Strike.
	Staff Specialist for Ground Air Defense Sys.
	Staff Spec. Close Air Sup/Battlefield Int.
	Staff Specialist for Antisub & Mine Systems.
	Staff Specialist for Air Mobility.
	Staff Spec for Naval Proj & Anti-Air Warfare.
	Director, Office of Munitions.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Staff Spec Intertheater & Intratheater Mobil.
	Staff Specialist for Propulsion.
	Asst Dep Under Secy of Def (Land Warfare).
	Dir, Ofc of Conventional Initiatives.
	Spec Asst DUSD(TWP) For Tact Syst Acq Prog.
Ofc Director Weapons Support.	Dep Director Weapon Support.
	Dir Computer Aided Logistics Support Office.
Ofc Dep Asst Secy (Production Support).	Dir Standardization & Acquisition Support.
	Dir Industrial Resources.
	Dir, Industrial Productivity & Quality.
	Dep Dir for Manufacturing and Quality.
Ofc Dep Asst Secy (Procurement).	Dep Asst Sec of Defense (Procurement).
	Director Cost Pricing and Finance.
	Dir, Contract Policy and Administration.
	Dir, Defense Systems Procurement.
Ofc Dep Asst Secy (Strategic & Critical Mtls).	Dir Strategic & Critical Materials.
Office of Dep Asst Secy of Defense (C3).	Staff Specialist for Tactical Command & Contr.
	Director, Information Systems.
	Dir Theater & Tactical Commun Command & Contr.
	Dir Strategic & Theater Nuclear Forces C3.
	Asst Dir, Elec Combat Sys (Elec Warfare).
	Asst Dir for Elec Combat C3 Countermeasures.
	Director, Special Operations.
	Dir, Electronic Combat & Special Systems.
	Staff Asst S/C, Control & Communications.
	Dep Dir Theater & Tactical Command Control.
	Dir, Special Technology Support.
	Dir, Electronic Combat.
	Spec Asst for C3 Mobilization.
Office of Dep Asst Secy of Defense (Intelligence).	Director National Intelligence Systems.
	Director Tactical Intelligence Systems.
	Dep Dir, Tactical Intelligence Systems.
	Dep Dir, National Intelligency Systems.
Ofc of Asst Dep Under Secy of Def (Systems Integration).	Dir, Intelligence Resources & Training.
Defense Advanced Research Project Agency.	Dep Dir for Systems and Technology.
	Deputy Director for Research.
	Chief Scientist.
Technology Assessment & Long Range Planning Office.	Dir. Technol Assessment & Long Range Plng Ofc.
	D/Dir, Tech Assessment & Long Range Plng Ofc.
Tactical Technology Office.	Dir-Tactical Technology Office.
	Dep Dir Tactical Technology Office.
	Assistant Dir for Armor/Anti-Armor.
	Asst Dir Smart Weapons & Sensors.
Aero Space Technology..	Director, Aero-Space Technology Office.
	Deputy Director Aero-Space Technology Office.
	Assistant Director, Technology.
	Assistant Director, Systems.
Information Science & Technology Office.	Assistant Director, Electronics Sciences.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Spec Asst Strategic C/E Dir, I/S & Techn Ofc.
	Assoc Dir, Research.
	Asst Dir, Comms, Command, Control, and Intell.
Naval Technology Office.	Dir, Naval Technology Office.
Defense Sciences Office.	Dir Defense Sciences Office.
	Assistant Director for Material Sciences.
Strategic Technology Office.	Dir-Strategic Technology Office.
Prototype Projects Office.	Deputy Director For Space Defense Technology.
	Dir, Prototype Projects Office.
	Dir, Prototype Planning Office.
Contracts Management Office.	Dir, Contracts Management Office.
Darpa Liaison Office.....	Director, Darpa Liaison Office—Europe.
Nuclear Monitoring Office.	Dir Nuclear Monitoring Research Ofc.
	Dep Dir, Nuclear Monitoring Res Office.
Office of the Joint Chiefs of Staff.	Scientific and Technical Advisor.
	Joint ADP/Commun Integ Mgr/Scie & Techn Adv.
Strategic Defense Initiative Organization.	Assistant Director for Interceptors.
	Assistant Direct for Technology.
	Assistant Director for Sensors Damonstrations.
	Assistant Director for Sensor Technology.
	Deputy Comptroller.
Defense Contract Audit Agency.	Director, DCAA.
	Deputy Director, DCAA.
	Assistant Director, Operations.
	Assistant Director, Policy & Plans.
	Director, Field Detachment.
Regional Managers.....	Regional Director, Eastern.
	Regional Director, Northeastern.
	Regional Director, Central.
	Regional Director, Southwestern.
	Regional Director, Mid-Atlantic.
	Regional Director, Western.
Defense Logistics Agency.	Special Assistant for Integrity in Contracting.
	Chief Actuary.
	Director, Defense Manpower Data Center.
Directorate for Contract Management.	Executive Directive, Contract Management.
	Chief, Plans, Policies & Systems Division.
Directorate of Quality Assurance.	Deputy Executive Director, Quality Assurance.
Office of Staff Director, Small & Disadvantaged Business Utilization.	Staff Director, Small & Disadvantaged Business Utilization.
Office of Civilian Personnel.	Staff Director, Personnel.
	Deputy Staff Director, Personnel.
Office of Telecommunications & Information Systems.	Chief, AIS Development & Control Division.
Directorate of Contracting.	Executive Director, Contracting.
	Chief, Contracts Division.
Directorate of Technology & Logistics Services.	Chief, Property Disposal Division.
Defense Personnel Support Center.	Executive Director, Acquisition Management Plan & Support.
Defense Training & Performance Data Center.	Director Defense Training and Performance Data Center.
Stockpile Management.....	Executive Director for Stockpile Management.
Office of Associated Director for Engineering and Technology.	Associated Director for Engineering and Technology.
Special Programs Organization.	Director, Special Programs Organization.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Deputy Director, Special Programs Organization.
	Special Assistant to the Director, Special Program Organization.
National Communications System.	Deputy Manager, National Communications Systems.
	Assistant Manager, NCS, Technology & Standards.
	Assistant Manager, NCS, Plans & Operations.
	Scientific Advisor for Operations Research.
Center for Command, Control & Communications (C3) System.	Director, Center for Command, Control & Communications System.
	Deputy WWMCCS System Engineer—Europe.
	Deputy Director, Military Satellite Communication System.
	Deputy Director for Switched Network Engineering.
	Director, Planning & Systems Integration Center.
	Associate Director NMCS/WWMCCS Engineering Integration.
	Deputy Director, Command & Control System Organization.
	S/A to the Director, CPSI for Satellite Communication System.
	S/A to the Director, CPSI for National & International C3.
	Assistant Director for Program Development & Coordination.
	Special Assistant to Director, Center for C3 for International Diagram Architect.
	Scientific Advisor for Operations Research.
	Deputy Dir, Strategic Systems Directorate.
Defense Communications System Organization.	Deputy Director, Defense Command System Organization.
	Program Manager, Defense Switched Network.
	Deputy Director for DCS Integration.
Defense Communications Engineering Center.	Director, Defense Communications Engineering Center.
	Chief, Interoperability & Standards Office.
Defense Commercial Communications Office.	Director Defense Commercial Communications Office.
Personnel & Administration Directorate.	Deputy Director, Personnel & Administration.
Resource Management Directorate.	Deputy Director, Resource Management.
Joint Data Systems Support Center.	Director, Joint Data Systems Support Center.
	Technical Director, WWMCCS ADP Technical Support Director.
	Deputy Director, NMCS ADP Directorate.
	Associate Director for Technical & Management Support.
Joint Tactical Command, Control & Communications Agency.	Assistant Director for Washington Operations.
	Assistant Director, JTC3A.
	Deputy Director, Architecture Directorate.
	Deputy Director for Testing.
Office of the Director.....	Assistant to Deputy Director (Science & Technology) for Theoretical R.
	Deputy Director.
Acquisition Management Office.	Director, Acquisition Management.
Plans, Programs & Requirements Directorate.	Director for Plans, Programs & Requirements.
Office of the Director, AFRRI.	Scientific Director, AFRRI.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Operations Directorate	Dep Dir (Science & Technology).
	Deputy Director, Operations Directorate.
	Chief, Structural Dynamics Division.
Radiation Sciences Directorate.	Dir for Radiation Sciences.
	Chief, Atmospheric Effects Division.
	Chief, Electronic Effects Division.
	Chief, Electromagnetic Applications Division.
Shock Physics Directorate.	Chief, Weapons Effects Division.
	Chf, Aerospace Sys Div.
	Director for Shock Physics.
Test Directorate	Asst to the D/D (Sci & Technol) for Exper Res.
D M A Headquarters	Asst Dep Dir for Plans and Requirements.
	Director of Personnel.
	Asst Deputy Dir for Programming.
	Asst Deputy Dir for Production and Distributi.
	Director of Acquisition.
	Chief, Advanced Technology Division.
	Dep Dir for Progs, Production & Operations.
	Asst Chief, Spec Programs Division.
	Dep Dir for Research & Engineering.
	Dep Dir, Management & Technology.
	Asst Dep Dir for Production & Distribution.
	Deputy Dir for Transition Management.
D M A Field Activities	Tech Dir, DMA Aero Center.
	Tech Dir, DMA Hydrographic-Topographic Center.
	Dep Dir for Prog, Prod & Operations DMA HTC.
	Dep Dir for Progs, Production and Operations.
	Dir, DMA Ofc of Telecommunications Services.
	Chf, Digital Products Department Ac.
	Chf, Digital Products Department HTC.
	Dep Dir for Program Integration & Operations.
	Tech Dir/Dep Dir, Combat Support Center.
	Chief Plans and Program Branch.
	Chief, Scientific Data Dept.
	Chief, Scientific Data Department.
	Director, Systems Center.
	Deputy Director for Systems Development.
	Technical Director, Reston Center.
	Dep Dir for Prog, Production and Operations.
Defense Investigative Service.	Dir. Defense Investigative Service.
	Deputy Director (Investigations).
	Dep Dir (Industrial Security).
	Deputy Director (Resources).
Department of Air Force	
Ofc of Administrative Assistant to the Secretary.	Administrative Assistant to the Secy.
	Dep Adm Asst.
	Chief, Publishing Div.
Ofc of Small & Disadv Bus Utilization.	Dir, Ofc of Small & Disadv Bus Utilization.
Office of Special Projects.	Deputy for Contracting.
Office of the Inspector General.	Dep Asst Inspector Gen/Spec Investigations.
Office of the Comptroller of the Air Force.	Dep Comptroller.
	Deputy Assistant Secretary (Acct and Audit).
	Dep Comptroller for Fin Policy & Banking.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Directorate of Budget	Assistant Deputy Comptroller, Budget.
	Deputy Director Budget Operations.
	Director, Budget Investment Directorate.
	Director Budget Management.
Directorate of Cost	Assoc Dir of Mgmt Analysis.
	Dir Cost Applications & Dir AF Cost Center.
ODAS Acquisition Management.	Dep Asst Secy (Acquisition MGMT & Policy).
	Dep for Acquisition.
	Dep for Programs & Production.
Office of the Competition Advocate.	Competiton Advocate General.
Office of the Military Deputy for Acquisition.	Assoc Dir of Contracting & Manufacturing Pol.
Office of ASAF for Manpower & Reserve Affairs.	Dep for Air Force Review Boards.
ODAS Logistics	Dep Dep for Supply, Maintenance & Log Plans.
	Dep for Transportation & Federal Aviation.
ODAS Installations	Deputy for Installations Management.
Office, Asst Vice Chief of Staff.	Chief Office of Air Force History.
Asst Chief of Staff for C3 and Computers.	Asst to the ACS Sys for Command Comm & Comput.
Ofc of Dep Chief of Staff, Logistics and Engineering.	Assoc Dir for Logistics Plans & Programs.
	Chief Modification & O&M Programs Division.
	Assoc Dir for Engineering & Services.
	Deputy Director for Construction
	Assoc Dir of Maintenance Engineering & Supply.
	Chief Combat Support Programs Division.
Ofc of Dep Chf of Staff Programs-Resources.	Deputy Director of Programs and Evaluation.
Office of Deputy Chief of Staff, Personnel.	Dir of Civilian Personnel.
	Deputy Director of Personnel Management.
	Deputy Director for Plans and Requirement.
	Dep Dir for Work Force Effectiveness.
National Guard Bureau	Spec Asst to the Chief, NGB.
Office of the Commander.	Command Competition Advocate.
	Asst for Intelligence.
	Chief Engineer.
DCS/Contracting	Prin Asst/Contracting & Manufacturing.
	Dir Contract Clearance & Policy Development.
DCS/Tests Resources	Director of Civilian Personnel.
DCS/Product Assurance and Acquisition Logistics.	Technical Director, Manufacturing & Ind Prep.
	Technical Director, Product Assurance.
Deputy Chief of Staff/ Comptroller.	Asst to the DCS/Comptroller.
Organization Abolished	Tech Dir. Dep Chf of Staff/Systems.
DCS/Technology & Plans.	Asst Dep Chief of Staff/Plans and Programs.
	Director of Plans & Programs.
AF Ofc of Scientific Research.	Tech Director AF Ofc of Scientific Research.
Space Division	Asst for Acquisition Management Competition.
Air Force Space Technology Center.	Deputy Director (AFSTC).
Air Force Weapons Laboratory.	Techn Dir (Physical Optics, Lasers, Prototype.
Aeronomy Division	Ch. Atmospheric Structure Br.
Space Physics Division	Dir, Space Physics Div, AFGL.
Optical & Infrared Technology Division.	Director Optical & Infrared Technology Div.
Air Force Astronautics Laboratory.	Dir, Solid Rocker Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Electronic Systems Division.	Asst Dep for Contracting & Manufacturing.
	Assistant Deputy Commander/ Tactical Systems.
	Asst Dep for Strategic Systems.
	Tech Dir, Dep Cmd Tactical Syst, J-Tids/AWACS.
	Technical Director.
	Dep Commdr for Dev Plans & Support Asystems.
Rome Air Development Center.	Director (Plans).
	Techn Dir (Intelligence Reconnaissance).
	Technical Director (Communications).
	Technical Dir (Surveillance).
	Technical Director (Command & Control).
Aeronautical Systems Division.	Deputy Comptroller.
	Director (Mission Analysis).
	Deputy Program Director Systems SPO.
Dep for Proc and Manufacturing, ASD.	Asst Deputy for Contracting & Manufacturing.
Deputy for Tactical Systems.	Asst Deputy (Deputy for Tactical Systems).
Deputy for Propulsion	Asst Dep for Prog (Dep for Propulsion).
Dep for Engineering, ASD.	Engineering Advisor Product Assurance Engr.
	Technical Dir Support Systems Engineering.
	Technical Dir Avionics Engineering.
Systems Engineering Office, ASD.	Director of Engineering (F-16).
	Director of Engineering Tactical Systems.
	Dir of Eng Reconnaissance Elec Warfare Sys.
	Director of Engineering (Airlift Trainer Sys).
	Dir Engineering Propulsion Systems.
	Director of Engineering (Strategic Systems).
	Dir of Engineering (Advanced Technol Bomber).
	Dir of Eng. Advanced Tactical Fighter.
Materials Laboratory, AFWAL.	Dir. Metals & Ceramics Div.
	Dir Manufacturing Technology Division.
	Dir. Nonmetallic Materials DN.
Armament Division	Technical Advisor.
Foreign Technology Division.	Technical Director (Aerospace Systems).
	Technical Director (Senior Data).
	Technical Director (Technology and Threat).
USAF School of Aerospace Medicine.	Research Director (Crew Technology).
Aerospace Medical Research Lab.	Dir. Toxic Hazards Div.
	Director Human Engineering.
Contract Management Division.	Assistant for Contract Administration Service.
Air Force Logistics Command.	Asst DCS-Comptroller.
	Asst Dep Chf of Staff, Maintenance.
	Chairman A F Logistics Command Procur Commit.
	Assist DCS/Plans Programs.
	Director of Civilian Personnel.
	A/D Chf of Staff-Contracting & Manufacturing.
	Asst to the Commdr-Intrnl Logistics.
	Asst Deputy Chief of Staff, Material Mgt.
	Asst Deputy Chief of Staff Logis Magnt System.
	Asst Deputy Chief of Staff/Distribution.
	Asst to the Comdr AF Electrical Combat Ofc.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Principal Asst for Sci, Technol & Engineering.
AF Acquisition logistics Div.	Asst to the Commander AFALC.
	Asst to the Commander, Logistics Oper Center.
	A/D Aeronautical Prog AF Acquisition Log Ctr.
Air Logistics Center, San Antonio.	Dep Dir, Directorate of Maintenance.
	Dep. Dir. Material Mgt. San Antonio Log. Ctr.
	Dep Director, Contracting and Manufacturing.
Air Logistics Center, Oklahoma City.	Dep Dir, Directorate of Materiel Mgmt.
	Dep Dir, Directorate of Maintenance.
	Dep Director, Contracting and Manufacturing.
Air Logistics Center, Warner Robins.	Deputy Director, Directorate of Materiel Mgt.
	Deputy Dir, Dir of Maintenance.
	Dep Director, Contracting and Manufacturing.
Air Logistics Center, Ogden.	Dep Dir, Directorate of Maintenance.
	Deputy Director, Directorate of Materiel Mgt.
	Dep Dir Contracting & Manufacturing.
Air Logistics Center, Sacramento.	Dep Dir Directorate of Materiel Management.
	Dep Dir, Directorate of Maintenance.
	Dep Director Contracting & Manufacturing.
Air Force Audit Agency	The auditor General of the Air Force.
	Director of Field Activities.
	Director of Operations.
	Director of Forces and Support Management.
	Dir, Acquisition & Logistics Systems.
Air Force Electronic Security Command.	Asst to the Commander.
Air Force Communications Command.	Technical Director.
	Dir, Air Force Comms Computer System I/OFC.
	Dep to the Comdr HQ Standard Systems Center.
Military Airlift Command	Asst Dep Chf of Staff/Air Transportation.
Strategic Air Command	Chief, Operations Analysis Division.
	Chief, Applied Research Division.
Tactical Air Command	Chief Scientist Tactical Air Warfare Ctr.
Headquarters, Pacific Air Force.	Chief, Operations Analysis.
U.S. Air Forces in Europe.	Director of Civilian Personnel.
Shape Technical Centre	Chief, Information Systems Division, NATO.
	Deputy Director.
AF Space Command	Senior Scientific and Technical Advisor.
	Sr Scientist & Tech Advisor for AFSPACECOM.
AF Operational Test & Eval Ctr (AF OTEC).	Scientific Advisor (Test & Evaluation.
Air University	Director of Academic Affairs.
Joint Electronic Warfare Center (JEWC).	Technical Director.
Air Force Commissary Service.	Deputy to the Commander, AF Commissary Serv.
Directorate of Accounting & Finance.	Dep Asst Comptroller for Accounting & Finance.
	Director of Plans & Systems.
	Dir. Security Asssistance Accounting Center.
Organization Abolished	Technical Director.
U.S. Central Command	Scientific Advisor.
Department of Army	
Office of the Under Secretary.	Operations Research Analyst.
	Chf. Opers Res Grp for Forces & Readiness.
	Operations Research Analyst for Systems.
	Opers Research Analyst for Cmd, Cont, C&I.
Ofc of the Administrative Assistant.	Adm Asst to the Secy of the Army.
	Dep Administrative Assistant.
	Director, Defense Supply Service-Washington.
HQDA Army Acquisition Executive.	Prog Exec Ofc for Chemical/Nuclear.
	Dep Prog Exec Officer Ammun.
	Dep Prog Exec Ofcr, Forward Area Air Defense.
	Dep Program Exec Officer, Combat Support.
	Deputy Peo, Close Combat Vehicle.
	Program Executive Officer-Networks.
	Dep Prog Exe Ofcr, Army Cmd & Ctrl Syst.
	Deputy Prog Executive Officer Comm Systems.
	Dep Program Executive Officer, Fire Support.
	D/Prog Exec Ofcr Hgh Med Air Def/Thr Msle Def.
	PEO Troop Support.
	Progr Exec Officer, Close Combat Armament.
	Dep Program Executive Officer for Aviation.
	Dep Peo, Intelligence & Electronic Warfare.
ODASA Research Development and Acquisition.	Dir for Program and Technol Assessment.
	Dir for Program & Technology Assessment.
ODASA Research and Development.	Dir for Space and Stragegic Systems.
ODASA Systems Mgmt Integration & Coord.	Dir Sys Mgt Integ & Coordination Ofc.
ODASA Acquisition	Dep for Materiel Acq Mgmt.
	Dep for Procurement Policy.
	Deputy Asst Secy of the Army (Procurement).
ODASA Management and Programs.	Deputy for Program Evaluation.
	Deputy for Plans and Programs.
	Deputy Asst Secretary (Systems Management).
Ofc of Asst Secretary (Installations & Logistics).	Dep/Prog & Commer Activ/ Commer Activ Agency.
Ofc of Asst Secy (Financial Mgmt).	Program Executive Officer, Cmis.
Ofc of Asst Secretary, Manpower & Reserve Affairs.	Dep A/S of the Army (Rev Bds & Personnel Sec).
	Director of Review & Oversight.
	Dep Dir Fin & Accnts for Poly & PPBES Intfce.
Ofc of Asst Secretary Civil Works.	Dep for Program Planning Review & Evaluation.
	Deputy for Management and Budget.
	Deputy for Planning Policy & Legislation.
Office, Assistant Chief of Staff, Intelligence.	Dir of Intelligence Production.
	Director Missile Intelligence Agency.
	Deputy and Technical Director.
Ballistic Missile Def Prog Manager.	Spec Asst Theatre Defense.
USA Strategic Defense Command Huntsville AL OSCA FOA.	Director, Prog & Sys Anal Dir.
	Proj Mgr Exatmospheric Reent Veh Intept.
	Proj Mgr High Endo Atmos Def Int Proj.
	D/S Lethality & Key Technologies Directorate.
	Dir Kinetic Energy Weap Div.
Ballistic Missile Def Adv Techn Ctr.	Director, Directed Energy Weapons Directorate.
	Prin Advisor Resp for Contracting.
	Chief, Passive Sensors Division.
	Chf, Active Sensors Div Sensors Directorate.
	Chf, Discrimination Div Sensors Directorate.
Chf Scientist & Director of Army Research.	Asst Director for Research Programs.
	Asst Dir Technology Planning.
	Dir of Army Research & Techn
	Assistant Director Rsch & Tech Plans.
	Assistant Director, Research.
Dir of Combat Support Systems.	Assistant Director Technology Assessment.
	Assistant Director Threat Integration.
Dir of Weapons Systems.	Physical Scientist (Aerospace Engr).
Office, Dep Chief of Staff for Personnel.	U.S. Army Safety Director.
	S/A to Dep Chf of Staff/Personnel/Manprint.
Directorate of Civilian Personnel.	Director of Civilian Personnel.
	Dep Director Ofc Civ Personnel.
	Chief Employment and Classification Office.
Civilian Personnel Center.	Chief, Civilian Personnel Center.
Army Research Institute for Behavioral & Social Sciences.	Dir, Systems Rsch Lab & Assoc Dir Ari
	Dir, Trng Res Lab & Assoc Dir, Ari
	Dir, Manp & Pers Res Lab & Assoc Dir, Ari
Dir Manpower Programs and Budget.	Dep Dir Manpower Plans and Budget.
Office, Deputy Chief of Staff for Logistics.	Asst Director for Supply Mgmt.
	Asst Dir for Resources and Mgmt.
	Asst Dir for Maintenance Mgmt.
	Spec Asst to DCSLOG & Chf Av Log Ofc.
	Asst Dir for Transportation.
	Asst Dir for Energy & Troop Support.
	Dep Dir Contrcting Support Agency.
	Dep to the Commander, Troop Support Agency.
	Chf, Contracting Policies & Procedures.
	Director for Security Assistance.
Office of the Comptroller of the Army.	Dep Comptroller.
	Deputy Director of Operations & Maintenance.
	Chief Economist of the Army.
	Director, Resource Management Systems.
	Dir. of USA Cost & Econ A/C & A/C Cost Anal.
Finance and Accounting Center.	Assoc Dep Asst Comp of the (F&A) & PM for AFS.
	Dir Finance and Accounting.
Director of Army Budget	Deputy Director of Army Budget.
Army Audit Agency	The Auditor General, US Army.
	Deputy Auditor General.
	Director, Logistical & Financial Audits.
	Director, Acquisition & Systems Audits.
	Dir Personnel and Force Management Audits.
	Dir Audit Policy Plans and Resources.
	Regional Auditor General (European Region).
Ofc Dep Chf of Staff for Operations & Plans.	Tech Adv.
	Dep Dir, Force Program & Structure Direc, DCS.
	Dir, US Army Ctr of Mil His & Chf of Mil His.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Directorate of Command, Control, Comms & Computers.	Dep Asst Chf of Staff Automation and Comms.
	Army Spectrum Manager.
US Army computer Systems Command.	Dir, Army Mgmt Systems Support Agency.
US Army Info Syst & Sel Acq Activit.	Ofc, US Army Info Syst & Sel Acq Activity.
US Army Nuclear & Chemical Agency.	Technical Director.
Concepts Analysis Agency (OCSA).	Assistant Dir for Res and Analysis support.
Army Center of Military History.	Chief Historian.
Army War College	Director of Academic Affairs.
USA Med Rsch & Devel Cmd.	Special Assistant for Biotechnology.
US Army Med Res Inst of Infectious Dis, Ft Detrick MD.	Deputy for Science.
Training and Doctrine Command (TRADOC).	Scientific Advisor.
	Scientific Adivisor.
	Dep Chief of Staff for Persnl Admin Logistics.
	Asst Deputy Chief of Staff for Resources Mgmt.
Combat Developments Experimentation Command.	Dir, USA Combat Develop Experimentation Ctr.
TRADOC Operations Research Activity.	Deputy Director, TRAC.
US Army TRADOC Systems Analysis Activity.	Director of Operations.
TRADOC Combined Arms Test Facility.	Scientific Advisor.
Military Traffic Mgmt Commd.	Special Assistant for Transportation Engr.
US Army Forces Command.	Civilian Personnel Director.
	Deputy Comptroller.
US Army Corps of Engineers.	Chief, Office of Personnel.
	Spec Asst to the Chf of Engin for Internl Aff.
	Deputy Director, Resource Management.
	Director Resource Management.
	Dir, Engineering and Housing Support Center.
Directorate of Civil Works.	Chf-Ofc of Policy.
	Chf, Programs Div.
	Chf, Planning Division.
	Chief Operations & Readiness (CW).
Water Resources Support Center.	Chief Dredging Division.
Directorate of Engineering & Construction.	Dep/Dir Engineering and Construction.
	Deputy Chief Construction Division.
	Chief Construction Operations Division.
	Chief Engineering Division.
	Dir Engineering & Housing Support Center.
Bosrd of Engineers for Rivers and Harbors.	Tech Dir, Bd Engr Rivers and Harbors.
US Army COE Water Resources Ctr.	Director Institute for Water Resources.
Planning Divisions, COE.	Chf Planning Div, Ohio River Div.
	Chf Planning Div, No Pacific Div.
	Chf Planning Div, South Atlantic Div.
	Chief, Planning Div Lower Miss Valley Div.
	Chf Planning Div, Mo River Div.
	Chf, Planning Div, South Pacific.
	Chief Planning Div, N. Atlantic Div.
	Chf Planning Div, Southwestern Div.
	Chf Planning Dir North Central Div.
Engineering Divisions, COE.	Chief, Engineering Div, Ohio River Div.
	Chief, Engineering Div, Southwestern Div.
	Chief, Engineering Div, N. Central Div.
	Chief, Engineering Div, S. Pacific Div.
	Chief, Engineering Div, N Atlantic Div.
	Chief, Engineering Div, S. Atlantic Div.
	Chief, Engineering Div, Lower Miss Div.
	Chief, Engineering Div, Missouri River Div.
	Chief, Engineering Div, North Pacific Div.
	Chief, Engineering Div, Pacific Ocean Div.
	Chf Engineering Div, Europe Div.
	Chief, Engineering Div, Huntsville Div.
	Chief Construction Operations Division.
Construction Divs-COE	Chief Construction—Operations Div Satl.
	Chief Construction-Operations Div S Western.
	Chief Construction—Operations Div, Ohio River.
	Chief Construction-Operations Div, LR MS VAL.
	Chief Construction Operations Division.
	Chief Construction-Operations Div, Natl.
	Chief Construction-Operations Div Pacific.
	Chf, Construction-Operations Division.
Army Materiel Command (AMC).	Chief Scientist.
Office of DCS For Information Management.	Deputy Chief of Staff for Information Mgmt.
	Proj Manager, Res Components Automation Syst.
	Dir Sustaining Base Network Activity.
Office of DCS Supply Maintenance & Transportation.	Asst DCS For Supply Maintenance & Trans.
Office of the Chief of Staff.	Dep Chief of Staff for Product Assur/Testing.
	Deputy Director of Product Assurance and Test.
Ofc Dep Cmdg Gen Material Dev Darcom.	Prin Asst Dep for Res Develop and Acquisition.
	Asst Dep for Science & Technology.
	Asst Dep Int'l Programs & Technical Transfer.
Dir for Devel Engineering & Acquisition.	Dep Dir of Develop Engineering & Acquisition.
	Deputy for Systems Management.
	Asst DCS For Program Management.
Office of Manufacturing Technology.	Dir of Manufacturing Technology.
Ofc Dep CMOLG Gen Matl Readiness.	Asst Dep for Material Readiness.
Direc for Internat'l Logistics.	Dep Dir of Security Assistance.
Direc for Material Management.	Deputy for Weapon Systems Managemnt.
	Asst Dep Chf of Staff for Policy & Procedures.
Office of DCS for Procurement.	Asst DCS For Readiness.
Office of DCS for Procurement.	Asst DCS for Procurement.
Direc for Test, Measurement &Diag Eq.	Deputy Executive Director for TMDE.
Organization Abolished	Asst Deputy for Resource Management.
Direc for Personnel Tng & Force Dev.	Asst Deputy Chf of Staff for Personnel.
Office of Comptroller DARCOM Hq.	ADCS For Resourec Mgmt.
	ADCS for Cost Analysis.
Program Analysis & Evaluation Directorate.	Director for Program Analysis & Evaluation.
Automated Logistics Management Systems Activity.	Dir Automated Logistics Mgt. Systems Activity.
	Director, Central Systems Design Activity.
Armament Materiel Readiness Command (ARRCOM).	Comptroller.
	Deputy for Procurement and Production.
	Deputy for Logistics Readiness.
	Dep for Indust Preparedness & Installations.
Office of the Commander AMCCOM (ARDEC).	Assoc Tech Dir (Adv Process Technology).
	A/Tech/Dir/ (Sys Development & Engineering).
	Assoc Tech Dir (Producib & Process Technol).
Large Caliber Weapon Systems Lab Arradcom.	CHF Vulnerability Lethality Division.
Close Combat Armament.	CHF Fire Control Systems Division.
Chemical Sys Lab AMCCOM.	CHF Munitions Division.
	Chief Research Division.
	Dep Program Exec Officer for Chem/Demil.
Aviation Systems Command (AVSCOM).	Dir of Procurement and Production.
	Deputy Avionics Research & Development Act.
	Program Exec Ofcr For Combat Supp & Aviation.
Aviation Research Development & Engineering Center.	Dir US Army Aviation Res & Tech Activity.
	Director of Engineering.
	Director of Aeroflight Dynamics.
	Director Propulsion Directorate.
	Dep Proj Manager, Light Helicopter Family.
	Director Aero Structures Div.
Communications & Elect Comd (CECOM).	Comptroller, Cercom.
	Dir of Procurement and Production.
	Dir, of Product Assurance and Test.
	Assistant Dep for Procurement and Readiness.
US Army Communication Electronics Comm.	Assoc Tech Dir (Engineering & Acquisition).
	Dir Communications/ADP Directorate.
	Assoc Techn Dir (Research & Technology).
Program Mgr Army Tactical Data Systems (CORADCOM).	Dir, Life Cycle, Software Engineering Dir.
Depot Systems Command (DESCOM).	Deputy for Command Operations.
	Dep for Supply, Maintenance & Transp.
US Army Laboratory Command.	Assoc Technical Dir for Res & Technology.
	Assoc Tech Dir for Elec Warfare and Intel.
Harry Diamond Labs (HDL).	Director, Harry Diamond Laboratories.
	Director Harry Diamond Laboratories.
	Chf, Dev & Eng Div.
US Army Laboratory Command.	Chief Scientist.
Army Research Office (AMC).	Dir, Engr Sci Div.
US Army Ballistic Research Laboratory.	Chf, Sys Engineering & Concepts Analysis Div.
	Chief, Interior Ballistics Division.
	Chf-Launch and Flight Division.
	Chf Terminal Ballistics Div.
Research Development & Engineering Center.	Director for Procurement.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Dir, Missile Logistics Ctr.
	Director of Product Assurance.
Project Management Offices (MICOM).	Director for Directed Energy.
Engineering Lab (MICOM).	Dir for System Engineering & Production.
Research Development & Engineering Center.	Dir for Test and Evaluation.
	Director for Advanced Sensors.
	Chief, Advanced Technology Function.
	Associate Director for Systems.
	Dep Director, Applied Technology Directorate.
	Deputy for Procurement and Readiness.
Troop Support Command (TROSCOM).	Director of Procurement and Production.
Belvoir Research & Development Center.	Dir, Combat Engineering Directorate.
	Director, Logistics Support Director.
Natick Research Development & Engineering Center.	Director, Individual Protection Laboratory.
	Director, Science & Adv Tech Directorate.
	Director, Food Engineering Directorate.
Tank-Automotive Comd (TACOM).	Comptroller, Tarcom.
	Dir for Procurement and Production.
	Director of Product Assurance.
Tank-Automotive Res & Dev Cmd (TARADCOM).	Asst Deputy for Procurement and Readiness.
	Associate Director for Systems.
Test and Evaluation Command (TECOM).	Director for Test.
Aberdeen Proving Ground, MD, T&E Command.	Technical Director Combat Syst Test Activity.
Advanced Attack Helicopter Project Office.	Dep/Prog/Mgr Advanced Attack Helicopter.
Army Material Systems Analysis Activity DARCOM.	Chf Combat Support Div AMSAA.
	Chf Air Warfare Div.
	Chf Reliability, Availability & Maintainability.
	Chf Ground Warfare Division-AMSAA.
	Chf, Logistics Readiness & Analysis Division.
Army Information Systems Command.	Comptroller.
Headquarters, US Army, Europe.	Asst Dep Chf of Staff, Personnel (Civ Pers).
	Asst Dep Chief of Staff Eng for Eng & Housing.
	Asst Dep Chf of Staff, Resource Mgmt USAREUR.
Headquarters US Army Intelligence Agency.	Deputy Director.
Army Intel and Security Command.	Deputy for Policy & Development.
NICSMA, NATO	Asst Dir, Command, Control and Comms Syst.
Joint Tactical Command, Control & Comms Agency.	Deputy Director for Architecture.
	Associate Director JTC3A Ofc.
DOD Wage Fixing Authority.	Director, Technical Staff.
Department of Navy	
Office of the Secretary	Spec Asst (Merchant Marine & Def Matters).
Office of the Under Secretary of the Navy.	Dir, Naval Industrial Management Program.
	Assistant for Administration.
Office of the Auditor General.	Auditor General of the Navy.
Naval Audit Service	Director, Plans and Policy.
	Dir, Naval Audit Service Western Region.
	Dir, Naval Audit Service Capital Region.
	Director, Plans and Policy.
	Director, Audit Operations.
OFC of the Asst Secy of Navy (Manpwr & Res Affs).	Staff Dir, Manpower Analysis Staff.
Office of Civilian Personnel Management.	Dir, Ofc of Civilian Personnel Management.
	Director, Workforce Relations Department.
	Director Skills Acquisition Department.
	Director Mgmt and Assessment Department.
	Dir, Classification, Compensation & Info Dept.
OCPM-Pacific Region	Director Pacific Region.
Ofc of the Asst Secy of Navy (Shpbldg & Logs).	Director, Contracts & Business Management.
	Asst Dep Chf Nav Mat (Reliability and Eng).
	Director, Financial Management Office.
	Asst Dir, Contracts & Pricing Division.
	Director of Acquisition for Special Programs.
	Specification Control Advocate General.
Ofc of the Asst Secretary of the Navy.	Dir for Low Observable & Technol & Spec Prog.
Ofc of DAS (Res Applied & Space Tech) OASN (RE&S).	Deputy Director, Air Warfare.
Ofc of the Asst Secy of Navy (Financial Management).	Assoc Dir, Information Resources Management.
Naval Center for Cost Analysis.	S/A for Cost A/T Dir, Naval Ctr for Cost Anal.
Office of the Comptroller of the Navy.	Assoc Dir, Budget & Reports/Fiscal Manag Div.
	Exec Asst Compt for Financial Mgmt Systems.
	Counsel.
	Dir, Investment & Dev Div.
	Dir, Budget & Mgmt, Policy and Procedures Div.
	Exec Asst Comptroller for Accounting Policy.
	Dir, Budget Evaluation Group.
	Spec Asst for Info Res Mgmt (IRM) Cost Anal.
	Dir, Finance Control Division.
	Director, Civilian-Contractor Manpower Div.
Navy Comptroller Standard Systems Activity.	Dir, Navy Comptroller Standard Sys Activity.
	Dir, Navy Comptroller Standard Syst Activity.
Office of the General Counsel.	Asst General Counsel (Acquisition).
	Asst Gen Counsel (Civilian Personnel Law).
Director-Naval Administration/Asst Vice CNO.	Deputy Director, Long Range Planning Group.
	Asst for Educational Resources.
	Director for R&D Programs.
Director, Navy Program Planning.	Head, Studies & Analysis Branch.
	Asst Dir for Readiness Appraisal.
	Chairman Resources & Cost Analysis.
	Deputy Director for Programming.
	Head, Logistics & Fleet Support Branch.
Director Naval Medicine & Surg General.	Director Resources Division.
Director Space Command and Control.	Dir, Electromagnetic Spectrum Management.
Director, Naval Warfare	Advanced Technology Advisor.
	Technical Advisor.
	Techn Dir, Naval Warfare Anal A/F Level Plans.
Office of the Oceanographer of the Navy.	Technical Director.
Dir R&D Requirements Test and Eval.	Director R&D Programming & Budgeting Division.
Director, Naval Intelligence.	Technical Director.
	Advisor for Research & Development Programs.
	Deputy Director of Naval Intelligence.
DCNO (Manpower, Personnel & Training).	Dir, Total Force Info Res & Sys Mgnt Div.
	Dir, Civilian Personnel Programs Division.
Office ACNO (Undersea Warfare).	Tech Dir, Submarine & SSBN Security Program.
Office DCNO (Logistics)	Dir, Acquisition Logistics and Assessments.
	D/Dir Joint Operatnl Logis Plans & Progs Div.
	Director Strategic Sealift Division.
Office ACNO (Air Warfare).	Spec Asst for Aviation Budget and Acquisition.
	Special Asst for Technology and Analysis.
Organization abolished	Assoc Dir OP-63/Dir, Intern'l Prog, Pol & Neg.
Naval Military Personnel Command.	Dir Military Pay Financial Mgmt Directorate.
Navy Personnel Rsch & Devl Center.	Technical Director, NPRDC.
Naval Observatory	Dir, Time Service Div.
Naval Data Automation Command Headquarters.	Technical Director.
	Dir, Naval Data Automation Command.
Naval Security and Investig Comm.	Dir, Naval Investigative Service.
Naval Security Group Command Headquarters.	Special Assistant for Threat Assessment.
Naval Intelligence Support Center.	Technical Director.
	Director of Threat Assessments.
Naval Medical Command.	Dep Commander for Fin Mgmt & Comptroller.
Naval Medical Research Institute.	Scientific Director.
Military Sealift Command.	Counsel.
	Engineering Officer.
	Comptroller.
	Vice Commander.
Naval Tactical Support Activity.	Dir Navy Tactical Support Acty.
Naval Space Command	Technical Director.
Naval Oceanography Command.	Technical/Deputy Director.
Ofc of Commander in Chf/Allied Forces/Southern Eur.	Director, Tactical Development & Training.
Office of the Commander-in-Chief Pacific.	Scientific Advisor.
	Chief, Research & Analysis.
Ofc of the Chief of Naval Education and Training.	Comptroller.
	Deputy Chief of Naval Education & Training.
	Director NROTC Selection and Placement.
Executive Development Cadre.	Director, Civilian Resources Management Dir.
	Science and Technology Advisor.
	Technology Assessment Consultant.
	Asst for RDT&E/Acquisition Management.
	Chief, Research and Analysis.
	Spec Asst Prin Dep Asst Secy Navy (Res E & S).
	Spec Asst to the Dir Combat Sys Eng Ofc T S E.
Strategic Systems Program Office.	Director, Plans & Programs Division.
	Hd. Guidance Section.
	Head Fire Control Section.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Head Operations Engineering Section.
	Test & Instrumentation Branch Engineer.
	Branch Engr, Launcher Branch.
	Hd, Navigation Equip Sect.
	Chf Engr, Missile Branch.
	Chf Engr.
	Br Engr Fire Control & Guidance Br.
	Branch Engr, Ship Installation & Design Br.
	Sect Head, Reentry Systems Sect, Missile Br.
	Deputy Logistics Support Coordinator.
	Deputy Director, Plans & Programs Division.
	Head, Resources Branch.
	Branch Engineer, Navigation Branch.
	Asst for Systems Integration & Compatibility.
Naval Air Systems Command Headquarters.	Deputy Dir Logistics/Fleet Support & Group.
	Executive Director, Management, Plans & Progr.
	Exec. Dir for Acquisition Management.
	Exec Dir, Procurement Management.
	Deputy Comptroller.
	Counsel, Naval Air Systems Command.
	Technical Director, Weapons Engineering Div.
	Dir, Engineering Sup & Prod Integ Mgmt Div.
	Techn Dir, Computer Resources & Avionics Div.
	Director, Weapons Division.
	Dir, Evaluation Div.
	Techn Dir, Res & Techn.
	Technical Director Air Vehicle Division.
	Asst Dir Logistics Mgmt Div.
	Dir Aircraft Weapons Systems Purchase Div.
	Prog Dir, Air, for Weapon & Armament Programs.
	Prog Dir/Air for EW & Mission Support Prog.
	Dir, Missile Weapons Systems Contracts Div.
	Dir, Systems Acquisition Directorate.
	Director Cost Analysis Division.
	Technical Dir Joint Cruise Missile Program.
	Chief Scientist.
	Dir, Surveillance and Avionics Division.
	Dir, Systems Alternatives Directorate.
	Techn Dir, Navy Ranges & Field Activity Mgmt.
	Dir Mission and Effectiveness Analysts Div.
	Director, Aircraft Division.
	Asst Dir Propulsion & Power Division.
	Assoc Dir Systems Engineering Mgmt.
	Deputy Commander, Naval Air Sys Command.
	Dir Cruise Missile Contracts Division.
	Director, Procurement Budget Division.
	Director Airborne Weapons Logistics Division.
	Director Logistics Resources Division.
	Deputy Counsel, Navair.
	Executive Dirctoe for Aviation Depots.
	Director, Corporate Management Directorate.
	Dir, Asw/Support A/A Components Contracts Div.
	Exec Div for Fleet Support/Product.
Naval Weapons Engineering Support Activity.	Dir, Naval Weapons Eng Support Activity.
Naval Air Engineering Center.	Executive Director.
	Chief Engineer.
Naval Air Test Center.....	Technical Director, NATC, Patuxent Riv, MD.
	Dir, Range Directorate.
Naval Avionics Center.....	Executive Director.
	Dir of Applied Research.
	Director of Engineering.
Pacific Missile Test Center.	Assoc Dir and Assoc TD (Ranges and Tests).
	Director, Weapons Evaluation Directorate.
	Executive Director.
	Dir Elec Warfare Dir/Assoc Tech Dir (Elec/WF).
Naval Training Systems Center.	Technical Director.
	Director of Research & Technology.
	Director of Engineering.
Space & Naval Warfare Systems Command.	Asst Commander for Res & Development Centers.
	Exec Dir, Contracts.
	Techn Dir, Ship & Shore Communications.
	Deputy Prog Director/Technical Director.
	Tech Dir, Navy Space Project Ofc.
	Assoc Deputy Program Manager/Technical Dir.
	Dep Program Mgr Directed Energy Laser Weapons.
	Deputy Comptroller.
	Counsel.
	Deputy Commander.
	Technical Director.
	Deputy Project Mgr/Tech Dir Com Sys Proj Ofc.
	Technical Director, Submarine Communications.
	Dep & Techn Dir, NCCS Afloat Prog Office.
	Dep Prog Dir, Space & Sensor Sys Directorate.
	Executive Director, Life Cycle Support Group.
	Asst Commander Acquisition & Logistic Plnng.
	Tech Dir Info Transfer Sys Program Directo.
	Techn Dir, Warfare Syst Architecture Group.
	Technical Dir, Anti-Submarine Warfare Systems.
	Tech Dir, Warfare Systems Engineering.
	Dir, Warfare Sys Engineering Policy Div.
	Techn Dir, Advanced Anti-Submarine Wrfr Prog.
	Tech Dir, Warfare Sys Arch & Engr Direct.
Naval Air Development Center.	Dir Aircraft and Crew Systems Technology Dire.
	Technical Director/Consultant.
	Technical Director/Consultant.
	Department Head.
	Dept Head, Mission Avionics Technology Dept.
	Head Systems & Software Technology Department.
	Head, Tactical Air Systems Department.
	Head, Battle Force Systems Department.
	Weapons Systems Technology Manager.
	Head, Air Vehicle Technology & Programs.
	Assoc Dir for Antisubmarine Warfare.
Naval Coastal Systems Center.	Tech Dir/Consultant.
	Head, Research & Technology Department.
	Head Engineering & Test/Evaluation Department.
	Head, Coastal Warfare Systems Department.
	Head, Undersea Warfare Systems Department.
Naval Ocean Systems Center.	Head, Surveillance Dept.
	Dir, Undersea Weapon Systems Department.
	Head, Engineering & Computer Sciences Dept.
	Chf Res Scientist (Arctic Submarine Tech).
	Technical Director/Consultant.
	Deputy Technical Director.
	Head, Marine Sciences & Technology Dept.
	Head, Command and Control Department.
	Head, Communication Department.
	Director, Systems Planning Group.
David Taylor Research Center.	Associate Tech Dir for Sys Development.
	Asst Tech Dir (Research Consultant).
	Head Submarine Division.
	Assoc Tech Dir for Aerodynamics.
	Tech Dir/Consultant.
	Associate Technical Director for Structures.
	Assoc Tech Dir, Computation & Mathematics.
	Assoc Tech Dir for Ship Acoustics.
	A/T Dir for Propulsion & Auxiliary Systems.
	Assoc Tech Dir for dir for Ship Performance.
	Assoc Techn Dir for Materials SCI & Technology.
	A/T Dir for Ship E/S & Head. Ship E/S Depart.
Naval Surface Warfare Center.	Tech Dir Consultant.
	Dept Hd/Dep Tech Dir/Assoc Tech Dir
	Dept Hd/Dep Tech Dir/Assoc Tech Dir
	Dept Hd/Dept Tech Dir/Assoc Tech Dir
	Dept Hd/Dep Tech Dir/Assoc Tech Dir
	Dept Hd/Dep tech Dir/Assoc Tech Dir
	Dept Hd/Dept Techn Dir/Assoc Techn Dir
	Dept Hd/Dept Tech Dir/Assoc Tech Dir
	Dept Hd/Dep Tech Dir/Assoc Tech Dir
	Dept Hd/Dep Tech Dir/Associate Tech Dir
	Dep H/D Tech Dir/Assoc Tech Dir
	Head, Protective Systems Department
Naval Underwater Systems Center.	Head, Submarine Sonar Department.
	Assoc Tech Dir for Technology.
	Tech Dir Consultant.
	Head, Test & Evaluation Department.
	Assoc Tech Dir for Submar Combat Control Acou.
	Assoc Techn Dir for Submarine Warfare Systs.
	A/T Dir for Suface Anti-Submarin Warfare ASW.
	Hd, Submarine Electromagnetic Sys Dept.
	Head Combat Systems Department.
	Hd/Environmental & Tactical Support Sys Dept.
	Head Combat Systems Analysis Staff
Naval Weapons Center...	Laboratory Dir/Deputy Tech Dir.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Asst Tech Dir Dev (E/W)/Hd Elec Warfare Dept.
	Asst Tech Dir Deve (Ord Sys) & Dept Head.
	Tech Dir/Consultant.
	Asst Tech Dir for Res & Head Res Dept.
	Test & Eval Dir/Asst Tech Dir for Test & Eval.
	Asst Tech Dir for Aircraft WPNS Integration.
	Asst Tech Dir for Engnr & Head Engnr Dept.
	Asst Tech Dir for Plans & Hd Weapons Plan GRP.
	Asst Tech Dir for Fuzes/Hd Fuzes Dept.
	Asst Tech Dir for Weapons & Head Weapons Dept.
	Asst Tech Dir and Head, Range Department.
	Asst Tech Dir for P/E/H. Plans & Eval Dep.
	Asst Techn Dir for Technol B/T Base Director.
Naval facilities Engineering Command.	Counsel.
	Dep Dir of Programs & Comptroller.
	Deputy Commander for contract.
	Chief Engineer.
	Techn Advisor-Real Property Management.
	Deputy Assistant Commander for Construction.
	Asst Commander for Engineering & Design.
	Asst Commander for Facilities & Transp.
Naval Facilities Eng Command Western Div.	Executive Director, Broadway Complex.
Naval Civil Enineering Lab.	Technical Director.
Naval Sea Systems Command.	Dir. Research Techn & Assessment Ofc.
	Executive Dir for Combat Sys Engineering.
	Executive Dir for Electronic Warfare.
	Counsel.
	Asst Dept Commander for Contract.
	Dep Prod Mgr & Tech Dir.
	Executive Director/Deputy Comptroller.
	Dep Prog Mgr, Seawolf Class Submne Acq Prog.
	Deputy Dir, Surface Warfare Systemns Group.
	Dir Ship Survivability Subgroup.
	Dir. Shp Des Res & Tech Ofc (Sea-03R).
	Program Mgr, Mine C & C Minehunter Sap.
	Dep/Tech Dir, ASW & Undersea Warfare Sys Dir.
	Dir. Submarine Systems (S5W & S8G) Division.
	Director-Reactor Materials Division.
	Head Advanced Design Branch.
	Head, Improved Reactor Design Branch.
	Dir-Secondary Plant Components Division.
	Asst Dir React Engr Div, Hd Adv Reactor Br.
	Dir, P/D Div/Asst Dep Dir, Ship Design Group.
	Dir. Structural Integrity Subgroup.
	Director, Naval Architecture Subgroup.
	Deputy Dir Hull Systems Sub Group.
	Dir Combat Systems Design & Test Subgroup.
	Deputy Director, Auxiliary Systems Subgroup.
	Deputy Director, Ship Design Group.
	Director, Hull Engineering Group.
	Director Cost Estimating & Analysis.
	Dir Shipbldg & Overhaul Contracts Div.
	Asst Dep Cmdr, Ind/Fac Mgmt Directorate.
	Executive Director, Surface Ship Directorate.
	Exec Dir Submarine Directorate.
	Dep Proj Mgr/Tech Dir Aux & Spec Mission Ship.
	Dep Chief Engineer for Logistics.
	Deputy Director, Supship Management Division.
	D/C Engineer, Design & Manufacturing Quality.
	Tech Dir Theater Nuclear Warfare Prog Office.
	Dep Prog Manager Tech Dir Attack Subm Prog.
	D/P Mgr, Gas Turbine Combatant Ship Prog Ofc.
	Dir, Nuclear Propulsion Logistics Division.
	Dep Prog Manager, Aircraft Carrier Prog Ofc.
	Dir, EW, G/L, R&D, & Spec Syst Contracts Div.
	Deputy Director for Submarines.
	Dir Surface Ship Systems Division.
	Technical Assistant for Surface Ship Systems.
	Dir, Ship Silencing Officd
	Dir, Propulsion Systems Subgroup.
	Dir, Hull Systems Subgroup.
	Exec Director, Combat Systems Directorate.
	Director, Field Operations Subgroup.
	Director, Machinery Group.
	Director, Materials Engineering Office.
	D/D D/T Dir, Amph & Combat S/S Logistic Div.
	Dep Dir, Electrical Systems Subgroup.
	Exec Dir, Anti-Air & Surface War Systems.
	Torpedo MK 48/Adcp Deputy Program Manager.
	Exec Dir, Ship Design & Engrng Directorate.
	Prog Mgr, Amphibious W & S Sealift Program.
	Director Naval Shipyard Operations Group.
	Dir, Macs, Elec/Nato AAW Contracts Div.
	Assoc Director for Regulatory Affairs.
	Dep Commander for Aquisition Plan Appraisal
	Exec Dir, Amph, Aux, Mine & Sealift Ships Dir.
	Dir, Reactor Refueling Divison.
	Deputy Counsel.
	Exec Dir, Aegis Shipbuilding Program.
	Project Manager, Deep Submergence Sys Project.
	Deputy Commander.
	S/A Dir Combat Sys Oper and Ord Support Group.
Consolidate Civilian Personnel Office/ Crystal City.	Dir/Consolidated Civ Pers Ofc/ Crystal City.
Naval Ship Systems Engineering Station.	Technical Director.
Naval Weapons Section, Seal Beach.	Technical Director.
Naval Undersea Warfare Engineering Station.	Technical Director.
Naval Ship Weapons Systems Engineering Station.	Technical Director.
Naval Ordnance Station..	Technical Director.
Naval Supply Systems Command Hdqtrs.	Spec Asst to Dir Res Mgmt/Dir Fin Mgmt Sys Di.
	Counsel.
	Asst Dep Cmdr for Fin Mgmt/ Comp.
	Asst Dep Commander, Contracting Management.
	Director Breakout Division.
	A/D Commander, Inventory & Info Syst Dev.
	Dir Advanced Logis Tech Div.
	Prog Mgt and Technology Program Mgt Office.
Navy Ships Parts Control Center.	Executive Dir for Contracts & Business Mgmt.
	Exec Dir Acquisition & Logistics Plng & Suppt.
Navy Aviation Supply Office.	Executive Dir Logistics Planning & Support.
Navy Fleet Material Support Office.	Exec Dir, ADP System Planning and Development.
Naval Supply Center, Norfolk.	Executive Director, Planning and Resources.
U.S. Marine Corps Headquarters Office.	Fiscal Dir of the Marine Corps.
	Asst Dcs for installations and Logistics.
	Dir Contracts Division.
	Counsel for the Commandant.
	Chief Scientist.
	Accounting & Fin Officer of the Marine Corps.
	Special Assistant to the Dir of Intelligence.
	Deputy Director Materiel Division.
	Accounting Officer of the Marine Corps.
	Spec Asst to the Dep Chf Installations/Logist.
	Asst Dep Chief of Staff for Manpower.
	Dep Asst Chief of Staff, Requirement Program.
Office of Naval Research.	Director Contract Research Department.
	Dir, Fin Mgmt/Compt/Spec Asst(FM)To Asn(R,E&S).
	Director, Ofc of Naval Research.
	Dir. of Planning and Assessment.
	Dep Dir for Technology Programs.
	Dir, Computer Science Division.
	Director, Mechanics Division.
	Dir, Ocean Biology/Optics/Chemistry Division.
	Director, Acquisition.
	Deputy Counsel (Patents).
	Director, Ocean Engineering Division.
	Counsel, Office of Naval Research.
	Director, Physics Division.
	Director, Chemistry Division.
	Dir, Cognitive & Neural Sciences Div.
	Director, Life Sciences Directorate.
	Director, Biological Sciences Division.
	Dir, Mathematical & Physical Sciences Dir.
	Dir, Mathematical Sciences Division.
	Dir, Engineering Sciences Directorate.
	Director, Electronics Division.
	Director, Geophysical Sciences Division.
	Director, Ocean Sciences Division.
	Dir, Environmental Sciences Directorate.
	Dep to the Spec Asst (FM) to the Asn (RE&S).
	Director, Ocean Science & Technology.
	Director, Materials Division.
	Director, Office of University Affairs.
	Dir Mgnt & Manpower.
	Assoc Dir, Contract Research Department.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Office of Naval Technology.	Dir Anti/Air Anti/Surf Warf & Aerspace Tec Div.
	Dep Tech Dir/Dir, Tech Plan'g & Assess Group.
	Dir, Office of Naval Technology.
	Dir, Industry Independent Res & Devel Dir.
	Dir, Support Technology Directorate
	Chief Scientist
	Dir Anti Submarine Warfare & Undersea Tech.
Ofc of Naval Research Detachment Boston.	Dir, Applied Physics Field Division.
Naval Res Liaison Ofc, Far East.	Dir, Ofc of Naval Res Liaison Ofc, Far East.
Naval Ocean Research and Development Activity.	Technical Director.
	Assoc Tech Dir & Dir, Ops Res & Strat Plnng.
	Assoc Tech Dir&Dir, Ocean Science Directorate.
	Assoc Tech Dir&Dir Ocean Acoustics & Tech Dir.
NATO Saclant ASW Research Center.	Director NATO Saclant ASW Research Centre.
Naval Research Laboratory.	Superintendent, Chemistry Division.
	Superintendent, Optical Sciences Div.
	Supt Materials Sci and Tech Division.
	Superintendent, Plasma Physics Div.
	Supt Condensed Matter & Radiation Sci Div.
	Assoc Dir of Res for Matl Sci & Comp Technol.
	Superintendent, Communications Sciences Div.
	Head, Space Technology Br.
	Head Combustion and Fuels Branch.
	Chf Sci, Lab for Structure of Matter.
	Dir of Research.
	Superintendent Space Science Div.
	Supt. Radar Div.
	Cont Therm Res Coord/Hd, Exp Plas Physics Br.
	Assoc Dir of Res for Gen Sci & Technol.
	Supt, Acoustics Div.
	Superintendent Electronics Technology Div.
	Supt, Tactical Electronic Warfare Div.
	Supt Underwater Sound Reference Division.
	Chief Sci Lab for Computational Physics.
	Dir. NV Ctr for Applied Res in Artfl Intel.
	Chf Scientist & Head, Solar Physics Program.
	Superintendent, Space Syst Technology Dep.
	Head Elect Warfare Strategic Planning Org.
	Assoc Dir of Res & Dir of Tech Services.
	Assoc Dir of Research for Strategic Planning.
	Head Program Coordination Office.
	Assoc Dir of Res for Warfare Sys & Senors Res.
	Superintendent, Space Syst Development Dep.
	Superintendent, Spacecraft Engineering Dep.
	Chief Science for Telcommunication Head.
	Dir, Naval Center for Space Technology.
	Chief Scientist for Telecom & Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Department of Education	
Management	Dir Admin Resource Management Service.
	Director, Personnel Management Service.
	Director, Financial Management Service.
	Director, Grants and Contracts Service.
Inspector General	Assistant Inspector General for Audits.
	Asst Insp Gen for Policy Plng & Mgmt Serv.
	Asst Inspector General for Investigation.
	Dep Asst Insp Gen for Audit Operations.
	Dep Asst Inspector Gen for Techn Audit Svc.
General Counsel	Associate General Counsel.
	Asst Gen Coun for Busin & Adm Law.
	Asst General Counsel for Educational Equity.
	Asst Gen Counsel for Regulations.
Educational Research and Improvement.	Research Coordinator.
	Senor Advisor on Library Programs.
National Center for Education Statistics.	Asst Admr Postsecondary & Voc Ed Stats.
	Adm, National Ctr for Educational Research.
	Chief, Mathematical Statistician.
Department of Energy	
Office of Hearings & Appeals.	Dep Dir for Legal Analysis.
	Dep Dir for Financial Analysis.
	Dep Dir for Econ Analysis.
Albuquerque Operations Office.	Div, Quality Engr Div.
	Dir, Facilities & Project Mgt Division.
	Dir Transportation Safeguards Div.
	Dir Budget & Resources Mgmt Div.
	Dir Productive Operations Div.
	Dir, Weapons Programs Div.
	Wipp Project Manager.
	Dir of Emergency Plans & Operations.
	Asst Manager
	Dir Ofc of Mgt Plan & Analysis.
Chicago Operations Office.	Asst Manager for Administration.
	Area Manager Batavia Area Office.
	Asst Mgr for Laboratory Management.
Idaho Operations Office	Assistant Manager for Administration.
Nevada Operations Office.	Chief Counsel.
	Assistant Manager for Administration.
Oak Ridge Operations Office.	Assistant Manager for Administration.
Richland Operations Office.	Asst Mgr for Admin.
	Asst Mgr Commercial Nuclear Waste & Projects.
	Asst Mgr for Safety Environment & Security.
San Francisco Operations Office.	Asst Mgr for Admin.
	Director, Livermore Site Office.
Savannah River Operations Office.	Asst Mgr for Admin.
Bonneville Power Administration.	Asst Admr for Pwr Mgmt.
	Area Manager.
	Senior Asst Admr for Power Management.
Western Area Power Administration.	Asst Admr for Mgmt Svcs.
Ofc of the Inspector General.	Spec Asst for Policy and Planning.
Ofc of Asst Insp Gen for Audits.	Manager, Western Regional Audit Office.
	Director Program Development Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Manager, Eastern Regional Audit Office.
	Director Audit Management Division.
	Dir Capitol Regional Audit Office.
Ofc of Asst Insp Gen for Inspections.	Asst Insp Gen for Inspec.
Ofc of Asst Insp Gen for Investigations.	Asst Inspector General for Investigations.
	Deputy Asst Inspector Gen for Investigations.
Energy Information Administration.	Director, EIA-ADP Services Staff.
Office of Oil & Gas	Dir, Ofc of Oil and Gas.
	Director Petroleum Supply Division.
	Chief Data Analysis and Support Branch.
	Dir Reserves and Natural Gas Division.
	Director Petroleum Marketing Division.
Ofc. of Coal, Nuclear, Electric & Alternate Fuels.	Dir Ofc of Coal Nucl Elec & Altern Fuels.
	Dir Coal Division/Dep Dir Ofc.
	Director Electric Power Division.
	Dir, Nuclear and Alternate Fuels Division.
	Dir Coal Division.
Office of Energy Markets & End Use.	Director, Ofc of Energy Markets & End Use.
	Director, Energy End Use Division.
	Director, Economics & Statistics Division.
	Dir, Interni & Contingency Planning Division.
	Dir, Energy Analysis & Forecasting Division.
	Dir, Energy End Use Div.
Office of Statistical Standards.	Dir, Ofc of Statistical Standards.
	Director, Quality Assurance Division.
Asst. Sec. for Conservation & Renewable Energy.	Dir, Photovoltail Energy Technology Div.
Office or Renewable Technology.	Dir, Geothermal Technology Div.
	Dir, Biofuel & Municipal Waste Tech Div.
	Dir, Solar Thermal Technology Div.
Deputy Asst Sec for Environment Safety & Health.	Director, Office of Environmental Audit.
Assistant Secretary for Defense Programs.	Strategic Issues Director.
Office of Resource Management.	Dep Dir, Ofc of Plans & Resource Management.
Dep Asst Sec for Military Application.	Assoc Dep Asst Secy for Military Application.
Office of Military Application.	Dir, Prog Analysis & Resource Management Div.
	Dep Dir, Div of Safty, Envr & Emergy Action.
	Associate Director of Military Applications.
	Dir, Ofc of Weapons Res, Dev and Testing.
Deputy Assistant Secretary for Intelligence.	Dir Div of Scien & Technological Intelligence.
DAS for Planning & Resource Management.	Director Ofc Mgmt Support.
	Dir Ofc of Program Analysis & Financial Mgmt.
Dep Asst Sec for Energy Emergencies.	Dir, Ofc of Energy Emergency Pol & Eval.
Office of Energy Research.	Scientific Computing Staff.
Office of Management	Director, Fiscal Management Division.
	Deputy Dir for Management.
	Director for Management.
	Deputy Dir for Nuclear Safety Safeguard.
Office of Health & Environmental Research.	Director, Human Health & Assessment Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Dir Health Effects Research Division.
Office of Fusion Energy	Dir, International Programs Staff.
	Dir, Confinement Systems Div.
Office of Basic Energy Sciences.	Dir Engr Math and Geo Sci Div.
	Dir Chem Sci Div.
	Dir Adv Egy Proj Div.
	Dir Mat Sci Div.
	Chf Fund Interactions Br.
	Chf Processes and Tech Br.
	Chf Solid St Phy and Mat Chemistry Branch.
Office of High Energy & Nuclear Physics.	Chf Physics Research Branch.
	Dir High En Physics Div.
Assistant Secretary for Fossil Energy.	Dir, Office of Clean Coal Technology.
Dep A/S Sec for Mgmt Planning & Technical Coord.	Director, Ofc of Resource Management.
Assistant Secretary for Nuclear Energy.	Deputy Director for Naval Reactors.
Deputy Assistant Secretary for Naval Reactors.	Dir Reactor Safety & Computation Div.
	Dir Submarine Systems Div.
	Dir Instrumentation & Control Div.
	Director Office of Resources Management.
	H/L R/P, Budgeting, Upgrading & A/D Section.
	Dep Dir Kesseling/Windsor/Site/Cgn/S8G Rec Sv.
	Hd Surface Ship Section.
	Asst Program Manager for Surface Ships.
	Prog Mgr for Prototypes & Sapso.
	Asst Chief Physicist.
	Director Nuclear Technology Div.
	Dir Reactor Engineering Division.
	Head, Core Manufacturing Branch.
	Dep Director Reactor Materials Division.
	Director, Fiscal Division.
	Program Manager for Shipyard Matters.
	Dir Nuclear Components Division.
	Senior Naval Reactors Representative.
	Manager, West Milton Field Ofc.
	Prog Manager and Advanced Submarines.
Schnectady Naval Reactors Office.	Asst Manager for Operations.
Pittsburgh Naval Reactors Office.	Sr. Naval Reactors Rep. (Nwpt News).
	Senior Naval Reactors Rep (Pearl Harbor).
	Manager, Idaho Branch Office.
Dep Asst Secretary for Uranium Enrichment.	Dir, Ofc of Techn Deployment & Strategic Plng.
	Director, Ofc of Business Operations.
Directorate of Administration.	Dir Ofc of Org and Mgmt Sys.
Office of Personnel	Dir Office of Personnel & Career Development.
	Director, Personnel Policies and Programs.
	Dir Empl Dvlmt & Trng Div.
	Dir Hq Personnel Operations Div.
Office of Organization & Management Services.	Dep Dir Ofc of Org and Mgmt.
	Dir Management Sys Analysis Div.
	Dir Manpwr Res Mgmt Div.
	Dir, Org, Planning, Management & Ops Div.
Office of Project & Facilities Management.	Dir, Prog/Const Mgm, Proce & Operations Div.
	Director Real Estate Management Division.
	Dep Dir Ofc of Project and Facilities Mgmt.
	Director, Policy Development Division.
Office of Administrative Services.	Dir Ofc of Admin Svcs.
	Dep Dir Ofc of Admin Serv.
Office of Adp Management.	Dir Ofc of Adp Mgmt.
	Dep Dir Ofc of Adp Mgmt.
Office of Computer Services & Telecommun Mgmt.	Dir Ofc of Comp Serv and Tel Mgmt.
	Dep Dir Ofc of Comp Serv and Tele Mgmt.
	Dir Div of Telecommunications.
	Dir, Adp & Communications Services.
	Dir Information Systems Division.
	D/Adp Telecomm Plning & Integrity Division.
Office of Industrial Relations.	Dir Ofc of Industrial Relations.
Procurement & Assistance Management Directorate.	Assoc Deputy Asst Secy for Prol & Asst Mgmt.
	Director, Procurement Management Rev Div.
	Assoc Dir of Procurement for Competition.
	Director, Office of Review and Analysis.
	Director, Office of Clearance and Support.
	Prin D/A Secy & Das for Procurement/Asst Mgmt.
Ofc of Small & Disadvantaged Business Utilization.	Dir of Sm and Disadv Bus Utlz.
Office of Policy	Dir Ofc of Policy.
Office of Procurement Operations.	Dir Ofc of Procurement Operations.
	Dep Dir Ofc of Procur Op.
Controller	Dir Ofc Compliance and Audit Liaison.
	Assoc Deputy Asst Secy & Deputy Controller.
	Deputy Asst Secretary for Administration.
	Deputy Asst Secy for Fin Mgmt & Controller.
Asst Controller for Budget Policy & Compliance.	Dir Ofc of Budget.
	Dep Dir Ofc of Budget.
	Director, Budget Analysis Division.
	Director, Budget Operations Division.
Asst Controller for Financial Sys & Accounting.	Dir Ofc of Headquarters Accounting Operations.
	Dir Ofc of Dep Accounting & Fin Sys Dev.
	Dir Ofc of Financial Policy.
Office of Geologic Repositories.	Dir Rep Coordination Division.
	Director, Engineering & Geotechnology Div.
	Dir, Siting, Licensing & Quality Assur Div.
Office of Storage & Transportation Systems.	Dir, Transportation and Waste Systems Div.
	Director Storage Division.
	Assoc Dir Ofc of Syst Integration & Regul.
Environmental Protection Agency	
Office of the Assoc Admr for Internatl Activities.	Dep Asst Admr for Admin & Resources Mgmt.
	Spec Asst to the Asst Admr for Adm & Res Mgmt.
Office of the Comptroller.	Dir Ofc of the Comptroller.
	Dir, Financial Mgmt Div.
	Associate Comptroller.
	Director, Budget Division.
	Assoc Dir, Financial Management Division.
Office of Administration	Dir Ofc of Administration.
	Deputy Dir Ofc of Administration.
	Dir Occupational Health & Safety Staff.
	Dir, Grants Admin Div.
Office of Information Resources Management.	Director, Personnel Management Div.
	Dir, Management and Organization Division.
	Dir Procurement & Contracts Mgmt Division.
	Dir, Facilities & Support Services Division.
	Spec Asst for Employee Wellness Program.
	Assoc Dir for Superfund/RCA Procurement Oper.
	Director, Management & Organization Division.
	Dir Ofc of Information Resources Management.
	Assoc Dir for Mgmt Planning & Evaluation.
	Dir, Administrative Systems Division.
	Dep Dir Ofc of Information Resources Mgmt.
Office of Administration-Cincinnati, OH.	Dir Ofc of Admin and Resources Management.
	Dep Dir, Ofc of Administration-Cincinnati.
	Assoc Asst Administrator (Special Projects).
Office of Administration-RTP, NC.	Director Office of Administration Res Mgmt.
	Director, Office of Data Processing.
	Assoc Dir, Ofc of Adm & Res Management.
Office of Human Resource Management.	Director, Office of Human Resource Mgmt.
	Special Assistant to Director, OHM.
	Dep Dir, Office of Human Resources Management.
Ofc Asst Admr for Enforcement & Compliance Monitoring.	Dir Ofc Compliance Analysis Prog Operations.
National Enforcement Investigations Ctr-Denver.	Dir Nat'l Enforcement Investigations Center.
	Special Asst to the Dir NEIC.
Office of Policy Analysis	Dir Econ Analysis Div.
	Dir, Regulatory Integration Division.
Office of Standards and Regulations.	Dir, Chemical & Statistical Policy Division.
Office of Management Systems and Evaluation.	Dir Ofc of Management Systems & Evaluation.
	Dir, Management Systems Div.
Office of the Inspector General.	Assist Inspector Gen for Investigations.
	Asst Inspector General for Audits.
	Dep Asst Inspector General for Audits.
	Dep Asst Inspector General for Investigations.
	Asst Inspector Gen for Mgmt & Tech Assessment.
	Deputy Inspector General.
	Spec Asst to the Inspector General.
Office of Water Enforcement and Permits.	Director Enforcement Division.
	Director, Permits Division.
Office of Water Regulations and Standards.	Director, Industrial Technology Division.
	Director, Monitoring & Data Support Div.
	Dir, Analysis and Evaluation Division.
	Dir, Criteria and Standards Division.
Office of Water Program Operations.	Director, Municipal Facilities Division.
	Director Municipal Construction Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Office of Drinking Water	Director, State Programs Division.
	Dir Ofcv of Program Development & Evaluation.
	Director, Criteria and Standards Division.
Office of Ground-Water Protection.	Sr Adv for Ground-Water Policy & Management.
Office of Waste Programs Enforcement.	Dep Dir, Office of Waste Programs Enforcement.
	Dir, CERCLA Enforcement Division.
	Director, RCRA Enforcement Division.
Office of Solid Waste	Dir Waste Mgmt and Economics Division.
	Dir, Characterization & Assessment Division.
	Director, Permits & State Programs Division.
	Dir, Ofc of Policy, Planning & Information.
	Special Assistant for Municipal Solid Waste.
Office of Emergency and Remedial Response.	Director, Hazardous Site Evaluation Division.
	Dir, Emergency Response Div.
	Director, Hazardous Site Control Division.
Ofc of the Asst Admr for Air and Radiation.	Director, Ofc of Program Mgmt Operations.
	Senior Science Advisor.
Office of Air Quality Planning and Standards.	Dir, Stationary Source Compliance Division.
	Assoc Dir for Intermedia & Intgovt Prog.
	Depty Dir Emission Standards Division.
	Director, Air Quality Management Division.
	Director, Technical Support Division.
Office of Mobile Sources.	Director, Emission Control Technology Div.
	Director Certification Division.
	Dir Manufacturers Operations Division.
	Dir Field Operations & Support Division.
Office of Radiation Programs.	Dir, Criteria & Standards Div.
	Director, Radon Division.
Ofc of Asst Admr for Pesticides & Toxic Substances.	Dir Ofc of Program Management Operations.
Office of Pesticides Programs.	Dir, Ofc of Pesticides Programs.
	Dir-Registration Division.
	Director—Program Support Division.
	Dir—Hazard Evaluation Division.
	Dir, Biological & Economic Analysis Division.
	Sr Science Advisor/Nat'l Laboratory Aud Prog.
	Senior Science Advisor.
	Chief, Toxicology Branch.
	Dir, Spec Review & Reregistration Division.
Office of Toxic Substances.	Director Exposure Evaluation Division.
	Dir, Existing Chemicals Assessment Division.
	Dir, Health & Environmental Rev Div.
	Dir Toxic Subs Control Act Assistance Ofc.
	Director Economics & Technology Division.
	Director, Chemical Control Division.
	Director, Information Management Division.
Ofc of the Asst Admr for Research and Development.	Dir, Ofc of Exploratory Research.
	Dir, Ofc of Technology Transfer & Reg Support.
	Senior Official for Research & Development.
Ofc of Research Program Management.	Dep Dir for Technical Information.
	Dep Dir for Operations.
Center for Environmental Research Info-Cincinnati.	Dir Environmental Research Information Center.
Office of Health and Environmental Assessment.	Director, Carcinogen Assessment Group.
	Director Exposure Assessment Group.
Environmental Criteria & Assessment Ofc (RTP).	Dir, Env Criteria & Assessment Ofc (Air)—RIP.
Ofc of Acid Dep, Environ Monitoring & Quality Assur.	Dir Air Toxics & Radiation Monitoring Res Div.
	Dir, Acid Deposition & Atmospheric Res Div.
	Spec A/D, Ofc of Mdlg, Monitoring S/Q Assur.
Environmental Monitoring Systems Lab-RIP.	Dir, Environmental Monitoring Sys Laboratory.
	Dir, Atmospheric Res & Exp Assessment Lab.
Environmental Monitoring & Support Lab-Cincinnati.	Dir Environ Monitoring Systems Labatory.
Ofc of Environmental Engineering and Technology.	Dir Energy Processes Division.
	Spec Ass Dir, Ofc Environl E/T Demonstration.
Industrial Environmental Research Laboratory-RIP.	Dir Industrial Environmental Research Lab RIP.
Industrial Environmental Research Lab-Cincinnati.	Dir, Hazardous Waste Engin Res Lab-Cincinnati
	Dir Risk Reduction Engineering Laboratory.
Municipal Environmental Research Lab-Cincinnati.	Director Municipal Environmental Research Lab.
Environmental Sciences Research Laboratory-RIP.	Dir, Environmental Sciences Res Lab—RIP.
Environmental Research Laboratory-Corvallis.	Dir, Env Research Laboratory Corvallis.
Environmental Research Laboratory-Athens.	Dir Environmental Research Lab Athens GA.
Robert B Kerr Environmental Res Laboratory-ADA.	Dir, Robert S Kerr Environmental Res Lab.
Environmental Research Laboratory-Duluth.	Dir Environmental Research Lab—Duluth.
Environmental Research Laboratory-Narragansett.	Dir, Environmental Res Lab, Narragansett.
Environmental Research Laboratory-Gulf Breeze.	Dir Env Res Gulf Breeze.
Health Effects Research Laboratory-RIP.	Dir-Health Effects Research Lab-RIP.
Region I—Boston	Director, Water Management Division.
	Dir Waste Management Division.
	Regional Counsel.
	Director, Planning & Management Division.
Region II—New York	Director, Environmental Services Division.
	Director, Water Management Division.
	Asst Regl Admr for Policy and Management.
	Dir Air & Waste Management Division.
	Regional Counsel, Region II, New York.
	Dir, Office of Emergency & Remedial Response.
Region III—Philadelphia	Director, Water Management Division Reg III.
	Regional Counsel.
	Asst Reg Admin for Policy & Management.
	Director, Hazardous Waste Mgmt Div.
	Director, Environmental Services Division.
	Dir, Air Management Division.
Region IV—Atlanta	Dir Water Management Division Region IV.
	Dir Environmental Services Division Region IV.
	Asst Regional Admin for Policy and Mgmt.
	Regional Counsel, Reg IV, Atlanta, Georgia
	Director Waste Management Division.
Region V—Chicago	Dir Air Management Div Region V.
	Dir Envir Services Div Region V
	Dir Water Mangement Div Region V.
	Asst Regional Admr for Policy & Management.
	Regional Counsel.
	Director, Waste Management Division.
	Associate Division Director for RCRA.
	Assoc Div Director for Superfund.
Region VI—Dallas	Dir Air & Waste Management Div.
	Dir Water Management Division.
	Director, Environmental Services Division.
	Asst Regional Admr for Management.
	Regional Counsel.
	Dir, Air, Pesticides &Toxic Division.
Region VII—Kansas City.	Dir Water Management Division.
	Dir Air & Waste Management Division.
	Regional Counsel.
	Director, Waste Mgmt Division.
	Asst Reg Admin for Policy & Mgmt-Reg VII.
	Director, Air and Toxics Division.
Region VIII—Denver	Dir Water Management Division.
	Regional Counsel.
	Dir Air Toxics Division.
	Asst Regional Admr for Policy & Management.
Region IX—San Francisco.	Director, Water Management Division.
	Director, Air Management Division.
	Regional Counsel, Reg IX, San Fran, Cal.
	Dir, Toxics & Waste Management Div.
	Asst Regional Admr for Policy & Management.
Region X—Seattle	Dir-Water Div Reg X.
	Regional Counsel.
	Director Air and Toxics Division.
	Director, Hazardous Waste Division.
Equal Employment Opportunity Commission	
Office of the Chairman	Director, Office of Review and Appeals.
Field Management—East.	Dist Dir (Baltimore).
	Dist Dir (New York).
	Dist Dir (Atlanta).
	District Director (Detroit).
	Dist Dir (Miami).
	Dist Dir (Memphis).
	Dist Dir (Birmingham).
	Dist Dir (New Orleans).
	Dist Dir (Charlotte).
	Dist Dir (Cleveland).
	Dist Dir (Philadelphia).
Field Management—West.	Dist Dir (Houston).
	Dist Dir (San Francisco).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Dist Dir (Dallas).
	Dist Dir (Chicago).
	Dist Dir (St Louis).
	Dist Dir (Indianapolis).
	District Director (Los Angeles).
	Dist Dir (Denver).
	Dist Dir (Phoenix).
	Dist Dir (Milwaukee).
Farm Credit Administration	
Farm Credit Administration.	Dir, Office of Regulatory Enforcement.
Ofc of Gen Coun	General Counsel.
	Assoc Gen Counsel for Litigation & Enforce.
Office of Examination	Regional Director, Northeast Region.
	Regional Director, Central Region.
	Regional Director, Southeast Region.
	Division Director, Special Examination Div.
	Assistant Chief Examiner.
	Chief Examiner.
	Regional Director, Western Region.
Ofc of Administration	Director, Records and Projects Division.
	Director, Office of Administration.
Ofc of Internal Audit	Director of Internal Audit.
Office of Analysis & Supervision.	Dir, Office of Analysis & Supervision.
	Deputy Dir Office of Analysis & Supervision.
	Asst Dep Dir, Ofc of Analysis & Supervision.
Federal Communications Commission	
Office of the Managing Director.	Assoc Managing Director/Human Resources Mgmt.
Mass Media Bureau	Chief Audio Services Division.
	Chief Video Services Division.
	Chf, Enforcement Div.
Private Radio Bureau	Chief Land Mobile & Microwave Division.
Field Operations Bureau.	Chief Enforcement Division.
	Assistant Bureau Chief for Technology.
Common Carrier Bureau	Chief, Tariff Division.
	Asst Bureau Chief (International).
	Chief Domestic Facilities Division.
	Chief Accounting & Audits Division.
Ofc of Engineering Technology.	Chief, Spectrum Engineering Division.
Federal Emergency Management Agency	
Office of the Director	Inspector General.
	Comptroller.
Office of Chief of Staff	Director of Security.
National Preparedness Directorate.	Deputy Associate Director.
	Senior Policy Advisor.
Office of Mobilization Preparedness.	Asst Assoc Dir Ofc of Mobility Preparedne.
Office of Analysis & Support.	Asst Assoc Dir Ofc of Analysis & Support.
Office of Facilities Management.	Assistant Assoc Director
Office of Systems Engineering.	Special Asst for Architecture & Technology.
	Asst Assoc Dir Ofc of Systems Engineering.
Office of Operations	Asst Associate Director OFC of Operations.
Office of Natural and Technological Hazards Programs.	Chief, Technological Hazards Division.
Federal Insurance Administration.	Deputy Administrator.
Federal Energy Regulatory Commission (DOE)	
Ofc of Chief Accountant	Deputy Chief Accountant.
	Dir, Division of Audits.
Ofc of Pipeline and Producer Regulation.	Dir, Div of Producer Rates and Certifications.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Special Asst to the Director.
Ofc of Hydropower Licensing.	Dir, Div of Inspection.
Federal Home Loan Bank Board	
Office of Administration	Director Administration.
	Exec Dir for Admin & Human Resources.
Office of Enforcement	Director, Office of Enforcement.
Federal Savings & Loan Insurance Corporation.	Chief Financial Officer.
	Dir, Ops & Liq Div Supvis Fin/ Marketing Spec.
	Supv fin Anal/Dir, Mergers & Acquisitions Div.
	Dir, Fin Asst Div (Fin Asst Administrator).
Ofc of Internal Eval and Compliance.	Dir Internal Evaluation and Compliance Ofc.
Office of Policy and Economic Research.	Fin Econ (Dep Dir for Policy & Research).
Federal Labor Relations Authority	
Office of the Chairman	Chief Counsel.
Office of Member	Chief Counsel.
Office of Member	Chief Counsel.
Federal Service Impasses Panel.	Exec Director FSIP.
Ofc of the Executive Director.	Executive Director.
	Solicitor.
	Dir, Information Resources & Research Serv.
Ofc of the General Counsel.	Assoc Gen Counsel.
	Assoc General Counsel (Field Management).
	Asst General Counsel (Appeals).
	Asst Counsel (Field Mgmt/Legal Policy).
Regional Offices	Regional Director—Washington, D.C.
	Regional Director—Boston.
	Regional Director—New York.
	Regional Director—Atlanta.
	Regional Director—Dallas.
	Regional Director—Chicago, Illinois.
	Regional Director—Los Angeles.
	Regional Director—San Francisco.
	Regional Director—Denver
Federal Maritime Commission	
Office of the Members	Secretary.
Office of the General Counsel.	Dep Gen Coun for Reports Opinions and Decisio.
Office of the Managing Director.	Dep Managing Dir.
	Director, Bureau of Administration.
	Director, Bureau of Trade Monitoring.
	Director, Bureau of Domestic Regulation.
	Dir, Bureau of Investigations.
	Dir, Bureau of Hearing Counsel.
Federal Retirement Thrift Investment Board.	Assistant General Counsel (Admin).
	Assistant General Counsel (Programs).
	Director of Investments.
	Director of Contracts.
	Director of Automated Systems.
	Director of Benefits and Program Analysis.
	Director of Accounting.
Federal Trade Commission	
Ofc of Executive Director.	Deputy Exec Dir for Management.
	Dep Exec Dir for Planning & Information.
General Services Administration	
Office of the Administrator.	Dir, Ofc of Small & Disadvantaged Bus Utiliz.
	Dep Assoc Admr for Cong & Industry Relations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Office of Associate Administrator for Administration.	Director, Office of Administrative Services.
	Dir, Ofc of Management Services.
	Director of Personnel.
	Deputy Director of Personnel.
	Dir of Administrative Programs & Support.
Office of the Inspector General.	Deputy Inspector General.
	Asst Inspector Gen for Auditing.
	Deputy Asst Inspector General for Auditing.
	Asst I/G for Investigations.
	Counsel to the Inspector General.
	Asst Insp Gen for Policy, Plans & Mgmt Sys.
Office of Acquisition Policy.	Assoc Administrator for Acquisition Policy.
	Deputy Associate Admr for Acquisition Policy.
	Dir of Acquis Mgmt and Contract Clearance.
Office of the Comptroller.	Deputy Comptroller for Finance.
	Deputy Comptroller for Budget.
	Dep to the Dep Comptroller for Finance.
Federal Property Resources Service.	Asst Comm for Real Estate Policy/Sales (FPRS).
	Asst Commr for National Defense Stockpile.
	Dep Asst Comr for Natl Def Stockpile.
Public Buildings Service	Asst Comm for Real Prop Mgmt & Safety.
	Dir, Law Enforcement Division.
	Asst Comr for Procurement.
	Dep Asst Comr for Procurement.
	Asst Comr for Real Property Development.
	Dep Asst Comr for Real Property Development.
	Dep Asst Comm for Real Prop Mgmt & Safety.
	Asst Commissioner for Facility Planning.
	Asst Comm Govt Wide Real Prop Pol Oversight.
	Director, Facility Mgmt Division.
	Spec Asst/Asst Comr for Real Property Dev.
Office of Information Resources Management.	Asst Comm for Info Resources Procurement.
	Asst Commissioner for Network Services.
	Asst Commissioner for Info Res Mgmt Policy.
	Director of Advanced Planning.
	Asst Commissioner for Regional Info Services.
	Director of GSA Information Systems.
	Asst Commissioner for Technical Assistance.
	Asst Comr for Regl Telecommunication Service.
	Director Ofc of Innovative Office Systems.
Office of Federal Supply and Services.	Asst Commissioner for Customer Svc & Marketing.
	Asst Commr for Quality and Contract Admn.
	Asst Commissioner for Commodity Management.
	Asst Commissioner for Customer Support Mgmt.
	Dep Asst Commr for Customer Support Mgmt.
	Director for Transportation Audits.
	Asst Commr for Strategic Business Planning.
Region 2—New York	Asst Reg Admr for Public Bldg Service.
	Asst Reg Admr for Federal Support Service.
Region 3—Philadelphia	Asst Reg Admr for Public Bldg Service.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Asst Reg Admr for Info Reso Mgmt Ser, Ne Zone.
National Capital Region	Asst Regl Admr for Info Resources Mgmt.
	Asst Reg Admr for Federal Support Service.
	Asst Regl Administrator for Operations.
	Asst Reg Admr for Real Estate & Devel, NCR.
	Dir of Fed Domes Asst Ctlg Staff (fRMS) NCR.
Region 4—Atlanta	Asst Reg Admr for Public Bids Service.
	Assistant Reg Admin for Inform Res Mgmt-R-4.
	Asst Reg Admr for Federal Supply & Services.
Region 5—Chicago	Asst Reg Admr for Public Bids Service.
Region 6—Kansas City	Asst Regional Admr for Administration, R6.
	Asst Reg Admr for Public Bids Service.
Region 7—Fort Worth	Asst Reg Admr for Public Bids Service.
	Asst Regl Admr for Info Resources Mgmt R-7.
	Asst Reg Admr for Federal Supply Service.
Region 9—San Francisco.	Asst Commissioner for Public Buildings Svc.
	Asst Reg Admr for Public Bldg & Real Property.
	Asst Reg Admr for Federal Supply Service.
	Asst Reg Admr for Information Res Management.
Department of Health and Human Services	
OAS for Management and Budget.	Dir. Ofc of Asst Pol & Systems Review.
	Dep Asst Sec, Finance.
	Dep Asst Secy for Procurement, Asst and Log.
	Dir Ofc of Procurement & Asst Policy.
	Dir Off Procurement & Asst Financial Mgmt.
	Deputy to the Deputy Assistant Secy, Finance.
	Dir, Office of Financial Policy.
	Dir, Division of OS Budget Analysis.
OAS for Personnel Administration.	Asst Sec for Personnel Administration.
	Dir, Ofc of Human Relations.
Associate General Counsel Divisions.	Assoc Gen Coun, Busines & Adm Law Division.
	Dep Assoc Gen Counl, Bus & Adm Law Div.
Office of the Inspector General.	Asst Inspector General for Audit.
	Asst Inspector General for Investigations.
	Sr Asst Insp Gen for Audit & Systems.
	Dep Asst Insp Gen for Criminal Investigation.
	Dep Asst Inspector Gen for Civil Fraud.
	Dep/Asst/Insp/Gen for Headquarters Operations.
	Asst Insp Gen for Analysis & Inspections.
	Dep Asst Insp Gen for Anal & Inspections.
	Dep Asst Insp Gen for Audit, Social Security.
	Dep Asst Insp G/A Grant, Int Syst & EDP.
	Dep Asst Insp Gen for Audit, Health Care Fin.
	Dep Asst Insp G/A Mgmt, Ops & Eval.
	Dep Asst Inspector General for Credit PHSCD.
OAA For Management and Support Services.	Dir Ofc of Financial Mgmt & Admin Systems.
	Chief Actuary.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Dir, Bureau of Data Management and Strategy.
	Dep Dir, Bureau of Data Management & Strategy.
OAA for Operations	Dir Ofc of Prog Adm, Bur of Prog Operations.
	Deputy Director Bureau of Quality Control.
	Director, Office of Financial Operations.
OAA for Program Development.	Dir Office of Demonstrations and Evaluations.
	Dir, Ofc of Medicare Cost Est, Ofc of Actuary.
OAS for Health	Dep Dir, Office of Administrative Management.
	Director, Office of Resource Management.
	Dir, Div of Public Health Service Budget.
Natl Center Health Svcs Rsch/Tech Asamt.	Dir, Div of Intramural Research.
	Dir, Div of Extramural Research.
Alcohol, Drug Abuse & Mental Health Admin.	Assoc Admin for Extramural Programs.
Natl Inst of Alcohol Abuse & Alcoholism.	Chief Laboratory of Clinical Studies.
	Dir Division of Extramural Research.
	Dir, Div of Intramural Clinical & Bio Res.
	Director, Office of Scientific Affairs.
National Institute on Drug Abuse.	Director Addiction Research Center.
	Dir Div of Preclinical Research.
	Director Division of Clinical Research.
	Dir, Div of Epidemiology & Statistical Analy.
	Chief Neuroscience Research Branch.
Natl Inst of Mental Health.	Executive Officer NIMH.
	Director, Division of Basic Sciences.
	Dir, Div of Educ & Serv Syst Liaison.
	Director, Division of Extramural Activities.
	Dir Division of Biometry & Applied Sciences.
Organization Abolished	Asst Superintendent, St Elizabeths Hospital.
Intramural Research	Dir, Intramural Research Programs.
	Dir Division of Special Mental Health Research.
	Chf, Lab of Cerebral Metabolism.
	Chief, Section on Myelin Chemistry.
	Chf, Lab of Neurochemistry.
	Chf Lab of Gen & Comparative Biochemistry.
	Chief, Lab of Brain Evolution & Behavior.
	Chf Lab of Developmental Psychology.
	Chf-Clinical Neuropharmacology Branch.
	Chief Lab of Psychology and Psychopathology.
	Chief Laboratory of Neuropsychology DCBR.
	Chief Section Histopharmacology.
	Chief, Biological Psychiatry Branch.
	Chief, Child Psychiatry Branch.
Centers for Disease Control.	Assoc Dir for Research & Methodology.
Center for Infectious Diseases.	Asst Dir for Laboratory Science.
	Director, Division of Viral Diseases.
Natl Inst for Occupational Safety and Health.	Senior advisor for Laboratory Science.
Center for Env Health & Injury Control.	Dir Div of Environmental Health Lab Sciences.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Center for Prevention Services.	Chief Epidemiology Research Branch.
National Center for Health Statistics.	Assoc Dir for Analysis & Epidemiology.
	Assoc. Dir. Ofc. of Prog. Plng. Eval. & Coord.
	Assoc Dir. Ofc of Vital & Health Stats Syst.
Food and Drug Administration.	Director Parklawn Computer Center.
Office of Regulatory Affairs.	Regl Food & Drug Dir, Reg I, Boston.
	Regl Food & Drug Dir, Reg III, Philadelphia
	Reg: Dir, Food & Drug Adm. Reg IV, Atlanta.
	Reg:l Food and Drug Director, Reg V. Chicago.
	Regional Food & Drug Dir, Reg VI. Dallas.
	Regl Dir, Food & Drug Adm, Reg IX (San Franc.
	Director Contaminants Policy Staff.
	Regal Food & Drug Dir. (Northeast Region).
National Center for Toxicological Research.	Director, Division of Biometry.
Center for Food Safety & Applied Nutrition.	Dir Division of Toxicology.
	Dir Ofc of Physical Sciences.
	Dir Ofc of Nutrition & Food Sciences.
	Asso Dir for Laboratory Investigations.
	Dir, Div of Nutrition.
	Dir Ofc of Compliance.
	Dir Div of Chemical Technology.
	Director Ofc of Toxicological Sciences.
Center for Drugs and Biologics.	Dir Div Oncology & Radiopharmaceutical Drug P.
	Dir Div of Scientific Investigations.
	Dir Div of Cardio-Renal Drug Product.
	Dir Ofc of Compliance.
	Dep Dir Ofc of Epidemiology & Biostatistics.
	Dir Div of Biometrics.
	Dir Div/Drug & Biological Product Experience.
	Director Div of Biopharmaceutics.
	Dir, Div of Neuropharmacological Drug Prod.
	Dir Div of Surgical Dental Drug Products.
	Dir, Div of Metabolism & Endomcrine Drug Prod.
	Dep Dir for Prog Management.
	Director, Office of Drug Evaluation II.
	Director, Division of OTC Drug Evaluation.
	Dir, Office of Drug Evaluation I.
	Director, Office of Drug Standards.
	Deputy Dir, Ofc of Drug Standards.
	Director, Division of Generic Drugs.
	Deputy Director for Program Management.
	Dir, Div of G&C Drug Product.
	Dir, Ofc of Drug Eval II Ctr For Drug E & R.
	Director, Office of Research Resources.
	Dep Dir. Office of Research Resources.
Center for Biologics Evaluation and Research.	Dir, Div Biological Product Compliance.
	Director, Divisions of Biochem & Biophysics.
	Director, Divisions of Bacterial Products.
Center for Veterinary Medicine.	Dir—Div of Thera Drugs for Non Food Animals.
	Dir Ofc of Surveillance & Compliance.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Director, Ofc of New Animal Drug Evaluation.
	Director, Office of Science.
	Dir, Div of Drugs Manufacturing & Controls.
	Dir, Div of Biometrics & Production Drugs.
	Dir, Div of Therapeutic Drugs for Food Animals.
	Dir Div of Veterinary Medical Research.
	Assoc Dir Scientific Infor & Education.
	Director, Division of Animal Feeds.
Center for Devices & Radiological Health.	Dir Ofc of Device Evaluation.
	Dir Ofc of Standards & Regulations.
	Dir Office of Science & Technology.
	Dep Dir. Office of Science and Technology.
	Deputy Director, Office of Compliance.
	Dep Dir Office of Device Evaluation.
Immediate Office of the Director.	Director, Div of Financial Management
	Director, Division of contracts & Grants.
	Associate Dir for Med Applications of Resch.
	Dir Ofc of protection from Research risk.
	Assoc Dir for Intramural Research.
	Sr Adv to Dep Dir for Extramural Res & Trng.
	Director, Division of Program Analysis.
	Dir, Off of Medical Applications of Research.
	Dir. Office of Human Genome Research.
Nat'e Heart, Lung & Blood Institute.	Assoc Director for Review.
	Assoc Dir Epidemiology & Biometry Program.
	Chief, Sickle Cell Disease Br.
	Dir Div of Lung Diseases.
	Dir, Div of Blood Diseases & Resources.
	Dir, A/Sclerosis, Hypertension & Lip Met Prog.
	Dep Director Div. of Extramural Affairs.
	Director, Division of Extramural Affairs.
	Dir Div of Epidemiology/Clinical Applications.
	Assoc Dir for International Programs.
Intramural Research	Chf Lab of Biochemical Genetics.
	Chf Lab of Biochemistry.
	Chief Lab of Molecular Hematology.
	Hd. Section on Chemistry.
	Chief, Laboratory of Chemical Pharmacology.
	Sr Rsch Chemist. Sect on Cell Biology.
	Chief Macromolecules Section.
	Chf, Intermediary M & B section.
National Cancer Institute.	Associate Director for International Affairs.
Division of Cancer Biology & Diagnosis.	Dep Dir Div of Cancer Biology & Diagnosis.
	Chief, Laboratory of Cell Biology.
	Head Developmental Biochemistry Section.
	Chief Laboratory of Biochemistry.
	Associate Director Extramural Research Prog.
	Chf, Protein Biochemistry Section.
	Chief, Dermatology Branch.
	Head, Cellular Immun of Mod Self Antigens Gr.
	Chief Laboratory of Immunobiology.
	Chf, Lab of Tumor Immunology & Biology.
Division of Cancer Etiology.	Dir. Div. of Cancer Etiology.
	Chief Lab of Biology.
	Chief Clinical Epidemiology Branch.
	Chief Laboratory of Molecular Carcinogenesis.
	Chf Lab of Experimental Pathology.
	Head, Math Statistics & Applied Mathematics.
	Head in Vitro Carcinogenesis Section.
	Assoc Dir For Biological Carcinogenis.
	Associate Dir for Chemical & Physical Carcinogenisis.
Division of Cancer Prevention & Control.	Dep Dir, Div of Cancer Prevention & Control.
	Assoc Dir, Cancer Prevention Research Prog.
	Assoc Dir, Centers & Community Oncology Prog.
Division of Extramural Activities.	Dir, Div of Extramural Activities.
	Deputy Dir Div of Extramural Activities.
Division of Cancer Treatment.	Chf-Radiation Oncology Br.
	Chf-Lab of Medicinal Chemistry & Biology.
	Assoc Dir, Radiation Research Prog.
	Assoc/Dir, Biological Response Modifiers Prog.
Natl. Institute of Diabetes & Digestive & Kidney Dis.	Dir, Div Kidney, Urologic & hematologic Diseases.
	Dir. Division of Extramural Activities.
	Assoc Dir, for Diabetes, Endocrin & Metab Dis.
	Dir, Div of Digestive Diseases & Nutrition.
	Assoc Dir for Research & Assessment.
	Assoc Dir Disease Prevention Technol Transfer.
Intramural Research	Chief Section on Biochemical Mechanisms.
	Chf Sect on Biochemistry.
	Chf Section on Spectroscopy & Structure.
	Chf Sect on Metabolic Enzymes.
	Chf Sect on Physical Chemistry.
	Chf, Section on Molecular Structure.
	Sr Res Physicist, Mathematical Research Br.
	Sr Chemist, Clinical Endocrinology Br.
	Senior Research Chemist.
	Chief Lab of Chemistry.
	Chief, T/M Biology Section L & M Biology.
	Chief, Laboratory of Bio-Organic Chemistry.
	Chief Oxidation Mechanisms Section L B C.
	Chief Laboratory of Biochemistry & Metabolism.
Natl. Inst of Arthr & Musculoskeletal & Skin Diseases.	Chief, Lab of Physical Biology.
	Director, Extramural Program.
National Library of Medicine.	Dep Dir, Natl Lib of Medicine.
	Dep Dir for Res and Education.
	Associate Director for Library Operations.
	Assoc Dir for Extramural Programs.
	Assoc Dir Specialized Info Services.
	Dep Dir Lister Hill Natl Ctr for Biomed Comms.
	Director, Information Systems.
Natl Inst of Allergy & Infectious Diseases.	Dir-immunology-Allergic & Immunologic Disease.
	Chf, Lab of Parasitic Diseases.
	Chf, Lab of Biology of Viruses.
	Chf, Laboratory of Microbial Immunity.
	Spec Asst for Biometry, Off Sci Dir.
	Hd, Molecular Virology Section.
	Director, Microbiology & Infectious Dis Progs.
	Chief, Lab of Immunogenetics.
	Director, Extramural Activities Program.
	Ch, Lab of Microbial Structure and Function.
	Chief Lab of Molecular Microbiology.
	Head Malaria Section.
	Dir, Acquired Immunodeficiency Syndrome Progr.
	Assoc Dir for Administrative & Operations.
Natl Inst on Aging	Scientific Dir NIA.
	Natl Inst on Aging.
	Chief, Lab of Molecular Aging.
	Chief Lab of Cellular & Molecular Biology.
	Associate Dir for Behavioral Sciences Res.
	Assoc Dir Biomed Res & Clinical Medicine Prog.
	Assoc Dir, Office of Extramural Affairs.
	Assoc Dir, Epidemi, Demo, & Biometry Program.
	Assoc Dir for Plng, Analysis & Communications.
	Assoc Dir Neurosci & Neuropsych of Aging Prog.
Natl Inst of Child Health & Human Development.	Chief, Laboratory of Molecular Genetics.
	Dep Dir Center for Population Res.
	Chf, Endocrinology & Reproduction Research Br.
	Director Ctr Forres for Mothers & Children.
	Director Cntr for Population Research.
	Chf, Lab of Neurochemistry & Neuroimmunology.
	Chief, Section on Growth Factors.
	Assoc Dir for Prevention Research.
	Chf, Section on Mammalian Gene Regulation.
Natl Inst of Dental Research	Chief Lab of Microbiology & Immunology.
	Chf, Laboratory of Dev Biology & Anomalies.
	Chf, Enzyme Chemistry Section.
	Director, Extramural Program.
	Chief, Bone Research Branch.
	Dir, Epidemiology & Oral Disease Prevent Prog.
	Chief, Epidemiology Branch.
Natl Inst of Environmental Health Services.	Dir, Div of Intramural, NIEHS.
	Chf Lab of Pulmonary Pathobiology.
	Chief, Lab of Genetics.
	Head Mutagenesis Section.
	Head Mammalian Mutagenesis Section.
	Dir, Div of Biometry and Risk Assessment.
	Senior Scientific Advisor.
	Dir, Div of Toxicology Research & Testing.
	Associate Director for Management.
Natl Inst of General Medical Sciences.	Dir, Cell & Molec Basis of Disease Prog.
	Dir Genetics Program.
	Asaoc Dir for Program Activities.
	Dir, Pharmacological Sciences Program Branch.
	Dir Bio Phys Sciences Program Branch.
	Dep Dir Natl Institute of General Med Sci.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Natl Inst of Neuro & Comm Disorders & Stroke.	Dir Fundamental Neurosciences Program.
	Director, Communicative Disorders Program.
	Director, Stroke and Trauma Program.
Intramural Research	Chief Lab of Central Nervous System Studies.
	Chf, Devel & Metab Neurology Branch.
	Chf Lab of Molecular Biology.
	Deputy Chief, Lab of Central Nervous Sys Stud.
	Hd Cellular Neuropathology Section.
	Chief, Section on Neuroradiology.
	Chief, Lab of Biophysics.
	Chf, Lab of Neuropathology & Neuroanatomical S.
	Chf Lab of Neurochemistry.
	Chief, Neuronal Interactions Section.
	Chf, Surgical Neurology Branch.
	Chf, Lab of Neuro-Otolaryngology.
	Chief Laboratory of Molecular Genetics.
	Chief, Biometry & Field Studies Branch.
	Chief, Laboratory of Nuerobiology.
	Chief, Laboratory of Neura Control.
Natl Eye institute	Chf, Lab of Vision Research.
	Dir, Intramural Research Program, NEI.
	Chief, Lab of Molecular & Dev. Biology.
	Chief, Laboratory of Sensorimotor Research.
	Chief, Lab of Ophthalmic Pathology.
	Assoc Dir, Biometry & Epidemiology Prog.
	Dep Assoc Dir, Biometry & Epidemiology Prog.
NIH Clinical Center	Assoc Dir for Clinical Care/Dir, Clinical Ctr.
	Health Systems Administrator.
	Associate Director for Planning.
Division of Computer Research & Tech.	Chief, Computer Center Branch.
	Chief, Physical Sciences Lab.
	Chief, Data Management Branch.
Division of Research Resources.	Dir, Div of Research Resources.
	Dep Dir, Div of Res Resources.
	Dir, Gen Clinical Res Center Program Branch.
Division of Research Grants.	Associate Director for Referral and Review.
	Assoc Dir for Statistics & Analysis.
Division of Research Services.	Chf Biomedical Engineering & Instrumentation.
National Center for Nursing Research.	Director National Cntr for Nursing Research.
Ofc of Actuary	Chf Actuary.
	Dep Chief Actuary (Long-Range)
	Dep Chief Actuary Short Range SSA.
Ofc of Systems Integration.	Director, Office of Programmatic Systems.
Ofc of Systems Operations.	Dir, Ofc of Computer Processing Operations.
Ofc of Systems Requirements.	Dir, Office of Claims & Payment Requirements.
	Dir, Ofc of Planning Control & Validation.
	Dir, Ofc of Pre-Claims Requirement.
Ofc of Management	Director, Office of Acquisition and Grants.
Ofc Inf Mgmt Acquisitions & Logistics.	Assoc Comr for Info Mgmt, Acquisition & Logis.
	Dir, Ofc of Materiel Resources.
Office of the Chief Financial Officer.	Chief Financial Officer.
Ofc of Financial Policy & Operations.	Assoc Comr, Office of Fin Policy & Operations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Dep Assoc Comm Financial Policy & Operations.
Office of Program and Integrity Reviews.	Assoc Commr Program and Integrity Review.
Family Support Administration.	Assoc Admin Ofc of Financial Management.
	Assoc Admr, Ofc of Mgmt and Info Systems.
Department of Housing and Urban Development	
Office of the Inspector General.	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Assistant Inspector General for Audit.
	Asst IG for Fraud Control & Mgmt Operations.
	Deputy Asst Inspector Gen for Audit Operation.
	Dep Asst IG for Audit Plng & Qlty Assurance.
Assistant Secretary for Administration.	Deputy Director, Ofc of Personnel & Training.
	Director, Office of Finance & Accounting.
	Dir, Mortgage Insurance Acctng & Serv Group.
	Director, Ofc of Procurements & Contracts.
	Director, General & Program Accounting Group.
	Deputy Director, Office of Finance & Accounting.
	Dep Dir for Accounting Policy & Planning.
	Special Projects Officer.
Asst Secy for Fair Housing and Equal Opportunity.	Dir, Ofc of HUD Program Compliance.
	Dir, Ofc of Fair Housing Enforce and Sec 3.
Asst Secy for Community Planning and Development.	Dir, Office of Environment and Energy.
Region II—New York	Manager.
Region III—Philadelphia	Manager.
Region IV—Atlanta	Manager.
Region V—Chicago	Manager.
	Manager.
	Manager.
	Manager.
Region VI—Dallas	Manager.
	Manager.
Region IX—San Francisco.	Manager.
Department of Interior	
Ofc of the Inspector General.	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Deputy Asst Inspector General for Audits.
Ofc of the Solicitor	Deputy Assoc Solicitor, General Law.
	Asst Solicitor Bureau of Parks and Recreation.
	Special Asst to the Assoc Solicitor—Gen Law.
	Dep Associate Solicitor—Energy & Resources.
	Dep Associate Solictor—Indian Affairs.
Asst Secy for Policy, Budget & Administration.	Chief, Division of Acquisition and Grants.
	Asst Dir for Economics.
	Chief, Div of Budget Operations (A).
	Asst Dir for Speical Analysis.
	Dep Agcy Ethics & Audit Coordination Officer.
	Chief Division of Budget Operations (B).
	Chief Div of Budget Admin.
Nat'l Park Service	Senior Scientist.
	Science & Technology Advisor.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Asst Dir Minority Business Enterprise.
US Fish & Wildlife Service.	Deputy Associate Director—Research.
	(Special Assistant to the Director).
	Dep Asst Dir—Fish & Wildlife Enhancement.
	Dep Asst Dir—Pol, Budget & Adminsitration.
	Exec Dir—North American Waterfowl Plan.
	Research Director Patuxent Research Center.
	Director, National Ecology Center.
	Dep Asst Dir—Fish & Wildlife Enhancement.
	Asst Regl Dir—Techn & Adm Servcies.
	Special Assistant to the Director.
Bureau of Mines	Resch Dir, Pittsburgh Research Center.
	Research Dir, Twin Cities Research Ctr.
	Research Director, Albany Research Ctr.
	Staff Asst to Deputy Assoc Dir Research.
	Chf, Ofc of Regulations Projects Coordination.
	Chief Division of Environmental Technology.
	Deputy Associate Director Research.
	Chief Division of Mineral Commodities.
	Asst Associate Dir—Finance and Management.
	Deputy Assoc Dir Info & Analysis.
	Chief Division of Health Safety & Min Tech.
	Stf Asst to the Dep Assoc Dir—Info Analysis.
Bureau of Reclamation	Chief, Div of Atmospheric Water Resources Mgm.
	Chief Div of Research & Lab Services.
	Chief Division of Planning.
	Director, Program Services Offices.
	Deputy Asst Commissioner Eng & Research.
	Deputy Assistant Commissioner Administration.
	Chief Divison of Water & Land.
	Deputy Ass Commissioner-Resources Management.
	Project Manager/Arizona Projects Office.
	Spec Asst to the Asst Commr—Engr & Res.
	Chief Div Prog Coordination & Finance.
U.S. Geological Survey	Staff Geologist for NPRA/Alaska Activities.
National Mapping Div	Chief, National Mapping Division.
	Associate Chief, National Mapping Division.
	Chief, EROS Data Center.
	Asst Division Chief for Plans Operations.
	Chief Western Mapping Center.
	Chief Mid-Continent Mapping Center.
	Chief Rocky Mountain Mapping Center.
	Asst Div Chief for Information & Data Svc.
	Chief Eastern Mapping Center.
	Asst Div Chf for Research.
	Digital Cartography Program Manager.
Water Resources Div	Chief Hydrologist.
	Assoc Chief Hydrologist.
	Regl Hydrologist Central Reg Lakewood.
	Chief, Branch of Ground Water.
	Regl Hydrologist, Southeastern Region.
	Regional Hydrologist, Western Region.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Regional Hydrologist, Northeastern Region.
	Asst Chf Hydrologist for Operations.
	Asst Chief Hydrologist for Scien Info Mgmt.
	Asst Chf Hydrologist for Water A & D Coord.
	Asst Chf Hydro for Res & Extnl Coordination.
	Asst Chf Hydrologist/Prog Coord & Tech Supp.
	Chf, Ofc of Atmospheric Deposition Analysis.
	Chf, Ofc of Hydrologic Research.
	Chief, Wrsic Program.
	Chief, Office of Water Quality.
	Chf, Br of Water Information Transfer.
	Chief, Office of Surface Water.
	Chief, Office of External Research.
	Water Research Program Manager.
Geologic Div	Chief Geologist.
	Chief, Ofc of Earthquakes, Volcanoes & Engr.
	Chief, Ofc of Scientific Publications.
	Assoc Chf Geologist.
	Chf Ofc of Mineral Resources.
	Chief, Office of Energy & Marine Geology.
	Chief, Office of International Geology.
	Chief, Office of Regional Geology.
	Asst Chief, Ofc of Energy & Marine Geology.
	Assistant Chief, Geology for Programs.
	Staff Assistant to Chief Geologist.
Bureau of Land Management.	Dep Asst Dir, Lands & Rewable Resources.
	Deputy Asst Dir Management Services.
	Asst Dir Fluid Leasable Minerals.
	Director, Boise Interagency Fire Center.
	Asst Dir Solid Leasable Minerals.
	Special Liaison for Tribal & Indian Lands.
Ofc of Surface Mining Reclam & Enforcement.	Administrator-Technical Center-West
	Dep Asst Dir Eastern Fld Ops (Programs Ops)
	Spec Asst to the Asst Dir for Prog Operations.
	Asst Dir for Eastern Field Operator
	Assistant Director, Western Field Operations.
Minerals Management Service.	Regional Director, Gulf of Mexico OCS Region
	Dep Associate Director for Offshore Leasing.
	Chief, Leasing Management Division.
	Regional Manager, Atlantic OCS Region.
	Regional Manager, Alaska OCS Region.
	Assistant Assoc Dir for Offshore Minerals Mgt.
	Regional Manager, Pacific OCS Region.
	Asst Assoc Dir for Intl Prog & SCM.
	Dep Associate Dir for Offshore Operations.
	Dep Assoc Dir for Collection & Disbursement.
	Prog Dir, Ofc of Strategic & Internatl Minls.
	Prog Dir Ofc of Strat & Inter Minerals Mgmt.
	Spec Asst to the A/D Offshore Minerals Mgmt.
	Dep Assoc Dir for Valuation & Audit.
Bureau of Indian Affairs	Director of Administration.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Dir, Facilities Management Operations.
	Deputy Area Director.
International Development Cooperation Agency	
Agency for International Development.	Asst to the Admr for Personnel & Fin Mgmt.
Ofc of the General Counsel.	Deputy General Counsel.
Office of the Inspector General.	Asst Inspector General for Security.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Deputy Inspector General.
Office of Equal Opportunity Programs.	Dir Ofc of Equal Opportunity Programs.
Bureau for Management	Assistant to the Administrator for Management.
Office of Financial Management.	Controller and Senior Financial Officer.
	Deputy Controller.
Office of Personnel Management.	Dep, Dir, Office of Personnel Management.
Directorate for Program and Management Services.	Associate Director for Management.
	Dir Office of Information Resource Management.
	Deputy Dir for Program Operations.
	Director Office of Procurement.
	Deputy Director Office of Infor Res Manag.
	Dir, Ofc of Management Operations.
Interstate Commerce Commission	
Office of the General Counsel.	Assoc Gen Counsel—Litigation.
	Dep Gen Counsel Research & Legislation.
Ofc of the Managing Director.	Dir of Personnel.
Bureau of Accounts	Director, Bureau of Accounts.
	Deputy Director.
	Director Bureau of Accounts.
Bureau of Traffic	Dir, Bureau of Traffic.
Office of Compliance & Consumer Assistance.	Deputy Director for Enforcement.
	Assoc Dir, Ofc of Compliance & Consumer Asst.
	Director.
	Associate Director—Policy & Review.
Regional Offices	Regional Director (Philadelphia).
	Regional Director (Chicago).
	Regional Director (San Francisco).
Office of Proceedings	Deputy Director.
	Deputy Director.
	Assistant Deputy Director.
Department of Justice	
Office of the Attorney General.	Counsel on Professional Responsibility.
	Dep Counsel on Professional Responsibility.
Justice Management Division.	Dep Asst Attorney Gen; Info & Admin Svc.
	Asst Attorney General for Administration.
	Prin Dep Asst Atty General for Administration.
	Dir Audit Staff.
	Dir. Security & Emergency Planning Staff.
	Dir Library Staff.
	Deputy Director Audit Staff.
	Dir, Facilities and Administrative Svc Staff.
	Gen Coun to the Asst Attorney Gen for Admin.
	A/A Atty Gen, Ofc of the Asst Atty Gen Adm.
	Associate Assistant Attorney General.
	Director Management and Planning Staff.
	Director, Budget Staff.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Senior Management Counsel.
	Procurement Executive.
Office of the Controller	Dep Asst Attorney General; Controller.
	Dir Finance Staff.
	Director, Evaluation Staff.
	Special Projects Officer.
	Deputy Comptroller.
	Dep Asst Atty Gen for Debt Collection.
	Asst Dir, Management & Planning Staff.
Office of Personnel and Administration.	Director Personnel Staff.
	Director General Services Staff.
Office of Info & Admin Services.	Deputy Assistant Attorney General.
	Dir Computer Techn & Telecommunications Staff.
	Director, Systems Policy Staff.
	Dir, Legal and Informations Systems Staff.
	Director, Information Systems Staff.
Executive Office for Immigration Review.	Chief Immigration Judge.
	Assistant to the Director.
	Chief Admin Hearing Officer.
Antitrust Division	Chief Economic Litigation Section.
Immigration and Naturalization Service.	Comptroller.
	Asst Commissioner for Detention & Deportation.
	Assistant Commissioner for Border Patrol.
	Asst Commissioner for Employment Cooperation.
Associate Commissioner for Information Systems.	Assistant Commissioner for Records Systems.
Associate Commissioner for Examinations.	Asst Commissioner for Adjudication & Natural.
	Asst Comm for Inspections.
Associate Commissioner for Enforcement.	Assistant Commissioner for Investigations.
Associate Commissioner for Management.	Asst Commissioner for Administration.
Community Relations Service.	Regl Director, Region IX, San Francisco.
Ofc of the Associate Attorney General.	Exec Asst to the Assoc Atty Gen for Mgt Issue.
Executive Ofc for U.S. Attorneys.	Dir Ofc of Mgnt Information Systems Support.
	Dir, Office of Administration & Review.
U.S. Parole Commission	Executive Director.
Federal Prison System	Asst Dir for Planning and Development.
	General Counsel.
	Assoc Commr, Fed Prisons Industries, Unicor.
	Dep Assoc Commr-Sec, Fed Prison Industries, I.
	Dep Assoc Comm for Fed Prison Industries.
	Dep Asst Dir for Edu and Vocational Training.
	Deputy Asst Dir for Admin.
	Deputy Associate Commissioner.
	Deputy Director.
	Corrtl Prog Admr Asst Dir for Human Res Mgmt.
	Correctional Prog Admr Asst Dir for Prog Rev.
	Dep Asst Dir for Program Review.
Office of Correctional Programs.	Dep Asst Dir for Correctional Programs.
	Asst Dir Correctional Programs Div.
Northeast Region	Regional Director.
	Warden, Lewisburg, PA.
	Warden, Otisville, New York.
	Warden-Petersburg, VA.
	Warden, Metro Corr Center NY.
	Warden, Danbury Conn.
	Warden, Ft Worth Texas.
Southeast Region	Regional Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Warden, Atlanta.
	Warden, Lexington Kentucky.
	Warden, Butner North Carolina.
	Correctional Institution Admin (Warden).
North Central Region	Regional Director.
	Warden, Leavenworth Kansas.
	Warden, Springfield MO.
	Warden, Marion IL.
	Warden, Terre Haute, IN.
	Warden, Rochester MN.
South Central Region	Regional Director.
	Warden, El Reno Okla.
Western Region	Regional Director.
	Warden, Terminal Island, CA.
	Warden, Lompoc, CA.
	Correctional Institution Admr (Warden).
Ofc of Justice Programs	Gen Counsel.
	Comptroller, Ofc of the Comptroller.
National Institute of Justice.	Asst Dir, Ofc of Research Programs.
	Asst Dir, Ofc of Dev Testing & Dissemination.
Bureau of Justice Statistics.	Deputy Dir, Bureau of Justice Statistics.
U.S. Marshals Service	Associate Director for Administration.
	Associate Director for Operations.
	Assistant Director for Inspections.
	Assistant Director for Financial Management.
	Comptroller.
	Asst Dir, Operations Support.
Department of Labor	
Ofc of the Inspector General.	Deputy Inspector General.
	Asst Inspector Gen for Investigations.
	Asst Inspector Gen for Audit.
	Deputy Assistant Inspector General for Audit.
	Dir Ofc Resource Mgnt & Legislative Assmt.
	Asst Inspector Gen for Labor Racketeering.
	Dep Asst Insp Gen for Labor Racketeering.
Office of the Deputy Secretary.	Director, DOL Academy.
Office of the Solicitor	Deputy Solicitor (Regional Operations).
	Associate Solicitor for Labor-Management Laws.
	Assoc Solicitor for Plan Benefits Security.
	Assoc Solicitor for Civil Rights.
	Assoc Solicitor for Occupational Safety & Hlt.
	Assoc Solicitor for Mine Safety & Health.
	Assoc Solicitor for Fair Labor Standards.
	Assoc Solicitor for Employee Benefits.
	Associate Solicitor for Spec Litigation.
	Assoc Sol for Spec Appel & Sup Court Lit.
	Dep Solicitor for Planning and Coordination.
	Dir, Office of Management.
	Associate Solicitor for Black Lung Benefits.
Regional Solicitors	Regional Solicitor.
	Regional Solicitor Region IV—Atlanta.
	Regl Solicitor Boston.
	Regl Solicitor New York.
	Regional Solicitor Philadelphia.
	Regl Solicitor Dallas.
	Regl Solicitor Kansas City.
	Regl Solicitor San Francisco.
OAS for Administration and Management.	Asst Sec'y for Admin & Mgmt.
	Dep Asst Sec for Adm and Mgmt.
	Director, Office of Budget.
	Dir of Management Policy and Systems.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Comptroller for the Department.
	Dir of Personnel Management.
	Dep Dir of Personnel Management.
	Deputy Comptroller.
	Dir Ofc of Information Technology.
	Deputy Director Office of Civil Rights.
	Dir, Ofc of Civil Rights.
	Dir Natl Capital Service Center.
	Director of Information Resources Management.
	Dir, Administrative & Procurement Programs.
Office of Management, Administration and Planning.	Dir Ofc of Mgmt, Administration and Planning.
Ofc of Federal Contract Compliance Programs.	Director Division of Programs Operations.
Wage and Hour Division	Asst Admin for Program Operations.
	Asst Admin for Policy Planning & Review.
Ofc of Workers Compensation Programs.	Dir Federal Employees Compensation.
	Dir Coal Mine Workers Compensation.
Pension & Welfare Benefits Administration.	Director of Enforcement.
	Assoc Dir for Regulations & Interpretations.
	Director of Program Services.
	Deputy Director of Program Services.
	Senior Dir of Policy & Legislative Analysis.
	Dep Asst Secy for Program Operations.
Office of Labor Management Standards.	Dir Ofc of Standards, Tech Asst & Disclosure.
	Dir Ofc of Elect Trustshp/Intern'l Union Audt.
Bureau of Labor Statistics.	Associte Commissioner for Field Operations.
Data Analysis	Assoc Commr, Economic Growth.
	Assoc Comr for Prices and Living Conditions.
	Assoc Commr Productivity & Technology.
	Assoc Comr for Research & Evaluation.
	Assoc Comm for Employment & Unempl Statistics.
	Asst Commr for Consumer Prices & Price Indexes.
	Asst Commr for Indust Prices & Price Indexes.
	Assistant Commissioner for Economic Research.
	Asst Commissioner for Federal-State Programs.
	Asst Commissioner for Current Employ Analysis.
	Asst Comr for Compensation Levels & Trends.
	Asst Comr for Safety, H & W Conditions.
	Assoc Comr Compensation & Working Conditions.
Administrative and Internal Operations.	Dep Comm for Adm and Internal Operations.
	Assistant Commissioner for Administration.
	Director of Survey Processing.
	Dir of Technology & Computing Svcs.
	Asst Comr for Technology & Survey Processing.
Office of Employment Security.	Director, Ofc of Trade Adjustment Assistance.
Office of Financial & Administrative Management.	Comptroller.
	Admr, Ofc of Financial & Administrative Mgmt.
	Dir, Ofc of Information Resources Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Dep Admr for Information Resources Management.
Administrative Programs	Dir, Adm Progs.
Health Standards Programs.	Dir Health Standards Programs.
Safety Standards Programs.	Director Safety Standards Programs.
Federal/State Operations.	Director, Federal/State Operations.
Technical Support	Dir Tech Support.
Mine Safety and Health Administration.	Chf of Standards, Regulations & Variances.
	Director of Administration and Management.
	Director of Technical Support.
Merit Systems Protection Board	
Ofc of the Executive Director.	Managing Dir.
	Director, Office of Policy & Evaluation.
	Dep Exec Dir for Regional Operations.
	Executive Director.
	Director, Office of Administration.
	Dep Executive Director for Management.
Ofc of General Counsel	Deputy General Counsel.
Office of Appeals Counsel.	Deputy Director Office of Appeals Counsel.
Regional Offices	Regional Director, San Francisco.
	Regional Director, Chicago.
	Regional Director, Atlanta.
	Regional Director, Philadelphia.
	Regional Director, Dallas.
	Regional Director, Washington, D.C.
National Aeronautics and Space Administration	
Office of the Assoc Admr for Policy.	S/A to the Assoc Admr for Policy Integration.
Office of the Comptroller.	Asst Compt for Prog Status Rev & Cost Assess.
	Technical Assistant to the Comptroller.
Institutional Analysis Division.	Director Institutional Analysis Division.
Financial Management Division.	Dir Financial Mgmt Div.
	Dep Dir, Financial Management Div.
Resources Analysis Division.	Deputy Director Resources Analysis Div.
Ofc Safety Reliability Maintainability & Qual Assur.	Director, Safety Division.
	Dir, Reliability & Quality Assurance Division.
	Special Assistant.
	Dep Assoc A/S, Reliability, M/Q Assurance.
	Director, Engineering Division.
	Director, Programs Assurance Division.
Ofc of the Assoc Admr, Space Science and Applications.	Asst Assoc Administrator (Institutions).
	Special Asst for Flight Programs.
Organization Abolished	Manager, Information Systems Office.
Earth Science and Applications Division.	Dep/Dir Earth Science & Applications Division.
	Chief, Oceanic Processes Branch.
	Chief, Flight Programs Branch.
	Chf, Upper Atmospheric R/T Chemistry Branch.
	Chf, Atmospheric Dynamics and Radiation Br.
	Chief Land Processes Branch.
Communications Division.	Dep Dir, Communications & Info Syst Div.
	Chf, Information Systems Branch.
Life Sciences Division	Assistant Director for Program Management.
	Chief, Space Medicine & Biology Branch.
	Chief, Flight Programs Branch.
	Dep Dir, Life Sciences Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Administration and Resources Management Division.	Dep Dir, Administration & Resources Mgmt Div.
Solar Systems Exploration Division.	Dep/Dir, Solar System Exploration Division.
	Chief Scientist (Geodynamics Program).
	Chief, Geodynamics Branch.
	Chief, Mission Operations Branch.
	Chief, Planetary Science Branch.
	Dep Dir for Adv Studies, Solar Sys Explin Div.
Flight Systems Division	Mgr, Adv Instrumentation & Sensor Engineer.
	Chf, Space Station Utilization Branch.
	Chief Astrophysics Payload Branch.
	Chief Microgravity Payloads branch.
	Deputy Dir Flight Systems Division.
Astrophysics Division	Dep Dir. Astrophysics Division.
	Manager, Advanced Programs & Technology.
	Chf, High Energy Astrophysics Br.
	Chief, Astronomy/Relativity Branch.
	Asst Director, Astrophysics Div (Technical).
	Chief, Flight Programs Branch.
	Chf, Observatories Development & Operations.
Microgravity Sciences and Applications Div.	Dep Dir, Microgravity Sci & Applications Div.
	Dep Dir, Microgravity Science Applications Div.
Space Physics Div	Chief, Solar Physics Branch.
	Dep Dir, Space Physics Division.
	Dir, Space Telescope Development Division.
	Director, Space Physics Division.
Office of Procurement	Asst Admr for Procurement.
	Deputy Asst Admr for Procurement.
	Director, Program Operations Division.
	Director, Procurement Policy Division.
	Dir, Procurement Management Division.
	Dir, Contract Pricing & Finance Office.
Admr Ofc of Asst for Commercial Programs.	Dir, Commercial Development Division.
	Deputy Assistant Administrator (Programs).
	Dir, Small Business Innovation Res Office.
	Spec Asst to the Asst Admr.
Industry Relations Division.	Dep Dir, Industry Affairs Division.
Educational Affairs Division.	Director, Educational Affairs Division.
Congressional Relations Office.	Dep Asst Admin for Congrl Relations (Oper).
	Dir, Congressional Liaison Division.
Ofc of the Assoc Admr Space Flight.	Manager Operations Intergation Office.
	Dir, Strategic Planning Office.
	Dir, Program Plans & Information.
	Dir, Safety Reliability & Quality Assurance.
Unmanned Launch Vehicle and Upper Stages Div.	Dir, Unmanned Launch Vehs & Upper Stgs Div.
	Dep Dir, Unmanned Launch Vehicles & Upper Stag.
	Chf, Orbital Maneuvering Vehicle Program.
Shuttle Carrier Systems Division.	Dep Dir, Shuttle Carrier Systems Division.
Advanced Program Development Division.	Chief, Development Branch.
	Director, Special Programs.
	Deputy Director, Advanced Programs Division.
	Chief Advanced Transportation Branch.
Resources Management.	Deputy Director, Resources & Institutions Office.
Transportation Services	Director, Transportation Services Office.
	Director, National Security & DOD Affairs Office.
Organization Abolished	Director, Space Flight/Space Station Integration Office.
National Space Transportation System.	Chief, Commercial & Foreign Utilization Branch.
	Chief, NASA Utilization Branch.
	Manager, Operations Integration Office.
	Deputy Manager, NSTS Program.
	Deputy Director, National Space Transportation System.
	Manager, Engineering Integration Office.
	Manager, Integration and Operations.
	Deputy Manager, National Space Transportation System Operations.
	Manager, Shuttle Projects Office.
System Engineering and Analysis.	Director, Shuttle Orbiter Division.
Propulsion Division	Director, Shuttle Propulsion Division.
Operations Utilization	Director, Kennedy Space Center Projects Division.
	Director, Operations Utilization Directorate.
	Deputy Director, Operations Utilization Directorate.
Office of the Associate Administrator, Management.	Director, Aircraft Management Office.
Facilities Management	Deputy Assistant Associate Administrator for Facilities Management.
Logistics and Security	Director, Logistics & Security Division.
Personnel and General Management.	Deputy Assistant Associate Administrator for Personnel & General Management.
	Assistant Associate Administrator for Personnel & General Management.
Information Systems Division.	Chief, Scientific and Technical Information Branch.
	Assistant Associate Administrator for Information Research Management.
	Deputy A/A Administrator for Information Research Management Policies & Systems.
Office of Exploration	Deputy Assistant Administrator for Exploration.
Headquarters Operations.	Deputy Assistant Administrator for Headquarters Operations.
	Director, Information System & Technology Division.
	Director, Headquarters Building Consolidation Project Office.
Office of the Associate Administrator, Aeronautics and Space Technology.	S/A to the Associate Administrator Aeronautics/Space Technology (E/T).
Office of Director for Aeronautics.	Deputy Director for Aeronautics (Program Development).
	Assistant Director for Aeronautics (Rotorcraft).
	A/D for Aeronaut (General Aviation & Transportation Aircraft).
	Director for Aeronautics (High-Performance Aircraft).
Office of Director for Space.	Manager, Civil Space Technology Initiative.
	Assistant Director for Space (Spacecraft Technology).
	Assistant Director for Space (Space Station Technology).
	Deputy Director for Space.
Office of Director for Institutions.	Deputy Director for Resources.
	Director, Resources & Management Systems Office.
	Director for Institutions.
Materials & Structures Division.	Director, Materials and Structures.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Propulsion, Power, & Energy Division.	Director, Propulsion, Power and Energy Division.
National Aerospace Planes Office.	Director, National Aero-Space Plane Office.
	National Aero-Space Plane Director for NASA (DARPA).
	Deputy Director, National Aero-Space Plane Office.
Office of Associate Administrator for Space Station.	Senior Engineer.
	S/A to the Associate Administrator for Space Station.
Information Systems Division.	Director, Information Systems Division.
Policy Division	Deputy Director, Policy Division.
	Director, Policy Division.
Utilization Division	Deputy Director, Utilization Division.
	Special Assistant to the Director for Technology.
	S/A to the Director for Utilization Requirements.
	Director, Utilization Division.
Strategic Plans Programs Division.	Deputy Director, Strategic Plans & Programs Division.
	Director, Strategic Plans & Programs Division.
Resources & Administration Division.	Deputy Director, Resources & Administration Division.
	Director, Resources & Administration Division.
Space Station Program Office.	Director, Software Engineering & Technology Division.
	Associate Program Director.
	Director, Data Systems Services Division.
	Deputy Director, Space Station Program Office.
	Associate Program Director for Integration.
	Director, Information Systems Management Division.
	Director, User Integration Division.
	Director, Space Station Information System Development Division.
Program Control Group	Director Program Control Group.
Program Integration Office.	Director, Program Integration Office.
Utilization & Operations Group.	Director, Ground Operations Division.
	Dir, Program Utilization & Operations Group.
	Dep Dir, Utilization & Operations Group.
	Dir, Planning & Analysis Division.
Programs System Engineering & Integration Group.	Dep Dir, Prog Syst Eng & Integration Group.
	Dir, System Engineering Division.
International Programs Group.	Dep Dir, Program Control Group.
	Deputy Dir, International Progs Group.
	Asst Dir, International Programs Group.
Ofc of the Assoc Admr Space Operations.	Assistant Associate Administrators (Plans).
Network System Division.	Dep Dir, Ground Network Division.
	Manager, Space Network Operations.
	Dir, Ground Network Division.
Communications and Data Systems Division.	Dir, Communications & Data Systems Div.
	Dep Dir, Communication & Data Systems Div.
TDRSS Division	Deputy Director, TDRSS Division.
	Manager Tracking & Data Relay Satel Sys Prog.
Discrimination Complaints Division.	Director, Discrimination Complaints Division.
Office of the Inspector General.	Assist Inspector General for Investigation.
	Assistant Inspector General for Auditing.
Ames Research Center	Assoc Dir, NASA Ames Res Ctr.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Chief Engineer.
	Chief Ofc of Safety Reliability & Qual Assura.
	Asst to the Center Dir for Advanced Systems.
Administration Directorate.	Comptroller.
Aerospace Systems Directorate.	Chief, Aerodynamics Division.
	Chf, Ames Res Aircraft Operations Division.
	Chf, Flight Systems & Simulation Rsch Div.
	Chf, Rotocraft & Powered-Lift Flight Proj Div.
	Deputy Dir, Aerospace Systems Directorate.
Space Research Directorate.	Deputy Director of Space Research.
	Chief, Life Sciences Division.
	Chief, Aero-Space Human Factors Research Div.
Engineering and Technical Services Directorate.	Dep Director, Engineering & Tech Svcs.
Aerophysics Directorate	Chief, Space Science Division.
	Chief, Computational Fluid Dynamics Branch.
	Chf, Systems Engineering Div.
	Deputy Director of Aerophysics.
	Chief, Full Scale Aerodynamics Research Center.
	Chief, Fluid Dynamics Division.
	Chief, Computer Systems & Research Division.
	Chief, Thermoscience Division.
	Chief, Information Sciences Division.
	Dir, Numerical Aerodynamics Simu Sys Div.
Flight Operation and Research Directorate.	Chief, Science & Applications Aircraft Div.
	Chf Engineer.
	Chf, Dryden Research Aircraft Operations Div.
	Chief, Research Engineering Division.
Goddard Space Flight Center.	Comptroller.
	Assoc Dir for Programs.
Management Opers Directorate.	Dep Dir of Management Operations.
	Associate Director for Acquisition.
Flight Assurance Directorate.	Director of Flight Assurance.
	Dep Dir of Flight Assurance.
Flight Projects Directorate.	Deputy Director of Flight Projects.
	Dep Dir Flight Proj Space Telescope Goddard.
	Assoc Dir of Flight Proj for Mission Systems.
	De Dir Flight Proj Plng Business Management.
	Proj Mgr, Tracking & D/R Satel Syst (TDRSS).
	Dep Dir of Flight Proj for Space Stat-Goddard.
	Project Mgr, Upper Atmosphere Res Satelite.
	Project Manager, METSAT Project.
	Project Manager, Gamma Ray Observatory.
	Proj Mgr, Hubble Space Telescope Prog-Goddard.
	Assoc Dep Dir of Flt Proj/Space Sta Proj-Gdd.
	Project Manager, Satellite Servicing Project.
	Proj Mgr, Intl Solar Terr Physics Proj (ISTP).
Mission Operations & Data Systems Directorate.	Chief, Mission Operations Division.
	Assoc Dir of Mission Operations & Data Syst.
	Deputy Dir of Mission Operations & Data Sys.
	Chief Network Division.
	Chief, Flight Dynamics Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Space & Earth Sciences Directorate.	Head, Electrodynamics Branch.
	Chief, Lab for High Energy Astrophysics.
	Chief, Lab for Astronomy and Solar Physics.
	Chief, Lab for Extraterrestrial Physics.
	Asst Dir for Space Station (Mission Planning).
	Chief Laboratory for Atmospheres.
	Chief, Space Data and Computing Division.
	Special Assistant to the Director.
	Chief, Laboratory for Terrestrial Physics.
	Dep Dir, Space and Earth Sciences.
	Chief Laboratory for Oceans.
	Associate Director for Program Planning.
	Associate Director for Space Station.
	Chief, Goddard Institute for Space Studies.
Engineering Directorate	Dep Dir of Engineering.
	Chief, Instrument Division.
	Chf, Applied Engineering Div.
	Chief, Space Technology Division.
	Chief Engineering Directorate.
	Asst Dir of Engineering for Development Proj.
	Assistant Director for Technical Resources.
	Chief. Space Technology Division.
Johnson Space Center	Assistant Director (Plans).
	Dir of Public Affairs.
	Executive Assistant to the Director.
	Spec Asst for Engineering Operations & Safety.
	Technical Asst to the Director.
	Director of Human Resources.
	Special Assistant to the Director.
New Initiatives Office	Manager New Initiatives Office.
	Mgr Crew Emergency Return Vehicle Office.
Center Support	Deputy Dir Center Operations.
	Dir Admin.
	Dir of Procurement
	Deputy Director, Administration
	Dir Center Operations.
	Assistant Director, Administration.
Space Operations	Chief, Aircraft Operations Division.
	Chief Training Division.
	Director, Mission Operations.
	Deputy Director, Mission Support.
	Chief, Systems Division.
	Asst Dir for Systems.
	Chief, Flight Director Office.
	Deputy Director, Mission Operations.
	Dep Dir, Flight Crew Operations.
	Chief, Spacecraft Software Division.
	Assoc. Dir for Information Systems Planning.
Research & Engineering.	Deputy Director, Engineering.
	Chief, Tracking & Communications Division.
	Chief, Propulsion & Power Division.
	Chief, Structures and Mechanics Division.
	Chief, Crew & Thermal Systems Division.
	Chief, Solar System Exploration Division.
	Chief, Medical Sciences Division.
	Deputy Director, Space and Life Sciences.
	Assistant Director, Engineering.
	Director, Engineering.
	Chief, Systems Development & Simulation Div.
	Chf, Avionics Systems Division.
Natl Space Transp Sys Prog Ofc.	Manager Sts Integration & Operations Ofc.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Dep Manager Sts Integration & Operations Ofc.
	Chf, Man-Systems Division.
	Deputy Manager Sts Orbiter Gfe Projects Ofc.
	Manager Sts Orbiter & Gfe Projects Office.
	Deputy Manager Sts Orbiter & Gfe Projects Ofc.
Space Station Project Office.	Manager, Data Management & Operations Office.
	Manager for Development
	Dep Mgr, Space Station Projects Office.
Safety, Reliability & Quality Assurance.	Dir Safety, Reliability & Quality Assurance.
	Dep Dir, Safety, Reliability & Qual Assurance.
Sts Operations Program Office.	Manager Operations Integration Office.
	Asst to the Mgr Operations Integration Office.
	Asst Manager for Policy.
NASA White Sands Test Facility.	Manager, NASA White Sands Test Facility.
Kennedy Space Center	Director, Procurement.
	Dir, Exec Management Ofc.
	Associate Deputy Director.
Biomedical Office	Chf, Biomedical Office.
Public Affairs	Dir Public Affairs.
Safety, Reliability and Quality Assurance.	Director, Safety and Reliability.
	Director, Protective Services.
	Director, Quality Assistance.
Shuttle Management Operations.	Manager Space Station Projects Office.
Center Support Operations.	Director of Center Support Operations.
	Deputy Director of Center Support Operations.
Engineering Development.	Deputy Director of Engineering Development.
Project Management	Director, Project Management.
Mechanical and Facilities Engineering.	Dir, Mechanical Engineering.
Electronic Engineering	Director, Electronic Engineering.
Cargo Management and Operations.	Dep Dir of Cargo Operations.
Sts Cargo Operations	Director, Sts Payload Operations.
Deployable Payloads	Director, Deployable Payloads.
Shuttle Projects Office	Director, Shuttle Operations.
	Director, Ground Engineering.
Shuttle Logistics	Director, Shuttle Logistics.
Electronics Directorate	Chf, Analysis & Computation Division.
	Chf, Flight Electronics Division.
	Chf, Instrument Research Division.
	Chief, Projects Division.
Structures Directorate	Chf, Acoustics Division.
	Chief Structural Mechanics Division.
	Chf, Materials Division.
	Chief, Loads and Aeroelasticity Division.
Aeronautics Directorate	Chief, Advanced Vehicles Division.
	Chief Transonic Aerodynamics Div.
	Chief, Low-Speed Aerodynamics Division.
	Deputy Director for Aeronautics.
	Chief, High Speed Aerodynamics Division.
	Manager, Hypersonic Technology Office.
Space Directorate	Chief, Space Systems Division.
	Chief Atmospheric Sciences Division.
	Deputy Manager, Space Station Office.
	Manager Evolutionary Definition Office.
	Deputy Director for Space.
Systems Engineering and Operations Directorate.	Dep Dir for Syst Engineering & Operations.
	Chief Facilities Engineering Division.
	Chief Systems Engineering Div.
Flight Systems Directorate.	Chief Information Systems Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Chf, Guidance and Control Division.
	Chief Flight Management Division.
Lewis Research Center	Director, Ofc of Interagency & Industry Prog.
	Chf, Ofc of Sfty, Reliability & Quality Assur.
Administration & Computer Services.	Chief, Computer Services Division.
Aeronautics Directorate	Chief Internal Fluid Mechanics Division.
	Chf, Propulsion Systems Div.
	Chief, Instrumentation & Control Technol Div.
	Chief Technologist.
	Manager, Aeropropulsion Project Development.
	Chf, Aeropropulsion Facilities & Exper Div.
Space Station Systems Directorate.	Dep Dir of Space Station Systems.
	Chief, Photovoltaic Power Module Division.
	Chf Sys Engineering & Integration Division.
	Chief, Power Technology Division.
Aero Space Technology Directorate.	Chief, Space Propulsion Technology Division.
	Chief, Materials Division.
	Chief, Structures Division.
Space Flight Systems Directorate.	Manager Launch Vehicle Project Office.
	Manager, Acts Project Office.
	Chief, Space Experiments Division.
	Chief, Space Electronics Divsion.
Engineering & Technical Services Directorate.	Director of Engineering.
	Deputy Director of Engineering.
Marshall Space Flight Center.	Center Comptroller, NASA, MSFC.
	Associate Director.
	Executive Assistant to the Director.
	Dir, Admin Operations Office.
	Manager, Advanced Propulsion Systems Office.
Office of Sfty, Rel & Quality Assurance.	Director, Quality Assurance Office.
	Dir, Systems Safety & Reliability Office.
	Dir, Sfty, Rel, Maint, & Quality Assurance.
Science and Engineering.	Dep Dir, Science, & Engineering.
	Chief Engineer, Hubble, Space Telescope.
	Dir, Materials & Processes Laboratory.
	Director, Space Sciences Lab.
	Director, Propulsion Laboratory.
	Director, Syst Anal & Integration Laboratory.
	Dep Dir, Sys Analysis and Integration Lab.
	Chf, Mission Analysis Division.
	Chf, Aerophysics Div.
	Dir—Test Laboratory.
	Deputy Director, Materials and Processes Lab.
	Deputy Associate Director for Engineering.
	Deputy Director for Space Systems.
	Associate Dir for Propulsion Systems.
	Chf Engineer, Space Shuttle Main Engine Proj.
	Director, Information & Electronic Sys Lab.
	Dep Dir, Information & Electronic Systems Lab.
	Assistant to the Director, Sciences & Eng.
	Dir, Structures Dynamics Laboratory.
	Chief Engineer, Space Station Projects.
	Dep Dir, Propulsion Laboratory.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Dep Dir for Space Transportation Systems.
	Dep Dir, Structures and Dynamics Laboratory.
	Dep Dir, Info & Electronic Systems Laboratory.
Special Projects Office	Manager, Orbital Maneuvering Vehicle Project.
Spacelab Payload Project.	Deputy Manager, Payload Projects Office.
	Manager, Applications & Technology Missions.
	Manager, Science Payloads Projects.
	Manager, Mission Management Office.
Space Station Projects Office.	Manager, Space Station Projects Office.
	Dep Mgr, Space Projects Office.
Program Development	Deputy Director, Program Development.
	Director, Preliminary Design Office.
Shuttle Projects Office	Manager, External Tank Project Office.
	Manager, Solid Rocket Booster Project Office.
	Manager, Systems Management Office.
	Manager, Solid Rocket Motor Project.
	Mgr, Space Shuttle Main, Engine Project.
Space Telescope Project Office.	Dep Mgr, Hubble Space Telescope Proj Ofc.
	Manager, Support System Module Project Office.
Administration and Program Support.	Dep Dir, Administration & Program Support.
	Dir, Information Systems Office.
	Dir, Institutional & Program Support.
	Director, Procurement Office.
	Dep Dir, Institutional & Program Support.
National Space Technology Laboratories.	Deputy Manager.
	Director, Science and Technology Laboratory.
	Assoc Director for Institution.
National Archives & Records Administration	
National Archives & Records Administration.	Deputy Archivist of the United States.
	Asst Archivist for the National Archives.
	Asst Archivist for Federal Records Centers.
	Asst Archivist for Records Administration.
	Director, Lyndon B. Johnson Library.
	Director, Harry S. Truman Library.
	Director, Dwight D. Eisenhower Library.
National Capital Planning Commission	
National Capital Planning Commission Staff.	Assoc Exec Dir, Regional Affairs.
	Executive Director.
	Assoc Exec Dir, D.C. Affairs.
	Assistant Executive Director for Operations.
National Endowment for the Arts	
National Endowment for the Arts.	Director of Program Coordination.
	Deputy Chairman for Management.
National Endowment for the Humanities	
National Endowment for the Humanities.	Dir, Office of Planning & Budget.
	Assistant Chairman for Administration.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
National Labor Relations Board	
Ofc of the Board Members.	Executive Secy.
	Deputy Executive Secretary.
Div Of Enforcement Litigation.	Deputy Assoc. Gen. Counsel, Appellate Court Br.
	Director, Office of Appeals.
Div of Advice	Associate Gen Counsel, Div of Advice.
	Deputy Assoc Gen Counsel.
Div of Administration	Director of Administration.
	Deputy Director of Administration.
Div of Operations Management.	Assoc General Counsel, Div of Operations—Mgmt.
	Dep Asso Gen Counsel, Div of Operations—Mgmt.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Asst to the General Counsel.
Regional Offices	Regl Dir Reg 1 Boston.
	Regional Director, Reg. 2, New York.
	Regional Director, Reg. 3, Buffalo.
	Regl Dir Reg 4 Philadelphia.
	Regional Director, Reg. 5, Baltimore.
	Regional Director, Reg. 6, Pittsburgh.
	Regl Dir, Regional 7, Detroit Mich.
	Regional Director, Reg. 8, Cleveland.
	Regional Director, Reg. 8, Cincinnati.
	Regl Dir Reg 10 Atlanta.
	Regl. Dir., Reg. 11, Winston Salem.
	Regional Director, Reg 12, Tampa.
	Regional Director, Reg 13, Chicago.
	Regl Dir Reg 14 St Louis.
	Regl Dir Reg 15 New Orleans.
	Regl Dir Reg 16 Ft Worth.
	Regl Dir Reg 17 Kansas City.
	Regl Dir Reg 18 Minneapolis.
	Regl Dir Reg 19 Seattle.
	Regional Dir, Reg 20, San Francisco.
	Regional Director, Reg. 21, Los Angeles.
	Regional Director Reg 22 Newark.
	Regional Director Reg 23 Houston Texas.
	Regional Director Reg 24 Hato Rey, Puerto Rico.
	Regl Dir, Reg 25, Indianapolis.
	Regl Dir Reg 26 Memphis.
	Regl Dir Reg 27 Denver.
	Regl. Dir. Reg. 28 Phoenix.
	Regl Dir Reg 29 Brooklyn.
	Regl Dir Reg 30 Milwaukee.
	Regl. Dir., Reg 32, Oakland.
	Regional Director, Reg. 33 Peoria, Ill.
	Regl Dir Reg 31 Los Angeles.
	Regional Director Reg. 34 Hartford.
National Science Foundation	
Office of the Director	Senior Staff Associate.
	Special Assistant.
Office of Information Systems.	Dir, Information Management Division.
	Dir, Technological Environment Division.
Office of Research Facilities.	Executive Officer.
Office of the General Counsel.	Deputy General Counsel.
Office of Audit and Oversight.	Ofc Dir Ofc of Audit & Oversight.
Division of Budget	Division Director.
Program Evaluation Staff.	Director, Program Evaluation Staff.
Directorate for Geosciences.	Executive Officer.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Division of Atmospheric Sciences.	Section Head Grant Programs Section.
	Head Centers & Facilities Section.
	Section Head, Upper Atmosphere Section.
	Head Lower Atmosphere Section.
Division of Earth Sciences.	Section Head, Research Grants Section.
Division of Ocean Sciences.	Section Head Ocean Sciences Research Section.
Division of Polar Programs.	Deputy Division Director.
	Manager Polar Ops Section.
	Head, Polar Coordination & Info Section.
	Dep Dir Division of Polar Programs.
Division of Critical Engineering Systems.	Deputy Division Director.
Div of Electrical, Communications & Systems Engineering.	Deputy Division Director.
Div of Electrical, Communications & Systems Engineering.	Deputy Division Director.
Div of Mechanics, Structures, and Materials Engineering.	Deputy Division Director.
Office for Engineering Infrastructure Development.	Office Head.
	Senior Staff Associate.
Directorate for Biological, Behavioral Social Sciences.	Executive Officer.
	Senior Advisor for Biotechnology.
Division of Social and Economic Sciences.	Deputy Division Director.
	Senior Scientist.
Division of Cellular Biosciences.	Deputy Division Director.
Directorate for Mathematical and Physical Sciences.	Executive Officer.
	Senior Staff Associate for Planning.
Division of Physics	Section Head Nuclear Science Section.
	Senior Staff Associate.
Division of Astronomical Sciences.	Section Head—Astronomy Centers.
	Section Head—Astronomy Research.
Division of Mathematical Sciences.	Deputy Division Director.
Division of Materials Research.	Sect Head, Metallurgy, Polymers, & Ceramics.
	Sect Hd Cond Matter Science.
Division of Chemistry	Head Special Projects Office.
	Dep Dir Division of Chemistry.
Directorate for Science & Engineering Education.	Exe Ofcr, Directorate for Sci & Eng education.
	Senior Staff Associate.
Organization Abolished	Office Head.
Division of Policy Research and Analysis.	Section Head, Science & Innovation Pol. Sec.
Division of Sciences Resources Studies.	Section Head, Survey and Analysis Section.
	Section Head, Special Analytical Studies Sect.
Division of International Programs.	Deputy Division Director.
	Head, Special Projects Office.
	Senior Staff Associate.
	Head, Information and Analysis Section.
	Head, Cooperative Science Section.
	Sr Science Assoc Cooperative Science Section.
Division of Industrial Sciences & Technology Innovation.	Section Head, Industrial Support Section.
	Senior Staff Associate.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Division of Research Initiation & Improvement.	Senior Staff Associate.
	Senior Science Associate.
Division of Grants and Contracts.	Division Director.
Division of Financial Management.	Division Director.
Division of Personnel and Management.	Division Director.
Directorate for Computer & Info Science & Engineering.	Executive Officer.
Div of Advanced Scientific Computing.	Deputy Director.
National Transportation Safety Board	
Office of the Managing Director.	Deputy Managing Director.
Bureau of Administration.	Dir Bureau of Administration.
Bureau of Accident Investigation.	Director Bureau of Accident investigation.
	Deputy Director.
Bureau of Field Operations.	Director.
Bureau of Technology	Dir Bureau of Technology.
	Deputy Director of Technology.
Bureau of Safety Programs.	Director, Bureau of Safety Programs.
	Deputy Director.
Nuclear Regulatory Commission	
Atomic Safety and Licensing Brd Panel.	Chairman ASLBP.
	Deputy Chief Administrative Judge Executive.
Atomic Safety and Licensing Appeal Panel.	Chairman ASLAP.
Office of Inspector and Auditor.	Director, Office of Inspector & Auditor.
	Deputy Director, Ofc of Inspector & Auditor
Office of Deputy GC for Licensing & Regulation.	Deputy Assistant GC/Legislative Counsel.
Office of Deputy GC for Hearings & Enforcement.	Dep Asst GC/Spec Counsel for Adm Litigation.
Office of Assistant GC for Hearings.	Deputy Assistant General Counsel.
	Deputy Assistant General Counsel.
Division of Operational Assessment.	Chief Incident Response Branch.
	Chf, Diagnostic Eval & Incident Invest Branch.
Division of Safety Programs.	Chf, Reactor Operations Analysis Branch.
	Chf, Trends & Patterns Analysis Branch.
Deputy Director for Administration.	Dir Div of Contracts & Property Management.
	Director, Div of Security.
Deputy Director for Financial Management & Controller.	Dir Division of Accounting and Finance.
Office of Investigations	Associate Director for Legal Affairs.
Ofc of Small and Disadv Bus Utilization/Civil Rights.	Director.
Program Management, Policy Development & Analysis Staff.	Chf, Plng, Programs, & Mgmt Support Branch.
	Chf, Pol Dev & Tech Support Branch
	Chf, Inspection, L & R Integration Branch.
Assistant Director for Region I Reactors.	Project Dir, Project Directorate I-1.
	Project Director, Project Directorate I-2.
	Project Director, Project Directorate I-3.
	Project Director, Project Directorate I-4.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Assistant Director for Region II Reactors.	Proj Dir Project Directorate II 1.
	Proj Dir Project Directorate II 2.
	Proj Dir Project Directorate II 3.
Assistant Director for Region III & V Reactors.	Proj Dir Project Directorate III 1.
	Proj Dir Project Directorate III 2.
	Proj Director Project Directorate III 3.
	Proj Dir Project Directorate V.
Assistant Director for Region IV Reactors & Spec Proj.	Proj Dir Std Non Power React Proj Directorate.
	Proj Dir, TIM-2 Clean Up Project Directorate.
	Proj Dir Project Directorate IV.
Assistant Director for Engineering.	Chf, Materials Engineering Branch.
	Chf, Mechanical Engineering Branch.
	Chf, Structural & Geosciences Branch.
	Chf, Chemical Engineering Branch.
Assistant Director for Systems.	Chf, Plant Systems Branch.
	Chf, Reactor Systems Branch.
	Chf, Instrumentation & Control Syst Branch.
	Chf, Electrical Systems Branch.
Division of Operational Events Assessment.	Chief, Generic Communications Branch.
	Chf, Technical Specification Branch.
	Chf, Events Assessment Branch.
Division of Reactor Inspection & Safeguards.	Chf, Vendor Inspection Branch.
	Chf, Safeguards Branch.
	Chf, Special Inspections Branch.
Div of Radiation Protection & Emergency Preparedness.	Chief Emergency Preparedness Branch.
	Chf, Risk Application Branch.
	Chf, Radiation Protection Branch.
Division of Licensee Performance & Quality Evaluation.	Chief Quality Assurance Branch.
	Chf, Human Factors Assessment Branch.
	Chf, Operator Licensing Branch.
	Chf, Performance Evaluation Branch.
Office of Nuclear Material Safety and Safeguard.	Dir Special issues group.
	Asst Dir, Special Issues Group.
Division of Safeguards & Transportion.	Chief, Operations Branch.
	Chief, Licensing Branch.
	Chief, Transportation Branch.
Div of Industrial & Medical Nuclear Safety.	Chief, Operations Branch.
	Chief, Fuel Cycle Safety Branch.
	Chief, Medical, Acad & Com Use Sfty Branch.
Division of High Level Waste Management.	Chief, Systems Engr & Evaluation Branch.
	Chief, Operations Branch.
	Chief, Technical Review Branch.
Div of Low Level Waste Management & Decommissioning.	Chief Operations Branch.
	Chief, Technical Branch.
	Chief, Regulatory Branch.
Division of Engineering	Chief, Materials Engineering Branch.
	Chief Waste Management Branch.
	Chief, Electrical and Mechanical Engineer Brh.
	Chief, Structural and Seismic Engineering Brh.
Division of Safety Issue Resolution.	Chief, Severe Accident Issues Branch.
	Chief, Engineering Issues Branch.
	Chief, Reactor and Plant Sfty Issues Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Division of Regulatory Applications.	Chief Regulation Development Branch
	Chief, Radiation & Health Effects Br.
	Chief Adv Reactors and Generic Issues Branch.
Division of Systems Research.	Chief Accident Evaluation Branch.
	Chf, Probabilistic Risk Analysis Branch.
	Chief, Reactor and Plant Systems Branch.
	Chief, Human Factors Branch.
Region I	Deputy Regional Administrator.
	Dir, Div of Radiation Safety & Safeguards.
	Director Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
	Director, Division of Reactor Projects.
	Deputy Director, Division of Reactor Projects.
Region II	Deputy Regional Administrator Region II.
	Dir, Div of Radiation Safety & Safeguards.
	Director, Division of Reactor Projects.
	Deputy Director, Division of Reactor Projects.
	Director, Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
Region III	Dep Regional Administrator Region III.
	Director, Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
	Director, Division of Reactor Projects.
	Deputy Director Division of Reactor Projects.
	Dir, Div of Radiation Safety & Safeguards.
Region IV	Deputy Regional Administrator Region IV.
	Director Uranium Recovery Field Office.
	Director Div of Reactor Projects.
	Deputy Director, Div of Reactor Projects.
	Dir, Div of Radiation Safety & Safeguards.
	Dir, Division of Reactor Safety.
	Dep Director, Div of Radiation Safeguards.
Region V	Deputy Regional Administrator Region V.
	Dir Div of Reactor Safety and Projects.
	Dep Dir Div of Reactor Safety and Projects.
	Dir, Div of Radiation Safety & Safeguards.
Office of Management and Budget	
Office of the Director	Assistant Director for Administration.
	Deputy Associate Dir for Economic Policy.
Office of General Counsel.	Dep Gen Counsel.
Legislative Reference Division.	Asst Dir Legislative Reference.
	Dep/Asst/Dir for Legislative Reference.
	Chief, Economics, Science & Govt. Branch.
	Chief, Resources-Defense-International Branch.
Office of Federal Procurement Policy.	Assoc. Administrator for Management Control
Office of Information and Regulatory Affairs.	Chief Information Policy Branch.
	Chief, Human Resources and Housing Branch.
	Chief, Commerce and Lands Branch.
	Chief Statistical Policy Branch.
	Chief, Natural Resources Branch.
	Chf. Info Technology Management Branch.
Associate Director for Management.	Deputy Associate Director for Operations.
	Dep Assoc Dir for Financial Mgt.
	Chief, Financial Systems and Policy Branch.
	Chief Personnel & General Services Branch.
	Chief, Productivity Management Branch.
Productivity Mgmt Branch.	Chief, Credit and Cash Management Branch.
Budget Review Division	Asst Dir for Budget Review.
	Dep Assistant Director for Budget Review.
	Chief Fiscal Analysis Branch.
	Dep Chief Fiscal Analysis Branch.
	Chf, Budget Preparation Branch.
	Chief, Resources Systems Branch.
	Chief, Central Budget Management Staff.
	Deputy Chief Budget Preparation Branch.
	Budget Advisor to the Director, Brd.
Assoc Dir for National Security and International Affs.	Dep Assoc Dir for Management.
International Affairs Division.	Dep Assoc Dir for Internatl Affairs.
	Dep Chief, International Affairs Division.
	Chief, State-USIA Branch.
	Chief, Economic Affairs Branch.
	Chief International Security Affairs Branch.
National Security Division.	Dep Assoc Dir for National Security.
	Dep Chief.
	Chf, Intelligence Community Branch.
	Chief, Navy Branch.
	Chief, Air Force Branch.
	Chief, Army Branch.
	Chief, Manpower, Pay & Policy Branch.
Assoc Dir for Human Resources, Veterans and Labor.	Dep Assoc Dir for Special Studies.
Health and Income Maintenance Division.	Dep Assoc Dir for Health & Income Maintenance.
	Chf, Income Maintenance Branch.
	Chief Health & Social Services Branch.
	Chief Health & Financing Branch.
Labor, Veterans, and Education Division.	Deputy Associate Director for Labor, Vet & Ed.
	Dep Div Chf-Labor.
	Chief, Education Branch.
	Chf Veteran Affairs Branch.
Associate Director for Economics and Government.	Dep Assoc Dir for Special Studies.
Transportation, Commerce, and Justice Division.	Dep Assoc Dir for Transp Commerce & Justice.
	Chief Commerce & Justice Branch.
	Chief Transport General Services Branch.
Housing, Treasury and Postal Division.	Chief, Housing/Banking Branch.
	Dep Assoc Dir for Housing, Treas & Personnel.
	Chief, Treasury/Post Branch.
	Chief, Financial Institutions Branch.
	Chief, Housing Branch.
Assoc Dir for Natural Resources, Energy, and Science.	Dep Assoc Dir for Spec Studies.
Natural Resources Division.	Dep. Associate Dir. for Natural Resources.
	Chief, Water Resources Branch.
	Chief, Agricultural Branch.
	Chief, Environment Branch.
	Chief Interior Branch.
Energy and Science Division.	Asst Division Chief NRD.
	Dep. Assoc. Dir for Energy & Science.
	Chief, Nuclear Energy Branch.
	Chief Science and Space Programs Branch.
	Deputy Div Chief.
	Chief Non-Nuclear Energy Branch.
Office of Personnel Management	
Office of the Inspector General.	Inspector General.
Office of Finance and Administrative Services.	Asst Dir for Finance & Administrative Serv.
Office of Information Management.	Executive for ADP Operations.
Office of Actuaries	Director, Office of Actuaries.
Office of Insurance Programs.	Asst Dir for Insurance Program.
Office of Retirement Programs.	Asst Dir for Retirement Programs.
Office of Personnel Research and Dev.	Asst Dir for Personnel Research & Development.
Office of Administrative Law Judges.	Asst Dir for Administrative Law Judges.
Staffing Service Center	Director, Staffing Service Center.
Office of Agency Compliance & Evaluation.	Asst Dir for Agency Compliance & Evaluation.
Office of Classification	Asst Dir for Classification.
Office of Federal Investigations.	Asst Dir for Federal Investigations.
Office of Washington Examining Services.	Asst Dir for Wash Examining Services.
Office of the Special Counsel (MSPB)	
Headquarters, Office of the Special Counsel.	Assoc Spec Counsel (Investigation).
	Assoc Special Counsel (Prosecution).
	Deputy Associate Spec Counsel for Prosecution.
	Managing Director for Operations.
	Assoc Special Counsel Planning and Oversight.
Presidents Committee on Empl of People With Disabilities	
Presidents Committee on Employment of Handicapped.	Executive Director.
Railroad Retirement Board	
Railroad Retirement Board.	Assistant Inspector General for Audit.
	Chf Exec Ofcr/Chf Fin Ofcr (Newly Est Pos).
	Deputy General Counsel.
	Asst Inspector General for Investigations.
	Chief Financial Officer.
Board Staff	Executive Director.
	Assoc Exec Dir for Unempl & Sickness Insur.
	Assoc Exec Director for Fiscal Operations.
	Associate Executive Dir for Data Processing.
	Associate Executive Dir for Program Analysis.
	Assoc Exec Dir for Legal & Adm Serv & Gen Cou.
	Assoc Exec Dir for Retirement Claims.
	Chief Actuary.
	Assoc Exec Director—Field Services.
	Executive Director.
Securities and Exchange Commission	
Office of the Chairman	Dep Chf Accountant.
Office of the Executive Director.	Dep Exec Director.
Div of Corporation Finance.	Associate Director (Disclosure Operations).
	Assoc Dir (Operations)
	Chf Coun-Assoc Dir (Legal).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
Selective Service System	
Selective Service System.	Assoc Dir Information Managment.
Small Business Administration	
Ofc of the Inspector General.	Assistant Inspector General for Audits.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Dep Inspector Gen & Coun to the Inspector Gen.
Office of the General Counsel.	Associate General Counsel for General Law.
	Assoc Gen Counsel Litigation.
Financial Assistance Division.	Deputy Associate Admin for Financial Asst.
	Director, Office of Portfolio Management.
	Director of Portfolio Management.
Office Procurement Assistance.	Director of Prime Contracts.
Ofc of Minority Small Business & Capital Ownership Dev.	Dep Assoc Adm M/S B & C Ownership Development.
Office of Information Resources Mgmt.	Asst Admin for Information Resources.
Office of Personnel	Director of Personnel.
Office of the Comptroller.	Comptroller.
Office of Program Analysis & Review.	Director of Program Analysis and Review.
Office of EEO & Compliance.	Dir Ofc of Equal Employment Opport & Compliance.
District Directors	District Dir Phila.
	District Dir, Reg IX, Los Angeles.
	District Director, Region V, Chicago.
	District Director, New York.
Department of State	
Bureau of Administration.	Supervisory Structural Engineer.
Bureau of Economic & Business Affairs.	Dir, Office of East-West Trade.
Bureau of Intelligence and Research.	Dir, Ofc of Resources Policy.
	Dir Ofc of Research & Analysis Soviet Affrs.
Office of the Inspector General.	Assistant Inspector General for Audits.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Dep Asst Inspector General for Audits.
	Asst Insp Gen for Policy, Plng and Management.
	Dep Asst Inspector Gen for Inspections.
International boundary & Water Commission.	Supervisory Civil Engineer.
Department of Transportation	
Office of Inspector General.	Asst Insp General for Auditing.
	Asst I/G for Policy, Planning and Resources.
	Asst Inspector General for Investigations.
	Dir Ofc of Surface Transportation Programs.
	Dir, Ofc of Aviation Marine & Research Progs.
	Dep Asst Inspector General for Auditing.
	Dir, Office of ADP Audits & Technical Support.
Asst Sec for Administration.	Asst Secy for Administration.
	Senior Procurement Advisor.
Office of Acquisition & Grant Management.	Director Ofc of Acquisition & Grant Mgnt.
Assoc Adm'r for Safety	Assoc Admr for Safety.
	Dir, Office of Research and Development.
	Director, Office of Safety Enforcement.
Ofc of Pipeline Safety Regulation.	Associate Dir, Ofc of Pipeline Safety Reg.
Ofc of Pipeline Safety	Dir, Ofc of Pipeline Safety.
Ofc of Assoc Admr for Marketing & Domestic Enterprise.	Associate Administrator for Marketing.
Office of Associate Administrator for Research and Dev.	Dir, National Maritime Research Center, KP.
Office of Assoc Admr for Shipbuilding Opers & Research.	Dir/Ofc of Naval Architecture & Engineering.
	Dir Office of Shipbuilding Costs & Production.
	Dep Dir, Ofc of Ship Construction.
	Dir, Ofc of Ship Construction.
Office of Associate Administrator for Maritime Aids.	Associate Administrator for Maritime Aids.
Assoc Admr for Budget and Policy.	Dir, Ofc of Budget & Financial Management.
Office of Aviation Safety.	Dir Ofc of Aviation Safety, Ofc Aviation Saf.
	Mgr, Safety Regulations Division.
Asst Administrator/ Sciences & Advanced Technology.	Asst Administrator/Science & Advanced Tech.
	Manager Science and Technology Division.
Office of Accounting	Dir Office of Accounting.
Acquisition and Materiel Service.	Dir Acquisition & Materiel Service.
	Deputy Dir Acquisition & Materiel Service.
	Mgr, Contracts Division.
Assoc Admr for Air Traffic.	Assoc. Administrator for Air Traffic.
	Dep Assoc Admin for Air Traffic.
Ofc of Air Traffic Evaluations & Analysis.	Dir, Ofc of Air Traffic Evaluations & Anal.
Air Traffic Plans & Requirements Service.	Manager System Plans & Program Div.
	Dir, Air Traffic Plans & Requirements Serv.
	Manager Automation Software Division.
Air Traffic Operations Service.	Manager, Procedures Division.
	Mgr. Airspace-Rules & Aeronautical Inf Div.
	Manager, Operations Division.
	Dir Air Traffic Operations Service.
Advanced Automation Program Office.	Director Automation Service.
	Dep Dir Automation Service.
	Mgr Automation Engineering Division.
	Mgr Advanced Automation System Div.
Office of Airport Planning & Programming.	Dir., Office of Airport Planning & Program.
	Mgr, Grants-In-Aid Division.
Assoc Admr for Aviation Standards.	Assoc Admr for Aviation Standards.
	Deputy Assoc Admr for Aviation Standards.
Office of Program & Regulation Management.	Dir, Ofc of Prog and Regulations Mgt.
Office of Airworthiness	Director Office of Airworthiness.
	Deputy Director of Airworthiness.
	Manager, Aircraft Engineering Division.
	Manager Aircraft Maintenance Division.
Office of Civil Aviation Security.	Director, Office of Civil Aviation Security.
	Dep Dir, Office of Civil Aviation Security.
Office of Flight Operations.	Dir Ofc of Flight Operations.
	Deputy Director Office of Flight Operations.
	Mgr, General Aviation and Commercial Div.
	Mgr, Air Transportation Div.
	Manager General Aviation Staff.
Aviation Standards-National Field Office.	Dir, Aviation Standards Natl Field Ofc.
	Deputy Director.
Office of Aviation Medicine.	Deputy Federal Air Surgeon.
	Mgr, Aeromedical Stds Div.
	Mgr, Civil Aeromed Institute.
Great Lakes Region—Chicago.	Manager, Air Traffic Division.
	Manager, Flight Standards Division.
New England Region—Burlington, MA.	Mgr, Flight Standards Division.
	Mgr, Aircraft Certification Division.
	Manager, Air Traffic Division.
Northwest Mountain Region—Seattle.	Mgr, Aircraft Certification Division.
	Mgr, Flight Standards Div.
	Mgr, Air Traffic Division.
General Region—Kansas City.	Mgr, Flight Standards Div.
	Mgr, Aircraft Certification Division.
	Manager, Air Traffic Division.
Eastern Region—New York.	Mgr, Air Traffic Division.
	Mgr, Flight Standards Div.
Southern Region—Atlanta.	Mgr, Flight Standards Division.
	Mgr, Air Traffic Division.
Southwest Region—Fort Worth.	Mgr, Air Traffic Div.
	Mgr, Flight Standards Div.
	Mgr, Aircraft Certification Division.
Western Pacific Region—Los Angeles.	Mgr, Flight Standards Div.
	Mgr, Air Traffic Division.
Federal Highway Administration.	Executive Director.
Assoc Admr for Admin	Director, Office of Fiscal Services.
	Director, Office of Contracts and Procurement.
Associate Administrator for Safety & Operations.	Assoc Administrator for Safety & Operations.
Office of Highway Safety.	Dir, Office of Highway Safety.
Assoc Admr for Right of Way and Environment.	Assoc Admr for Right-of-Way & Environment.
Off of Environmental Policy.	Dir, Ofc of Environmental Policy.
	Chief, Environmental Operations Division.
Off of Right of Way	Dir, Ofc of Right of Way.
	Chief, Operations Division.
	Chief, Program Requirements Division.
Office of Motor Carrier Standards.	Dir, Ofc of Motor Carrier Standards.
	Dep Dir, Ofc of Motor Carrier Standards.
Office of Motor Carrier Safety, Field Operations.	Dir, Ofc of Motor Carrier S/F Operations.
Natl Center for Statistics and Analysis.	Chf, Accident Investigation Div.
Vehicle Research and Test Ctr.	Chf, Safety Research Lab.
Assoc Admr for Enforcement.	Assoc Administrator for Enforcement.
Ofc of Defects Investigation.	Dir—Ofc of Defects Investigation.
Ofc of Vehicle Safety Comp.	Dir—Ofc of Vehicle Safety Compliance.
Ofc of Vehicle Safety Standards.	Chf, Crash Avoidance Division.
	Chf, Crashworthiness Division.
US Coast Guard	Chief, Procurement Management Division.
Department of the Treasury	
Office of the Secretary	Senior National Intelligence Adviser.
Ofc of the Inspector General.	Asst Inspector General (Fiscal SVC/ADP).
	Assistant Inspector General (TOSCA).
	Asst Inspector General for Audit (DOTOCC).
	Asst Inspector General for Investigations.
Ofc of Tax Analysis	Senior Advisor (Economic).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Dep Dir (Economics Mod & Computer Applicat).
Ofc of Asst Secy (Economic Policy).	Asst Dir for Economic Forecasting.
	Senior Adv for Bal of Payments Anal & Proj.
	Sr Economist.
Ofc of the Fiscal Asst Secy.	Fiscal Assistant Secretary.
	Assistant Fiscal Assistant Secretary.
Bureau of Governmental Financial Operations, Financial	Commr of Financial Management Service.
	Dep Com, Financial Management Service.
	Assistant Commissioner, Information Systems.
	Asst Commissioner, Federal Finance.
	Assistant Commissioner, Comptroller.
	Asst Commissioner, Headquarters Operations.
	Asst Commissioner, Field Operations.
	Director, Operations Group.
	Director, Accounting Group.
	Asst Commissioner, Administration.
	Director, Systems Development Group.
	Dir, Technology & Information Group.
	Director, Working Capital Group.
Bureau of the Public Debt.	Commissioner.
	Dep Commr of the Public Debt.
	Asst Commissioner (Savings Bond Operations).
	Asst Commr (Financing).
	Asst Commr (Administration).
	Asst Commr/Securities & Accounting Services.
	Asst Commissioner (Automated Info Systems).
Ofc of Foreign Exchange Operations.	Dir, Ofc of Foreign Exchange Operations.
Ofc of the Comptroller of the Currency.	Dep Comptroller for Econ Anal & Strat Plng.
Ofc of the Chief Counsel.	Dir, Enforcement & Compliance.
	Dir, Litigation Div.
	Dir, Legal Advisory Services Division.
Sr Dep Comptroller (Policy & Planning).	Dep Comptroller, Bank Org & Structure.
Sr Dep Comptroller (Bank Supervision).	Dep Comptroller for Intl Banking & Finance.
Multinational Banking	Deputy Comptroller for Multinational Banking.
Special Surveillance	Deputy Comptroller, Special Supervision.
	Deputy Comptroller for Supervisory Systems.
Chief National Bank Examiner.	Deputy Comptroller for Compliance.
	Chief National Bank Examiner.
Sr Dep Comptroller (National Operations).	Deputy Comptroller for Operations.
	Dep Comptroller for Syst and Fin Management.
	Senior Deputy Comptroller for Administration.
District Officers	Deputy Comptroller (Northeastern District)
	Deputy Comptroller of the Currency.
	Deputy Comptroller of the Currency.
	District Administrator (Midwestern District).
	District Administrator.
	Deputy Comptroller (Southeastern District).
	Deputy Comptroller (Southwestern District)
	District Administrator
	District Administrator.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Deputy Comptroller (Western District).
	District Administrator (Northeastern District).
	District Administrator (Central District).
	Sr Dep Comptroller—Bank Supervision Opers
	Sr Dep Comptroller—Bank Supervision Policy.
Ofc of Asst Secy, Management.	Dir, Human Resources Directorate.
	Dir, Management Programs Directorate.
	Director, Office of Procurement.
Ofc of Personnel	Dep Dir of Personnel.
Bur of Alcohol, Tobacco, Firearms.	Assistant Director, Internal Affairs.
	Midwest Regl Counsel.
	North-Atlantic Regional Counsel.
	Staff Assistant to the Chief Counsel.
Deputy Director (Compliance Operations).	Deputy Director (Compliance Operations).
	Dep Associate Dir (Compliance Operations).
Deputy Director (Law Enforcement).	Deputy Director (Law Enforcement).
	Chief, Explosives Division.
	Deputy Assoc Dir (Law Enforcement).
	Chief, Firearms Division.
Comptroller	Director, Laboratory Services.
US Customs Service	Exec Dir, the Interdiction Committee.
Ofc of the Chief Counsel.	Asst Chief Counsel (Customs Court Litigat).
	Miami Regl Counsel.
	Chicago Regl Counsel.
	New York Regl Counsel.
	Regional Counsel (Pacific Region).
Office of the Comptroller.	Dir, Ofc of Financial Mgmt & Prog Analysis.
	Director, Office of Data Systems. Comptroller.
	Dir, Budget and Planning.
	Dir, Ofc of Human Resources.
Ofc of Asst Commr for Internal Affairs.	Asst Commissioner for Internal Affairs.
Ofc of Asst Commr for Enforcement.	Deputy Assistant Commissioner (Enforcement).
	Dep Asst Commissioner, Aviation Operations.
Ofc of Asst Commr for Inspection & Control.	Asst Commr (Inspection & Control).
	Deputy Asst Commr (Inspection & Control).
Ofc of Asst Commr for Commercial Operations.	Director, Technical Services Div.
	Director, Classification and Value Division.
	Dir Ofc of Regulations and Rulings.
	Director, Entry Procedures & Penalties Div.
	Dir, Office of Technical Services.
	Dir, Ofc of Trade Operations.
	Dep Asst Commissioner, Commercial Operations.
	Director, Commercial Compliance Division.
	Dir, Commercial Rulings Division.
	Dir, Ofc of Automated Commercial Syst Ops.
Regional Offices	Regl Commr, Reg 2, NY.
	Reg Commr, Reg 1, Boston.
	Asst Regn Commr, Operations Reg II, New York.
	Regl Commr, Reg 4, Miami.
	Reg Commr, Reg V, New Orleans.
	Regional Commissioner, Chicago.
	Asst Regional Commr (Operations).
	Asst Regl Commr (Operations).
	Asst Regl Commr (Operations).
	Asst Regl Commr (Operations).
	Asst Regional Commr (Operations).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Area Dir, Newark.
	Asst Regional Commissioner, Enforcement.
	Area Director, JFK Airport.
	Area Director, New York Seaport.
	Asst Regl Commr—Houston (Enforcement).
	Asst Regl Commr—Miami (Enforcement).
	Regional Commissioner.
	District Director, Los Angeles.
	Assistant Regl Commissioner (Enforcement).
	Asst Regl Commr (Enforcement).
	Asst Regional Commissioner (Enforcement).
US Secret Service	Director of the Secret Service.
	Deputy Director, U.S. Secret Service.
	Assistant Director—Training.
	Asst Director—Govt Liaison and Public Aff.
Ofc of Administration	Assistant Director, Administration.
Ofc of Inspection	Assistant Director Inspection.
Ofc of Protective Research.	Asst Dir (Protective Research).
	Dep. Asst. Dir. (Protective Research).
	Spec Agent in Charge—Tech Sec Div.
	Spec Agent in Charge—Intelligence Div.
	Chf, Info Resources Management Division.
Ofc of Protective Operations.	Asst Dir (Protective Operations).
	Dep Asst Dir (Protective Operations).
	Spec Agent in Charge—Presidential Protective.
	DAD Protective Opers (Uniformed Div).
	Spec Agent in Charge—VP Protect Div.
	Deputy Asst Dir, Protective Operations.
	Spec Agent in Charge, Dignitary Protective Div.
	Deputy Special Agent in Charge, Pres Prot Div.
	Deputy Special Agent in Charge.
Office of Investigations	Asst Director, Investigations.
	Dep Asst Dir, Investigations.
	Special Agent in Charge, New York Office.
	Special Agent in Charge, Chicago.
	Special Agent in Charge, Los Angeles Office.
	Spec Agent in Charge—Washington Field Office.
	Spec Agent in Charge—Philadelphia Field Office.
	Spec Agent in Charge—Miami Field Office.
	Special Agent in Charge—Boston Field Office.
	Spec Agent in Charge—Atlanta Field Office.
Bureau of the Mint	Associate Director of Operations.
	Assoc Dir of Pol & Management.
	Associate Director for Marketing.
Offc of the Commissioner.	Director, Legislative Analysis Division.
	Asst to the Commissioner (Equal Opportunity).
	Senior Deputy Commissioner.
	Taxpayer Ombudsman.
	Asst to the Senior Deputy Commissioner.
	Deputy Commissioner (Operations).
	Deputy Commissioner (Planning & Resources).
	Senior Advisor.
	Assistant to the Senior Deputy Commissioner.
Appeals Division	Director, Appeals Division.
	Regl Dir of Appeals-Central Region.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Reg Dir of Appeals, Mid-Atlantic Region.
	Reg Dir of Appeals-Southwest Reg.
	Reg Dir of Appeals-Southeast Reg.
	Regional Dir of Appeals North Atlantic Region.
	Regional Director of Appeals-Western Region.
	Chief Appeals Office New York City.
	National Director of Appeals.
Data Processing	Director, Taxpayer Service Division.
	Dir Returns Processing and Accounting Div.
	Director Planning and Control Staff.
	Dir, Program Planning & Review Staff.
	Asst Dir Returns Processing & Accounting Div.
	Dep Asst Commissioner (Computer Services).
	Director, Statistics of Income Division.
	Assistant Commissioner (Tax System Redesign).
	Dep Asst Commr (Returns & Info Processing).
	Director, Compliance Processing Systems Div.
	Assistant Dir, Taxpayer Service Division.
	Asst Commissioner (R & IP).
	Dir Taxpayer Service Division.
	Director, Hardware Division.
	Director, Software Division.
	Asst Commr (Computer Services).
Ofc of Asst Commr, Inspection.	Assistant Commissioner (Inspection).
	Dep Asst Commr (Inspection).
	Director, Internal Audit Div.
	Assistant Director Internal Audit Division.
	Director, Internal Security Division.
	Asst Dir, Internal Security Division.
	Regional Inspector, Midwest Reg.
	Regional Inspector, North Atlantic.
	Regional Inspector, Western Region.
	Regional Inspector, Southwest Reg.
	Regional Inspector, Mid-Atlantic Reg.
	Regional Inspector, Central.
	Regional Inspector, Southeast.
Policy and Management	Dir, Tax Forms & Publications Div.
	Dir, Martinsburg Computing Center.
	Dir, IRS Data Center Detroit.
	Dir, Finance Division.
	Dir, Facilities Mgt Div.
	Dir, Natl Ofc Resources Management Division.
	Asst Commr (Planning, Finance & Research).
	Dir, Nati Ofc Resources Mgnt Division.
	Dep Asst Commr (Planning, Finance, & Resch).
	Asst Dir, Research.
	Dep Asst Commr (Human Resources).
	Director, Planning Division.
	Director, Human Resources Division.
	Dir, Contracts & Acquisitions Division.
	Director, Research Division.
	Assistant Dir, Tax Forms & Publications Div.
	Assistant Commissioner (Human Resources).
Central Region	Regional Commr.
	ARC (Examination) Central Region.
	Asst Regional Commission (Criminal Invest).
	Asst Reg Comm (Resource Management).
	Assistant Regional Commissioner (Collection).
	Asst Regl Commissioner (Data Processing).
	Dir Service CRT Cincinnati.
	District Dir (Cleveland).
	District Director Detroit.
	District Director (Parkersburg).
	District Director, Indianapolis.
	District Director, Louisville.
	District Dir, Cincinnati.
	Asst District Director, Cleveland.
	Assistant District Director, Detroit.
	Asst Service Center Director.
Mid-Atlantic Region	Reg Commissioner.
	ARC (Examination) Mid-Atlantic.
	ARC (Criminal Investigation) Mid-Atlantic Reg.
	Asst Reg Commr (Collection).
	Assistant Regional Commission (Data Proc).
	Service Center Dir, Philadelphia.
	District Dir, Newark.
	District Dir, Philadelphia.
	District Dir, Pittsburg.
	District Director Richmond District.
	Asst District Dir, Philadelphia
	Asst District Director (Newark).
	Assistant District Director, Baltimore, MD.
	District Director, Wilmington.
	District Dir, Baltimore.
	District Director.
	Assist Reg'l Commissioner (Resources Mgmt).
	Asst Service Center Director.
	Assistant Service Center Director.
Midwest Region	Regional Commr, Midwest Region.
	Asst Reg Commr (Resources Mgmt).
	ARC (Criminal Investigation) Midwest Region.
	Assistant Regional Commissioner (Data Proc).
	ARC (Examination), Midwest Region.
	ARC (Collection), Midwest Region.
	Srvc Ctr Dir, Kansas City.
	District Dir. Chicago
	District Director, St Louis.
	District Dir, Des Moines
	District Dir, St Paul.
	District Dir, Ornaha.
	District Dir, Springfield.
	District Dir, Milwaukee.
	Asst District Dir. Chicago.
	Asst District Dir, St Louis.
	District Director, Fargo.
	District Director, Aberdeen.
	Chief, Examination Division.
	Spec Asst to the Regional Commissioner.
	District Director, Helena.
	District Director.
	Assistant Service Center Director.
North Atlantic Region	Reg Commr.
	Asst Reg Commr (Exam) North Atlantic Reg.
	ARC (Criminal Investigation).
	ARC (Resources Mgmt).
	ARC (Collection) North Atlantic Region.
	Assistant Regional Commissioner (Data Proc).
	Service Center Director, Andover, Mass.
	Serv Ctr Dir, Brookhaven.
	District Dir, Manhattan.
	District Dir, Brooklyn.
	District Dir, Boston.
	Chief Examination Div Manhattan.
	District Dir, Albany.
	District Dir (Hartford).
	District Dir, Buffalo.
	Asst Dist Dir, Brooklyn.
	Assistant District Director Manhattan.
	Asst District Dir, Boston.
	District Director Providence.
	Dist Dir, Augusta.
	District Director, Portsmouth.
	District Director, Burlington.
	Asst Service Center Director.
	Asst Service Center Director.
Southeast Region	Reg Commr.
	ARC (Examination) Southeast Region.
	Asst Reg Commissioner—Criminal Investigation.
	Asst Reg'l Commr (Resources Management).
	Asst Reg (Collection) SE Reg Atlanta.
	Assistant Regional Commissioner (Data Proc).
	Service Center Director, Memphis.
	Service Ctr Dir, Atlanta.
	District Dir, Jacksonville.
	District Dir, Atlanta.
	District Director Greensboro.
	District Dir, Nashville.
	District Director Birmingham.
	District Dir, New Orleans.
	District Director, Columbia.
	District Director Little Rock District.
	District Director, Jackson, Miss.
	Asst District Director, Jacksonville.
	Assistant District Director, Atlanta.
	Regional Director of Appeals.
	Asst Service Center Director.
	Assistant District Director.
	District Director.
	Assistant Service Center Director.
Southwest Region	Regional Commr.
	Asst Regl Commr (Examination).
	ARC (Criminal Investigation) S W Region.
	ARC (Resources Mgmt).
	Assistant Regional Commissioner (Collection).
	Assistant Regional Commissioner (Data Proc).
	Service Center Dir, Ogden.
	Service Center Director, Austin.
	District Dir, Austin.
	District Director, Dallas.
	District Director Wichita.
	District Director Oklahoma City.
	District Dir, Phoenix.
	District Dir, Denver.
	Assistant District Director Dallas.
	District Director, Albuquerque.
	District Director, Cheyenne.
	District Director, Salt Lake City.
	Assistant Service Center Director.
	Assistant District Director.
	Assistant District Director, Houston.
	District Director, Houston.
Western Region	Reg Commr.
	ARC (Criminal Investigation).
	Assistant Regional Commissioner (Data Proc.).
	Assistant Regional Commissioner (Examination).
	Assistant Regional Commissioner (Collection).
	Assistant Regional Commissioner (Resources Management).
	Service Center Director, Fresno.
	District Dir, Los Angeles.
	District Dir, San Francisco.
	District Dir, Portland District.
	District Dir, Seattle.
	Assistant District Director, Los Angeles.
	Assistant District Director, San Francisco.
	District Director, Honolulu.
	District Director, Anchorage.
	District Director, Boise.
	Chief, Examination Division, Los Angeles.
	District Director (Sacramento).
	District Director (Las Vegas).
	District Director, San Jose.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1988—Continued

Agency/organization	Career reserved positions
	Special Assistant to the Regional Commissioner.
	Assistant District Director, Laguna Niguel.
	Assistant Service Center Director.
	District Director, Laguna Niguel.
Operations	Assistant Commissioner (Employee Plans & Exemp & Organization.
	Special Assistant for Exemp Organization Matters.
	Assistant Commissioner (Examination).
	Assistant Commissioner (Criminal Investigation).
	Director Exemption Organizations Technical Division.
	D/Employee Plans Technical & Actuarial Division.
	Deputy Assistant Commissioner (Examination).
	Deputy Assistant Commissioner (Criminal Investigation).
	Assistant/Director Employee Plans Technical & Actuarial Division.
	Technical Advance/Assistant to Director Employee Plans Division.
	Deputy Assistant Commissioner Tax System Redesign.
	D/A Commissioner (Employee Plans & Exemp Organizations).
	Deputy Assistant Commissioner (Collection).
	Assistant Commissioner (Collection).
	Assistant Commissioner (International).
	Deputy Assistant Commissioner (International).
Office of Chief Counsel	Associate Chief Counsel (Litigation).
	Deputy Associate Chief Counsel (Technical).
	Director Individual Income Tax Division.
	Chief, Corporation Tax Branch.
	Chief, Individual Income Tax Branch.
	Chief, Engineering & Valuation Branch Corporation TA.
	Assistant Director, Individual Tax Division.
	Deputy Director.
	Assistant Chief Counsel (General Litigation).
	Assistant Chief Counsel (Tax Litigation).
	Director, Interpretative Division.
	Director, Legislation & Regulations Division.
	Assistant Chief Counsel (Criminal Tax).
	Assistant Chief Counsel (General Legal Services).
	Assistant Chief Counsel (Disclosure Litigation).
	Director-Employee Plans & Exemp Organization Division.
	Deputy Assistant Chief Counsel (Tax Litigation).
	Assistant Director Intepretative Division.
	Assistant Director, Legislation & Regulations Division.
	Assistant Chief Counsel (Corporate).
	Director Corporation Tax Division.
	Deputy Assistant Chief Counsel (Income Tax & Accounting).
	Deputy Assistant Chief Counsel (Passthroughs/Special Industries).
	Chief Estate & Gift, Wage Excise & Provision Branch.
	Deputy Assistant Chief Counsel (Passthroughs/Special Industries).
	Deputy Director, Corporation Tax Division.
	Assistant Chief Counsel (Passthroughs/Special Industries).
	Deputy Assistant Chief Counsel (Corporate).
	Dep Assoc Chief Counsel (Fin & Management).
	Special Appellate Counsel.
	Asst Chf Coun (Empl Benefits/Exempt Orgs).
	Sen Tech Adv to the Assoc Chf Counsel (Tech).
	Dep Asst Chief Coun (Financial Inst & Prod).
	Dep Assoc Chief Counsel International.
	Asst Chf Coun (Fin Institutions & Products).
	Dep Asst Chief Coun (Income Tax & Accounting).
	Asst Chief Counsel (Income Tax & Accounting).
	Chief, Reorganization Branch.
	Special Litigation Counsel.
	Deputy Associate Chief Counsel (Litigation).
	Deputy Chief Counsel.
	Associate Chief Counsel (International).
	Assoc Chf Counsel (Finance & Management).
	Assoc Chief Consel Tech and International.
	Associate Chief Counsel (Technical).
Regional Counsels	Regl Counsel, Central Reg.
	Regional Counsel, Mid-Atlantic Region.
	Dep Regl Counsel (Criminal Tax).
	Regl Counsel Midwest Region.
	Regl Counsel, North Atlantic Region.
	Dep Regl Coun (Tax Litigat) No-Atlantic Reg.
	Deputy Regional Counsel (General Litigation).
	Regional Counsel SE Region.
	Regl Counsel Southwest Region.
	Regional Counsel.
	District Counsel—Boston.
	District Counsel—Los Angeles.
	District Counsel—Cincinnati.
	District Counsel—Philadelphia.
	District Counsel—Newark.
	District Counsel—Chicago.
	District Counsel—Manhattan.
	District Counsel—Dallas.
	District Counsel—San Francisco.
	Regional Director of Appeals.
	District Counsel—Washington, DC.
	Deputy Regional Counsel (Tax Litigation).
	District Counsel—Brooklyn, New York.
	District Counsel—Houston, Texas.
	District Counsel—Denver.
U.S. Arms Control and Disarmament Agency	
Office of the Director	Executive Secretary.
Verification and Intelligence Bureau.	Chief, Verification Division Ver & Intell Bur.
	Chief, Operations Analysis Division.
	Senior Operations Research Analyst.
Ofc of Administration	Administrative Director.
Office of the General Counsel.	Special Counsel.
Theatre Affairs Division	Chief, Theater Affairs Division—A966.
Strategic Affairs Division.	Chief, Strategic Affairs Division—A977.
Nuclear and Weapons Control Bureau.	Chief Scientist.
	Chf, Nuclear Safeguards & Technology Div.
	Chf, International Nuclear Affairs Divisions.
Multilateral Affairs Bureau.	Chief Scientist.
United States Information Agency	
Ofc of the Director	Assistant Inspector General for Contract.
	Assistant Inspector General for Inspections.
Bureau of Management	Director, Office of Personnel.
	Director, Office of the Comptroller.
	Dir Off Security.
	Dep Dir of Admin for Technology.
	Dir Ofc of Contracts.
	Dep Director, Office of Administration.
	Director, Office of Technology.
Voice of America	Dir Engineering and Technical Operations.
	Deputy of Systems Engineering.
	Chief Broadcast Systems Engineering Division.
	Deputy for Projects Management
	Deputy for Operations.
Ofc of the Gen Counsel & Cong Liaison.	Dep General Counsel.
U.S. International Trade Commission	
Office of Industries	Dir Ofc of Industries.
Office of Investigations	Dir. Ofc of Investigations.
Veterans Administration	
Inspector General	Dep Inspector General.
	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigation.
	Asst Insp Gen for Policy, Plan & Resources.
	Dep Asst for Inspec General for Hdqtrs Audits.
	Dep Asst Inspec General for Regional Audits.
	Dep Asst I/G for Policy, Planning & Resources.
	Dep Asst Inspector General for Investigations.
Board of Veterans Appeals.	Chairman.
	Vice Chairman.
	Deputy Vice Chairman.
	Deputy Vice Chairman.
Office of Personnel & Labor Relations.	Assoc Dir for Personnel Policy.
	Assoc Dir for Personnel Operations.
Office of Facilities	Northeastern Area Project Manager.
	Southern Area Project Manager.
	Central Area Project Manager.
	Western Area Project Manager.
	Dir, Office of Project Management.
	Director Ofc of Architecture & Engineering.
	Dep Dir, Ofc of Architecture & Engineering.
Office of Acquisition and Materiel Management.	Dir Ofc Acquisition & Materiel Mgtn.
	Dep Dir Ofc of Acquisition & Materiel Mgtn.
	Dir for Acquisition Mgnt Service.
	Dir, Field Operations Service.
Office of Info Mgmt & Statistics.	Dir, Office of Information Mgmt & Statistics.
Office of Systems Planning, Policy & Acquisition Contl.	Dir, Syst Plnng, Pol & Acquisition Control.
Office of Info Systems & Telecommunications.	Director for Telecommunications.
	Director for Customer Support.
	Director for Operations Management
Data Processing Center (DPC) Directors.	Director DPC Austin.
Department of Veterans Benefits.	Director Budget Staff.
	Dep Dir Compensation & Pension Service.
	Dep Dir Loan Guaranty Svc.
	Dir, Plans and Contracts Service
	Dir, Info Management & Tech Assessment Service.
Department of Medicine & Surgery.	Dep Dir, Mental Health & Behavioral Sciences.
	Dir Canteen Service.
	Dir, Resources Management Ofc.
	Deputy Director, Resource Management Office.

[FR Doc. 89-6051 Field 3-15-89; 8:45 am]

BILLING CODE 6325-01-M

federal register

Thursday
March 16, 1989

Part V

Department of Labor

Office of the Secretary

Commission on Workforce Quality and Labor Efficiency; Notice of Public Hearings

DEPARTMENT OF LABOR

Office of the Secretary

Commission on Workforce Quality and Labor Market Efficiency; Public Hearings

AGENCY: Commission on Workforce Quality and Labor Market Efficiency, Office of the Secretary, Department of Labor.

ACTION: Notice of public hearings.

SUMMARY: The Secretary's Commission on Workforce Quality and Labor Market Efficiency, U.S. Department of Labor, is announcing four public hearings. These hearings will be held as a part of the Commission's fact-finding process which will lead to specific recommendations to the Secretary of Labor to increase the excellence of the American workforce. The hearings will provide interested individuals and organizations with an opportunity to present oral and/or written views to the Commission. The level hearings will focus on: (1) Mechanisms for increasing the skill of workers (workforce quality) and (2) methods for making better use of the skills that already exist in the workforce (labor market efficiency).

DATES: The dates of the four public hearings are as follows:

May 2, 1989: Irving, Texas.

May 4, 1989: Indianapolis, Indiana.

May 9, 1989: Philadelphia, Pennsylvania.

May 11, 1989: San Francisco, California.

The hearings will begin at 9:00 a.m. and adjourn at 5:00 p.m. There will be a one-hour break for lunch (12:00 noon to 1:00 p.m.). If necessary it may be possible to extend the ending time beyond 5:00 p.m. Persons desiring to present oral statements at the hearing shall submit a notice of intent to appear, postmarked on or before April 12, 1989. Scheduling of oral presentations cannot be guaranteed for notices of intent to appear that are received after April 12, 1989.

Notices of intent to present oral statements shall be mailed to: Secretary's Commission on Workforce Quality and Labor Market Efficiency, U.S. Department of Labor, Room C–2313, 200 Constitution Avenue, NW., Washington, DC 20210.

Attention: John R. Beverly

ADDRESSES: The locations of the four public hearings are as follows:

Irving—Northlake Community College, 5001 North McArthur Boulevard, Irving, TX 75038–3899.

Indianapolis—Indiana World War Memorial, 431 North Meridian Street, Indianapolis, IN 46204.

Philadelphia—School District of Philadelphia, Administration Building Auditorium, 21st Street South of the Parkway, Phiadelphia, PA 19103.

San Francisco—Best Western Grosvenor, 380 South Airport Boulevard, South San Francisco, CA 94080.

Written Statements

Written statements may be submitted for the public record in lieu of oral statements through May 11, 1989. These statements should be sent directly to the Commission (see address given above) in the following format:

I. Issues and Questions Addressed

Identify the issue(s) and related question(s) to which the statement is directed (refer to the section on Agenda Topics/Issues of this announcement). For example:

"I.A. Incentives for Student Achievement: questions i and iv.

"II.B. Enhancing Labor Force Participation Through Flexibility: question iii."

II. Summary

Briefly summarize the major points and recommendations presented in the statement.

III. Discussion

The narrative should provide information, points of view and recommendations that will enable the Commission to consider all factors relevant to the question(s) the statement addresses.

Respondents are encouraged to limit this section of their written statement to five (5) pages.

Written statements presented at the hearings will be accepted and incorporated into the public record (see section on Hearings Objectives and Procedures). All written statements should follow the above format.

FOR FURTHER INFORMATION CONTACT: John R. Beverly, Secretary's Commission on Workforce Quality and Labor Market Efficiency, Room C–2313, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–523–6836.

Background on the Secretary's Commission on Workforce Quality and Labor Market Efficiency

The Commission on Workforce Quality and Labor Market Efficiency was established by the Secretary of Labor on July 11, 1988, to develop policy recommendations to maintain and improve the quality and competitiveness of the American workforce. The Commission is chaired by Richard Schubert, President of the American Red Cross and a former Under Secretary of Labor. The Commission has 21 members representing experts and senior executives from business, labor, government, academia, and the public. The findings of the Commission will be issued as a report to the Secretary on Labor Day of 1989.

Agenda Topics/Issues

These hearings will focus on two aspects of the labor market: workforce quality and labor market efficiency. The issues being considered by the Commission have been stated below in the form of questions. The first set of questions address mechanisms for increasing the skill level of workers (workforce quality). The second set of questions address methods for making better use of the skills that already exist in the workforce (labor market efficiency). These questions are intended to facilitate the presentation of views on the options that should be considered by the Commission.

Members of the public should be aware that these questions by no means include all possible avenues of inquiry of interest to the Commission. However, they should prove helpful to potential participants in preparing written or oral comments. In addition, the questions are intended to assist in focusing the information provided to the Commission through the hearings.

I. Workforce Quality

A. Incentives for Student Achievement

There is reason to believe that some of the deficiencies of secondary school students could be addressed by creating incentives for students to stay in school longer and to work harder in school. The idea is to convince the students that their hard work and perseverance will be rewarded.

i. What incentives can be given to students to attend class regularly and receive good grades?

ii. Would it help if teachers were consistently asked by employers to write letters of recommendation on behalf of students?

iii. Would students perform better if employers asked them for their high school transcripts?

iv. Is it possible for employers to work with the schools to guarantee good jobs to good students upon graduation?

v. Is there an increasing need to facilitate information flows between employers and educational institutions?

What kind of information should be the primary focus of these information flows? What role should government and the private sector play in facilitating this communication?

B. "Second Chance" Education and Training Systems

Government-provided programs can be used to provide education and training to individuals who are high school dropouts and those who have completed high school but do not plan to pursue post-secondary education. Many suggest that the proper focus of these programs is on basic language, mathematics, and job-readiness skills because job-specific skill training will be amply supplied by private employers to those individuals who possess basic skills. Others argue that specific skill training is an essential element of government training programs because it provides a much needed applied dimension to basic skills instruction.

i. What is the appropriate focus of government training programs?

ii. Should universal free basic education for adults be a priority goal of employment and training policy?

iii. Should a tighter integration of federally-supported job training and placement services occur (e.g., JTPA, Employment Service, and Vocational Education) and at what level(s) of government? What are the impediments to integration?

iv. Is there an increasing need to facilitate information flows between employers and training institutions? What kind of information should be the primary focus of these information flows?

C. Lifetime Training and Retraining

Many people believe that the rate of structural change in the economy is increasing because of technological advances and increasing foreign competition. If this is true, it will become increasingly important that all workers receive training throughout their lifetimes so that they will be better able to adjust to these changes.

i. What is the appropriate mix between the public and private sectors for providing training and retraining to workers?

ii. Are public policies needed to encourage more training within the private sector?

iii. What is the most effective approach to encouraging private investment in training?

iv. Should policies to encourage private-sector training be focused on particular groups of workers? If so, what should the focus be?

D. Financing and Tax Treatment of Education and Training

Private capital markets represent the primary source of financing for human capital investment. Government programs designed to facilitate access to these markets (e.g., guaranteed student loans) have encountered repayment and other administrative problems. Moreover, some observers, who question whether loans provide sufficient access to capital markets for minorities and the disadvantaged, believe that grants should be made more widely available. Finally, the role of corporate and personal income taxes in creating incentives for human capital investment must be considered.

i. How would private loan sources respond to changes in the availability of government loans?

ii. What alternative loan schemes are practical and what role should be delineated for government in each? What are the trade-offs associated with each loan scheme?

iii. What groups should be targeted for assistance in accessing financial capital markets? Should there be universal access to loans for post-secondary education?

iv. Should the corporate and personal income tax structures be changed to encourage investment in human capital? If so, how should they be changed?

II. Labor Market Efficiency

A. Matching Workers and Jobs

Efficient use of the human capital that is embodied in our labor force requires that we have mechanisms for quickly matching the skills of unemployed workers with the skills that are demanded by employers. The Omnibus Trade and Competitiveness Act of 1988 and the Worker Adjustment and Retraining Notification Act are intended to facilitate this process for dislocated workers. In addition, all job seekers can use a variety of other mechanisms and institutions ranging from private labor market intermediaries to government-funded agencies such as the Employment Service.

i. Could a relocation bonus, provided through the unemployment insurance system, create a sufficient incentive for dislocated workers to relocate? Are additional incentives needed?

ii. What policy changes are needed to encourage a larger role for labor and management in facilitating the process of adjustment for dislocated workers?

iii. What is the appropriate mix of services for the Employment Service?

iv. Should vouchers be given to job seekers, thereby allowing them to choose between public and private agencies that provide labor market information?

v. Are changes needed in the way the Employment Service is financed?

vi. Are policy changes needed to facilitate flexibility on the part of states and localities in organizing Employment Service functions and other employment and training services?

B. Enhancing Labor Force Participation Through Flexibility

The demographic composition of the labor force is changing rapidly. With each passing year, a greater percentage of the workforce will consist of women and minorities. At the same time, the workforce is aging. These changes will require increased workplace flexibility if firms are to attract and retain productive workers. This flexibility may require employers to become increasingly involved in assisting workers with their dependent care responsibilities, providing increased flexibility in working hours, and offering more flexible employee benefit options. It will also require human resource policies that facilitate the labor force participation of segments of the population who have experienced difficulties in the labor market.

i. What should be the respective roles of government and employers in assisting workers to meet the cost of dependent (child and elder) care? Should eligibility for government assistance in meeting the cost of dependent care extend to those engaged in non-market work (e.g., school or full-time training or work in the home)?

ii. Does employer-sponsored dependent care have a positive effect on worker productivity and the profitability of the firm?

iii. What are the impediments to increasing worker flexibility in managing work time? Which of these impediments result from public policy?

iv. What should government do to encourage private sector human resource policies that facilitate labor force entry and advancement in employment among groups that have experienced labor market problems, e.g., black youth (expecially males), women who are household heads, displaced homemakers, persons with disabilities, and older workers? How can the private sector reach out to these groups?

v. Should increased pension portability be a public policy priority? What should be the major elements of pension policy with respect to portability?

vi. Are changes needed in retirement policies to facilitate the labor force participation of older workers?

C. Industrial Relations and Productivity

In the 1970's and through the 1980's the American industrial relations system turned increasingly to efforts to enhance worker performance and productivity. These programs have included: more labor involvement in plant management, quality circles, job redesign, employee stock ownership arrangements, labor-management cooperation focused on a broad range of employment issues, other types of employee participation, and pay-for-knowledge plans.

i. What is the impact of employee participation and involvement programs and innovative pay schemes on worker morale and productivity?

ii. What is the appropriate focus of public policy in this area: dissemination of "best practice" information, or incentives to encourage worker participation and involvement in both union and non-union firms?

iii. Does the current tax treatment of employee ownership plans provide the proper economic incentives?

Hearings Objectives and Procedures

The Commission seeks participation in the hearings from a wide spectrum of individuals and organizations. Speakers will be scheduled, to the extent feasible, to provide a broad but balanced number of viewpoints and to reflect a variety of interests.

The goal of the hearings is to provide for maximum input and guidance from members of the public. Accordingly, the hearings will include a very brief introduction by representatives of the Commission with the great majority of each day devoted to presentations by scheduled speakers.

As noted in the **DATES** and **ADDRESSES** sections above, speakers wishing to present statements shall file notices of intent. To assist the Commission in appropriately scheduling speakers, the written notice of intent to present oral comments should include the following information:

(1) Name, address, and telephone number of each person to appear;

(2) Affiliation; and

(3) A brief statement of the issues and/or concerns that will be addressed and whether a written statement will be submitted for the record.

Individuals who do not register in advance will be permitted to register and speak at the meeting in order of registration, if time permits. Speakers should plan to limit their total remarks to no more than five minutes. While it is anticipated that all persons desiring to do so will have an opportunity to speak, time limits may not allow this to occur. The Commission will make the final determination on selection and scheduling of speakers.

However, all written statements presented at the hearings will be accepted and incorporated into the public record. Written statements submitted in lieu of oral statements should be received by May 11, 1989, in order to be incorporated into the public record. Written statements received after the date will be accepted; however inclusion in the public record cannot be guaranteed.

The Chairman of the Commission, or his designee, will preside at each of the four hearings. The proceedings will be audiotaped and transcribed.

Next Steps

The Commission plans to analyze all comments received in response to this announcement. A report on the outcome of these public hearings will be available to the public upon request after June 26, 1989.

The results of the public comments will be used by the Commission in making recommendations to the Secretary of Labor on how to increase the excellence of the American workforce. These recommendations will be presented in a report to the Secretary on Labor Day 1989.

Signed at Washington, DC, this 13 day of March 1989.

David L. Crawford,

Executive Director, Secretary's Commission on Workforce Quality and Labor Market Efficiency.

[FR Doc. 89-6215 Filed 3-15-89; 8:45 am]

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Reader Aids

Federal Register

Vol. 54, No. 50

Thursday, March 16, 1989

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MARCH

8519-8722.....1
8723-9024.....2
9025-9194.....3
9195-9412.....6
9413-9752.....7
9753-9978.....8
9979-10134.....9
10135-10266.....10
10267-10534.....13
10535-10620.....14
10621-10970.....15
10971-11156.....16

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

2.....9670
3.....9670
5.....9670
6.....9670
7.....9670
8.....9670
9.....9670
10.....9670
11.....9670
12.....9670
15.....9670
16.....9670
17.....9670
18.....9670
19.....9670
20.....9670
21.....9670
22.....9670

3 CFR

Proclamations:
5938.....8723
5939.....9193
5940.....9195
5941.....10261
Executive Orders:
12670.....10267
Administrative Orders:
Memorandums:
Feb. 14, 1989.....9753
Presidential Determinations:
No. 89-11 of
Feb. 28, 1989.....9413

5 CFR

317.....9755
339.....9761
831.....10135
1204.....8725
Proposed Rules:
1201.....8753

7 CFR

21.....8912
401.....9766, 10621
800.....9197
907...9025, 10136, 10535, 10971
910.....9026, 10137
955.....10972
959.....8519
980.....8521
985.....9766
989.....9415
1809.....8521
1922.....8521
1930.....9197
1944.....8521
1945.....8521
1951.....10269
1965.....8521
Proposed Rules:
15b.....9966
29.....10012
51.....9824, 10014
52.....10333
58.....9452
301.....10992
318.....9453
401.....9825
402.....9826
411.....9827
416.....9828
422.....9829
425.....9830
430.....9831
433.....9831
435.....9832
436.....9833
437.....9834
443.....9835
725.....11001
726.....11001
800.....9054
906.....9455
917.....9457
925.....11004
927.....8544
928.....10155
933.....10341
946.....10156
989.....10158
1040.....10214
1106.....9458
1137.....10159
1901.....10342
1951.....9217
1955.....10342
1980.....10342

8 CFR

214.....10978
Proposed Rules:
204.....9459
210a.....9054

9 CFR

92.....9768
313.....9198
327.....10621
381.....10621
Proposed Rules:
1.....10822
2.....10835
3.....10897
91.....9459
92.....9836, 10356
145.....9842
147.....9842
203.....10018
317.....9370
381.....9370

10 CFR

9.....10138
1039.....8912

Proposed Rules:

4.....9966
31.....10550
50.....9229
600.....10670
1040.....9966

11 CFR

114.....10622

12 CFR

201.....10270
202.....9416
205.....9416
208.....10482
226.....9417
265.....10139

13 CFR

124.....10271

Proposed Rules:

113.....9966
120.....9233, 9424
129.....9424

14 CFR

39...8527, 9026, 10139, 10276, 10622, 10624, 10625
71.....8528, 8726, 8727, 9028, 9009, 9406, 10140
95.....10278
97.....9030, 10284
129.....11116
241.....9590
1208.....8912
1215.....10627
1260.....9426

Proposed Rules:

1.....9276
21.....9738, 10160, 10163
23.....9276, 9338, 10160
25.....10160
36.....9738
39.....8544–8550, 8758, 8759, 10165
43.....9738
71.....8551–8556, 8760, 8761, 9061, 9063, 10166, 10167 11005
73.....10167
75.....9063–9065
91.....9338, 9738
121.....10484
135.....9338, 10484
141.....9738
147.....9738
1251.....9966
1259.....10357

15 CFR

11.....8912
799.....9770

Proposed Rules:

787.....9233
1150.....10550

16 CFR

13.....9198, 9199, 9428
456.....10285

17 CFR

210.....10306
229.....9770
240.....10306
249.....9770, 10306
270.....10306
274.....10306

Proposed Rules:

34.....9460
240.....9842, 10360, 10552, 10675, 10680
270.....9843

18 CFR

Ch. I.....9031
141.....8529
154.....8728
157.....8728
260.....8529, 8728
277.....8529
284.....8728
357.....8529
385.....8728
388.....8728
410.....9199
1306.....8912

Proposed Rules:

270.....8557
271.....8557

19 CFR

Ch. 1.....9429
10.....10322
24.....10322
113.....10536
148.....10322

Proposed Rules:

24.....10019
132.....10019, 10214
141.....10019
142.....10019
143.....10019

21 CFR

1.....9033
2.....9033
5.....9033
7.....9033
10.....9033
12.....9033
13.....9033
14.....9033
16.....9033
20.....9033
21.....9033
25.....9033
50.....9033
56.....9033
58.....9033
74.....9200
176.....10627
177.....10630
178.....9774
184.....10482
291.....8954
510.....8880, 9979
520.....8880
522.....9590
558.....9429, 10979
1308.....10632

Proposed Rules:

291.....8973, 8976
1306.....11006

22 CFR

51.....8531

Proposed Rules:

142.....9966
217.....9966

23 CFR

646.....9039

24 CFR

42.....8912
201.....10536
219.....9708
840.....8880
968.....8880, 9039
990.....10657

26 CFR

1.....8728, 10537, 10616, 10660 10980
7.....9200
601.....10660
602.....10537

Proposed Rules:

1.....9236, 9460, 11007
7.....9236

28 CFR

11.....9979
60.....9430
64.....9043

29 CFR

12.....8912
1910.....9294
1952.....9044
2520.....8624
2610.....10660
2619.....10661
2676.....10662

Proposed Rules:

530.....11008
1626.....10025

30 CFR

701.....9724
773.....8982
778.....8982
785.....9724
843.....8982
925.....10663
931.....9980
934.....10141

Proposed Rules:

56.....10256
57.....10256
202.....9066
206.....9066
210.....9066
212.....9066
761.....9847
931.....10562
935.....8561, 8562

31 CFR

203.....8532
214.....8532
515.....9431

Proposed Rules:

235.....10366
240.....10366
245.....10366
248.....10366

32 CFR

45.....9983
199.....8733, 9202
259.....8912
358.....9989
383.....8534
518.....9990, 10541

33 CFR

117.....10541, 10665
165.....9775, 9776, 9778

Proposed Rules:

100.....10373–10375
117.....10377, 10562
401.....9504

34 CFR

15.....8912
237.....10966

Proposed Rules:

76.....8708
77.....8708
104.....9966
250.....10500
298.....8708
300.....10500
315.....10500
324.....10500
332.....10500
366.....10500
369.....10500
385.....10500
396.....10500
400.....10500
607.....10500
608.....10500
609.....10500
624.....10500
628.....10500
629.....10500
630.....10500
631.....10500
637.....10500
639.....10500
643.....10500
644.....10500
645.....10500
646.....10500
649.....10500
656.....10500
657.....10500
658.....10500
692.....10500
745.....10500
755.....10500
773.....10500

36 CFR

904.....8912

Proposed Rules:

290.....9066

37 CFR

1.....9431

Proposed Rules:

1.....9507, 11009
2.....9514, 11009

38 CFR

4.....10482
25.....8912

Proposed Rules:

18.....9966
21.....9237, 10377, 10378

39 CFR

111.....9210
777.....10666

Proposed Rules:

111.....10563

3001.....9848

40 CFR

4.....8912
52.....8537, 8538, 9212, 9432–9434, 9780, 9781, 9783, 9796, 9992, 9993, 10145, 10147, 10214, 10322, 10323, 10982, 10983
61.....10985
62.....9045
124.....9596
147.....8734, 10616
180.....8540, 9799, 10542, 10962
270.....9596
271.....10986
300.....10512, 10520
370.....10325
372.....10668

Proposed Rules:

7.....9966
52.....8762, 8764, 10380, 10381, 10565, 11016, 11108
60.....8564, 8570
61.....9612
228.....10386
260.....10388
261.....10388
262.....10388
264.....10388
265.....10388
268.....10388
270.....10388

41 CFR

101–6.....9213
101–7.....10543
105–51.....8912
114–50.....8912
128–18.....8912

42 CFR

5.....8735
405.....8994
433.....8738
435.....8738
1001.....9995

Proposed Rules:

110.....9180

43 CFR

Public Land Order:

6710.....9213
6711.....10988

Proposed Rules:

4.....9852, 10784
8380.....9066

44 CFR

25.....8912
65.....8540
352.....10616

Proposed Rules:

59.....9523
60.....9523
65.....9523
67.....10682

45 CFR

15.....8912
233.....10544
306.....10148

Proposed Rules:

84.....9966
605.....9966
1151.....9966
1170.....9966
1232.....9966
1632.....10569

46 CFR

Proposed Rules:

Ch. I.....8765
221.....10168

47 CFR

1.....10326
2.....9996
21.....10326
15.....9996
22.....10326
65.....9047
73.....8742–8744,9214, 9437, 9800, 9804, 9997–9999
74.....10326
76.....9999
80.....8541, 8745, 10007
94.....10326

Proposed Rules:

68.....9067
73.....8765–8767, 10026, 10170–10172
76.....10026

48 CFR

204.....9807
219.....9807
252.....9807
501.....9049
505.....10149
514.....9049
532.....9049
552.....9049
553.....10149
932.....9807
952.....9807
1428.....10988
1452.....10988
1532.....9215
1552.....9215
1801.....10976
1804.....10976
1805.....10976
1807.....10976
1815.....10976
1816.....10976
1822.....10976
1823.....10976
1832.....10976
1834.....10976
1835.....10976
1836.....10976
1837.....10976
1842.....10976
1843.....10976
1845.....10976
1846.....10976
1847.....10976
1848.....10976
1852.....10976
1853.....10976

Proposed Rules:

5.....9720
15.....10133
17.....9720
35.....9720
42.....10133
52.....10133
525.....9067
546.....9067
552.....9067

49 CFR

1.....8746, 10009
7.....10009
24.....8912
173.....10010
580.....8747–8750, 9809, 9816
800.....10331
805.....10331
826.....10332
1105.....9822
1135.....8720
1152.....9822
1312.....10533
1314.....9052, 10533

Proposed Rules:

396.....11020
571.....9855
580.....9858
1016.....9071
1312.....9863
1314.....9863

50 CFR

17.....10150
33.....10544
216.....9438
260.....10547
301.....8542
371.....10989
651.....10010
652.....8751
655.....10549
675.....9216

Proposed Rules:

17.....8574, 9529
20.....8880
671.....9072

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List February 10, 1989