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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
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- WHAT:** Free public briefings (approximately 3 hours) to present:
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 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

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Contents

Federal Register

Vol. 54, No. 60

Thursday, March 30, 1989

Agriculture Department

See Animal and Plant Health Inspection Service; Food and Nutrition Service

Animal and Plant Health Inspection Service

RULES

Exportation and importation of animals and animal products:

Disease status change—

Great Britain; hog cholera, 13052

Harry S Truman Animal Import Center—

Swine from China, 13049

NOTICES

Committees; establishment, renewal, termination, etc.:

National Poultry Improvement Plan General Conference

Committee, 13088

Bonneville Power Administration

NOTICES

Environmental statements; availability, etc.:

Port Angeles, WA; transmission reinforcement, 13103

Coast Guard

RULES

Drawbridge operations:

Florida, 13064

Regattas and marine parades:

Chesapeake Bay Bridge Swim Race, 13062

Safety-at-Sea Seminar, 13063

PROPOSED RULES

Drawbridge operations:

Louisiana, 13080

Regattas and marine parades:

Fourth of July Celebration, Little Egg Harbor, NJ, 13079

Commerce Department

See also Export Administration Bureau; International Trade Administration; National Oceanic and Atmospheric Administration; National Telecommunications and Information Administration

NOTICES

Agency information collection activities under OMB review, 13088-13090

(6 documents)

Committee for the Implementation of Textile Agreements

NOTICES

Cotton, wool, and man-made textiles:

India, 13100

United Mexican States; correction, 13101

Export visa requirements; certification, waivers, etc.:

Dominican Republic, 13101

Commodity Futures Trading Commission

NOTICES

Meetings; Sunshine Act, 13138

(4 documents)

Copyright Royalty Tribunal

NOTICES

Cable royalty fees:

Distribution proceedings, 13101

Customs Service

NOTICES

Customs brokers relationships; position statement, 13136

Defense Department

NOTICES

Agency information collection activities under OMB review, 13102

(3 documents)

Meetings:

Science Board task forces, 13102, 13103

(4 documents)

Energy Department

See Bonneville Power Administration

Executive Office of the President

See Presidential Documents

Export Administration Bureau

RULES

Miscellaneous amendments and nomenclature changes,

13054

Federal Aviation Administration

RULES

Airport radar service areas, 13053

PROPOSED RULES

Airworthiness directives:

McDonnell Douglas, 13070

Jet routes, 13072

VOR Federal airways, 13071

NOTICES

Advisory circulars; availability, etc.:

Aircraft—

Powered-lift normal category aircraft; interim airworthiness criteria, 13131

Airport noise compatibility program:

Naples Municipal Airport, FL, 13132

Nashville International Airport, TN, 13134

Noise exposure map—

San Diego International Airport, CA, 13133

Exemption petitions; summary and disposition, 13134

Federal Communications Commission

RULES

Television broadcasting:

Broadcast and cable television service; cross-interest policy

Correction, 13067

PROPOSED RULES

Television broadcasting:

Broadcast and cable television service; cross-interest policy

Correction, 13082

NOTICES

Applications, hearings, determinations, etc.:

Yates, Jo Anne, et al., 13104

Federal Emergency Management Agency

RULES

Flood insurance; communities eligible for sale:

Maine et al., 13065

NOTICES

Catastrophic earthquake plan; amendment, 13104
Disaster and emergency areas:
Kentucky, 13114

Federal Reserve System**NOTICES**

Applications, hearings, determinations, etc.:
Caisse National De Credit Agricole, S.A., et al., 13114
FNC Acquisition Co. et al., 13115
Gillett, Eric A., et al., 13115

Federal Trade Commission**PROPOSED RULES**

Prohibited trade practices:
Pepsico, Inc., et al., 13073

Food and Drug Administration**NOTICES**

Biological product licenses:
San Juan Plasma, Inc., 13116

Food and Nutrition Service**RULES**

Child nutrition programs:
Child care food program—
Adult day care provision, 13048
School breakfast program—
Nutritional improvements and offer versus serve, 13045

Health and Human Services Department

See Food and Drug Administration; Health Care Financing
Administration; Human Development Services Office

Health Care Financing Administration**NOTICES**

Medicare:
Data users conference notification, 13116

Housing and Urban Development Department**RULES**

Community development block grants:
Emergency shelter program, 13060

NOTICES

Organization, functions, and authority delegations:
Assistant Secretary for Fair Housing and Equal
Opportunity, 13122
Assistant Secretary for Fair Housing and Equal
Opportunity et al., 13121

Human Development Services Office**NOTICES**

Grants and cooperative agreements; availability, etc.:
Child abuse and neglect—
Prevention activities, 13117
Developmental disabilities—
University affiliated programs, 13119

Interior Department

See Land Management Bureau; Minerals Management
Service

International Trade Administration**NOTICES**

Antidumping:
Malleable cast iron pipe fittings, other than grooved, from
Korea, 13090
Pressure sensitive plastic tape from Italy, 13091

Countervailing duties:

Porcelain-on-steel cooking ware from Mexico, 13093
Applications, hearings, determinations, etc.:
National Institute of Environmental Health Sciences et al.,
13096
University of Massachusetts et al., 13096

Justice Department**NOTICES**

Pollution control; consent judgments:
Buffalo Board of Education et al., 13125
P.W. Stephens, Inc., 13126

Land Management Bureau**NOTICES**

Meetings:
Susanville District Advisory Council, 13123
Oil and gas leases:
Montana, 13123
Realty actions; sales, leases, etc.:
Nevada, 13123
Survey plat filings:
Minnesota, 13124
(2 documents)
Withdrawal and reservation of lands:
Nevada, 13124

Lower Mississippi Delta Development Commission**NOTICES**

Meetings, 13126

Minerals Management Service**NOTICES**

Meetings:
Outer Continental Shelf Advisory Board, 13125
Organization, functions, and authority delegations:
Central and field organization, 13125

National Archives and Records Administration**NOTICES**

Agency records schedules; availability, 13126

National Highway Traffic Safety Administration**RULES**

Motor vehicle theft prevention standard:
High theft lines; listing, 13067

PROPOSED RULES

Motor vehicle safety standards:
Bus fuel system integrity, 13082

National Oceanic and Atmospheric Administration**NOTICES**

Meetings:
South Atlantic Fishery Management Council, 13097
Western Pacific Fishery Management Council, 13097
(2 documents)
Permits:
Experimental fishing, 13098
Foreign fishing, 13098
Marine mammals, 13099

National Science Foundation**NOTICES**

Meetings:
Animal Learning and Behavior Advisory Panel, 13127
Archaeometry Advisory Panel, 13127
Biochemistry Advisory Panel, 13128
Cellular Neuroscience Advisory Panel, 13128

Sensory Systems Advisory Panel, 13128
 Social Psychology Advisory Panel, 13128
 Sociology Advisory Panel, 13129

National Telecommunications and Information Administration

NOTICES

Grants and cooperative agreements; availability, etc.:
 Public telecommunications facilities program, 13140

Neighborhood Reinvestment Corporation

RULES

Organization and channeling of functions, 13061

Nuclear Regulatory Commission

NOTICES

Meetings:

Reactor Safeguards Advisory Committee, 13129

Petitions; Director's decisions:

Wolf Creek Nuclear Operating Corp., 13130

Applications, hearings, determinations, etc.:

Georgia Power Co. et al., 13129

Presidential Documents

PROCLAMATIONS

Special observances:

Earthquake Awareness Week, National (Proc. 5947), 13043

Public Health Service

See Food and Drug Administration

Securities and Exchange Commission

RULES

Reporting and recordkeeping requirements, 13057

Textile Agreements Implementation Committee

See Committee for the Implementation of Textile Agreements

Transportation Department

See also Coast Guard; Federal Aviation Administration;

National Highway Traffic Safety Administration

NOTICES

Aviation proceedings:

Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 13130

Hearings, etc.—

U.S.-Mexico all-cargo service proceeding, 13130

Treasury Department

See also Customs Service

NOTICES

Agency information collection activities under OMB review, 13135

Veterans Affairs Department

RULES

Vocational rehabilitation and education:

Veterans education—

Nonstandard terms; training time determination, 13064

PROPOSED RULES

Adjudication; pensions, compensation, dependency, etc.:

Benefits at DIC rates in cases when death was not service connected, 13081

Separate Parts In This Issue

Part II

Department of Commerce, National Telecommunications and Information Administration, 13140

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.

3 CFR**Proclamations:**

5947..... 13043

7 CFR

220..... 13045

226..... 13048

9 CFR

92..... 13049

94..... 13052

14 CFR

71..... 13053

Proposed Rules:

39..... 13070

71..... 13071

75..... 13072

15 CFR

Ch. VII..... 13054

16 CFR**Proposed Rules:**

13..... 13073

17 CFR

200..... 13057

24 CFR

576..... 13060

4100..... 13061

33 CFR

100 (2 documents)..... 13062,

13063

117..... 13064

Proposed Rules:

100..... 13079

117..... 13080

38 CFR

21..... 13064

Proposed Rules:

3..... 13081

44 CFR

64..... 13065

47 CFR

73..... 13067

76..... 13067

Proposed Rules:

73..... 13082

76..... 13082

49 CFR

541..... 13067

Proposed Rules:

571..... 13082

Presidential Documents

Title 3—

Proclamation 5947 of March 27, 1989

The President

National Earthquake Awareness Week, 1989

By the President of the United States of America

A Proclamation

All fifty American States and the territories have various levels of risk from earthquakes. The probabilities of major earthquakes are highest in California and other Western States and continue to increase. However, vulnerabilities in the Central and Eastern United States are also increasing. Whenever and wherever a major earthquake occurs, its effects will be felt throughout the social and economic fabric of the entire Nation.

Although recent earthquakes, including the tragic earthquake in Soviet Central Asia last December, have heightened public awareness and stimulated interest in earthquakes, general knowledge is limited about the causes of earthquakes and measures that can reduce their effects. We must learn more about the earthquake threat so that we can take appropriate actions to reduce losses when an earthquake occurs.

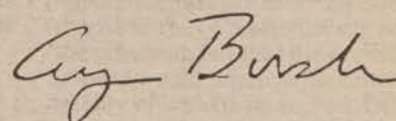
The Federal Government, through the National Earthquake Hazards Reduction Program, has been the primary leader in efforts to reduce the risks to life and property from future earthquakes in the United States. This program is a comprehensive multi-agency effort of scientific research, mitigation, preparedness and response planning, and public education.

An informed and educated citizenry is essential to reducing the earthquake risk. Federal, State, and local governments, educational institutions, business, industry, volunteer and service organizations, and individual citizens should increase efforts in mitigating the impact of earthquakes on families, communities, and the Nation.

The Congress, by Public Law 100-706, has designated the first week of April 1989 as "National Earthquake Awareness Week" and authorized and requested the President to issue a commemorative proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the first week of April 1989 as National Earthquake Awareness Week, and I call upon all public officials and the people of the United States to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of March, in the year of our Lord nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and thirteenth.



Police and Security Presidential Documents

Memorandum for the President

Subject: The Situation in the United States of America

A. Introduction

At this time, the situation in the United States of America is one of great concern. The President has received information from reliable sources that there is a serious threat to the security of the United States. It is the duty of the President to take such action as may be necessary to protect the United States from such threats.

The President has decided to take such action as may be necessary to protect the United States from such threats. It is the duty of the President to take such action as may be necessary to protect the United States from such threats.

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John F. Kennedy

Rules and Regulations

Federal Register

Vol. 54, No. 60

Thursday, March 30, 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

Food and Nutrition Service

7 CFR Part 220

[Amdt. No. 57]

School Breakfast Program; Nutritional Improvements and Offer Versus Serve

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends 7 CFR Part 220, the School Breakfast Program regulations, to revise the breakfast meal pattern to implement several provisions of the School Lunch and Child Nutrition Amendments of 1986, (Pub. L. 99-500, 591). This rule requires that school breakfasts include fluid milk, fruit or vegetable or full strength juice and two servings of bread or meat or their alternates or one serving of each. This rule also allows schools to permit students to refuse one food item of a breakfast. The Department is publishing this final rule to improve the nutritional quality of breakfasts offered under the program while maintaining local flexibility.

EFFECTIVE DATE: May 1, 1989. As described in the preamble, these provisions may be implemented earlier than July 1, 1989, but in no event later than July 1, 1989. The current rules shall remain in effect until a State implements the new rules, or July 1, 1989, whichever is earlier.

FOR FURTHER INFORMATION CONTACT: Robert Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302, telephone (703) 756-3620.

SUPPLEMENTARY INFORMATION: Classification

This final rule has been reviewed under Executive Order 12291 and has been classified as not major because it does not meet any of the three criteria identified under the Executive Order. This action will not have an annual effect on the economy of \$100 million or more, nor will it result in major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Furthermore, it will not have 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.

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 through 612). The Administrator of the Food and Nutrition Service has certified that this rule will not have a significant economic impact on a substantial number of small entities.

The School Breakfast Program is listed in the Catalog of Federal Domestic Assistance under No. 10.553 and is subject to the provisions of Executive Order 12372 which require intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V).

No new data collection or recordkeeping requiring Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 through 3502) are included in this rule. The School Breakfast Program data collection and recordkeeping requirements have been approved by OMB (OMB No. 0584-0012).

Background

Proposed Rule

On May 23, 1988, the Department published a proposed rule in the *Federal Register* (53 FR 18289) to require that an additional food item be added to school breakfasts and to authorize schools to implement an "offer versus serve" (OVS) option in breakfast. Under this provision, students would be permitted to refuse one food item that they do not intend to consume. The proposal responded to national evaluations conducted by the Department which

found that breakfasts served through the School Breakfast Program are superior to home breakfasts with respect to milk-related nutrients (protein, calcium, phosphorous, and magnesium) but provide significantly less iron and vitamin A than home breakfasts, due in part to the fact that larger servings of foods containing iron are consumed at home. Based on a review of these findings, the Department has concluded that the iron content of program breakfasts needs to be increased an additional 4.6 milligrams per week to raise the iron content of school breakfasts to the level of home breakfasts. The Department believes that increasing the level of iron in the school breakfast will also increase the levels of many other nutrients which occur in combination with iron.

Overview of Comments Received

During the 60-day comment period on the proposed rule, the Department received 105 comment letters. The majority of these letters (43) were from school food authorities with 27 comments from local school personnel. Another 20 letters were received from State agencies and 13 were from representatives of advocacy groups, professional associations, industry, and other government agencies. The remaining 2 letters were from concerned citizens. Of the 105 commenters, 74 responded to the OVS issue and 56 addressed the proposed meal pattern changes. The overwhelming majority of commenters expressed support for the proposed rule. The Department would like to thank all who commented on this proposal. The remainder of this preamble discusses the comments on each individual issue in the proposal.

Meal Pattern Requirements

Of the comments on the meal pattern, 39 supported and 14 opposed the proposed meal pattern and the addition of a fourth item to the meal pattern. An additional 3 commenters were apparently unclear as to the intent of the proposed rule. Commenters in support of the provision felt that the revised meal pattern would improve the nutritional quality of breakfasts served. Other anticipated benefits include greater flexibility in planning meals and increased variety for the student consumer. Commenters who disapproved of the proposed meal

pattern cited several reasons for concern. Several commenters suggested that the fourth item, meat/meat alternates, while adding calories and necessary nutrients, could also raise fat and dietary cholesterol to an undesirable level. One commenter suggested that service of a meat/meat alternate be limited to three times a week. The Department is sensitive to commenter concerns on this issue and will continue to encourage school food services to prepare menus with consideration to good nutrition, student preferences, cost, and feasibility. The Department supports the idea that guidelines issued jointly by USDA and the Department of Health and Human Services, which recommend that people avoid excessive amounts of fat, saturated fat, cholesterol, sugar and sodium in their diets.

In the proposed rule, the Department solicited comments on whether or not the daily service of a good vitamin C source should be required to aid in the absorption of iron. The majority of commenters agreed with the importance of serving good vitamin C sources, but of the 31 commenters addressing the issue, 27 were opposed to requiring daily service. These commenters concluded that mandating the daily service of vitamin C would defeat the goals of enhancing local flexibility and reducing cost and waste. The Department agrees with commenter response and will continue to recommend that citrus fruit or juice or another fruit or vegetable or juice high in vitamin C be served daily.

In response to Congressional interest, commenters were also invited to comment on the feasibility and desirability of incorporating a requirement to serve an egg at least once a week in the breakfast program. The seventeen commenters responding to this suggestion unanimously opposed the idea. Commenters perceived that such a mandate would hinder local flexibility and perhaps deter some schools with minimal facilities from offering the breakfast program. Several commenters were also opposed to mandating the service of a food high in cholesterol. The Department agrees with the commenters' position; therefore, no such mandate will be proposed at this time.

Several commenters responded to the suggestion that "a daily serving of a second slice of whole wheat toast or a double sized corn muffin or double sized serving of cereal would enhance the iron content of school breakfasts considerably." Commenters asked for guidance to specify "double size" and instructions on how to incorporate these

items when implementing OVS. Information concerning the service of these items can be found in the *Food Buying Guide for Child Nutrition Programs*, Food and Nutrition Service Program Aid Number 1331.

The use of formulated grain-fruit products was addressed by six commenters. Commenters who disapproved of these products believed that formulated grain-fruit products complicate implementation of OVS. Several commenters also opposed the concept of promoting a relatively "high calorie, low-nutrient density food". One commenter favored grain-fruit products because of the convenience and ease of serving them. The Department is sensitive to issues of local flexibility and variety in planning breakfasts, and consequently, no change to the provision to allow grain-fruit products is being made at this time. It must be recognized, however, that another meat/meat alternate or bread/bread alternate item must now be offered in addition to the grain-fruit products and milk in order to satisfy the breakfast meal pattern.

No comments were received in response to the Department's proposal to amend the labeling requirement for grain-fruit product contained in Appendix A. This amendment conforms to the new requirement that, where necessary, a school could meet the fruit/vegetable requirement and one of the bread/bread alternate requirements by serving a grain-fruit product. Therefore, this amendment is being adopted as proposed. Moreover, the Department is eliminating an obsolete reference concerning serving grain-fruit products as a supplement.

The Department wishes to emphasize, however, that the Department would allow one year from the effective date of this rule for relabeling.

Offer Versus Serve

The provision authorizing schools to implement an OVS option for breakfast attracted the largest number of comments (74), with 58 approvals and 9 disapprovals. The remaining commenters generally approved of the provision but offered several suggestions on the implementation of OVS. The supportive commenters emphasized that OVS would help reduce plate waste and food costs in the program. Several food service personnel mentioned that OVS in the National School Lunch Program has been very popular with the student body. One commenter also added that a significant proportion of our youth are overweight, and OVS would allow those students the choice of deleting unnecessary calories. Commenters who disapproved

of the provision believed that, in some cases, OVS would increase food waste since the necessity of preparing food choices for students would result in greater amounts of leftover food. Several commenters mentioned that OVS would be too difficult to implement with their present system, e.g., pre-pack foods and satellite programs. A few comments expressed concern that OVS would compromise the nutritional quality of the breakfast program. Some of these commenters maintained that young students have not yet learned to make wise food choices and that allowing them to turn down foods they may not want or are not familiar with is counter productive to the nutrition education goal.

In response to the concerns of opposing commenters, the Department would first like to emphasize that schools would not be required to implement OVS. Under the law of this regulation, this decision would be a local option. Moreover, the Department would prefer that children accept all items in a four item breakfast to provide an enhanced level of nutrients. The Department recognizes concerns about the possibility of increased plate waste. The Department considers, however, that with careful and accurate planning of daily food production, schools can avoid excessive plate waste when offering larger breakfasts. OVS should provide schools with another tool for containing costs.

Other commenters suggested that OVS be implemented with the following limitations: (1) For everything *except* milk; (2) *only* for the bread/bread alternate and meat/meat alternate menu items; (3) everything *except* milk and juice; and (4) *only* after additional funds are allocated to cover additional costs. The Department appreciates these comments but believes that limiting OVS options would unduly complicate the process and reduce flexibility. In response to the issue of inadequate financial resources, the Department would like to reiterate that the above provisions were proposed in response to a three cent increase in the reimbursement for all breakfasts served under the program as mandated by P.L. 99-591. Moreover, subsequent to the proposal Congress passed P.L. 100-435, which mandates an additional three cents for each breakfast served under the program beginning July 1, 1989. Therefore, the Department considers that the additional funds mandated by these two laws will be sufficient to enable schools to implement the enhanced meal requirements set forth in this regulation. The Department also

notes that many schools are already serving varied breakfast containing four food items, and those schools would not have to alter their current practices. Finally, schools which currently serve the basic three item breakfasts would be able to meet the new requirement by adding a relatively inexpensive fourth item to the breakfast.

Implementation

Several commenters suggested that implementation of the breakfast rule not be mandated until the 1989-90 school year. The Department is sensitive to commenter concerns on this issue and recognizes that schools have begun the process of letting contracts and ordering and purchasing food for the current school year. The Department does not wish to place any excessive administrative burden on the schools and concurs with this suggestion. The Department will, however, encourage schools to implement provisions of the final breakfast rule during the current school year. The Department wishes to emphasize, moreover, that although the final rule will not be mandated until the 1989-90 school year, if a school chooses to implement the OVS provision, it must offer the additional food component, i.e., serving a four item reimbursable meal.

Technical Amendments

Twelve commenters wrote in support of the revised school breakfast meal pattern chart that included the provisions of the previously issued final rule allowing nuts and seeds and nut or seed butters to be used as meat alternates (51 FR 16807, published May 7, 1986) in the National School Lunch Program. As noted in the preamble to the proposed rule, the inclusion of this provision in Part 220 brings the School Breakfast Program into conformance with the National School Lunch

Program. Finally, several commenters noted a slight inconsistency between the egg sizes for the breakfast and lunch programs. In the National School Lunch Program, the food chart specifies the use of large eggs as meat/meat alternates; the School Breakfast Program chart included in the proposed rule did not specify that a particular sized egg must be used. Moreover, the proposed rule would have required that one egg be served for all age groups, in which case the ratio of egg serving to meat serving would have been different from the ratio in the National School Lunch Program, in which one egg provides the equivalent of two ounces of meat/meat alternate. The School Breakfast Program meal pattern requires only one ounce of meat/meat alternate, and this requirement can be met by serving $\frac{1}{2}$ of an egg. The Department never intended the two programs to be inconsistent. Therefore, the Department established $\frac{1}{2}$ large egg as the minimum serving size for eggs in the School Breakfast Program.

Child Care Food Program

The Department will address the Child Care Food Program separately at a later date.

List of Subjects in 7 CFR Part 220

Food assistance programs, School Breakfast Program, grant programs—social programs, nutrition, children, reporting and recordkeeping requirements, surplus agriculture commodities.

Accordingly, 7 CFR Part 220 is amended as follows:

PART 220—SCHOOL BREAKFAST PROGRAM

1. The authority citation for Part 220 is revised to read as follows:

SCHOOL BREAKFAST PATTERN

[Required minimum serving sizes]

Food components/items	Ages 1 and 2	Ages 3, 4, and 5	Grades K-12
Milk (Fluid): (As a beverage, on cereal, or both).....	$\frac{1}{2}$ cup.....	$\frac{3}{4}$ cup.....	$\frac{1}{2}$ pint.
JUICE/FRUIT/VEGETABLE: ¹ Fruit and/or vegetable; or Full-strength: Fruit Juice or Vegetable Juice.....	$\frac{1}{4}$ cup.....	$\frac{1}{2}$ cup.....	$\frac{1}{2}$ cup.
Bread/Bread Alternates: ² —Bread (whole-grain or enriched).....	$\frac{1}{2}$ slice.....	$\frac{1}{2}$ slice.....	1 slice.
—Biscuit, roll, muffin or equal serving of cornbread, etc. (whole-grain or enriched meal or flour).....	$\frac{1}{2}$ serving.....	$\frac{1}{2}$ serving.....	1 serving.
—Cereal (whole-grain or enriched or fortified).....	$\frac{1}{4}$ cup or $\frac{1}{2}$ oz.....	$\frac{1}{2}$ cup or $\frac{1}{2}$ oz.....	$\frac{3}{4}$ cup or 1 oz.
Meat-Meat Alternates: —Meat/poultry, or fish.....	$\frac{1}{2}$ oz.....	$\frac{1}{2}$ oz.....	1 oz.
—Cheese.....	$\frac{1}{2}$ oz.....	$\frac{1}{2}$ oz.....	1 oz.
—Egg (large).....	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$.
—Peanut Butter of other nut or seed butters.....	1 Tbsp.....	1 Tbsp.....	12 Tbsp.
—Cooked dry beans and peas.....	2 Tbsp.....	2 Tbsp.....	4 Tbsp.
—Nuts and/or Seeds (as listed in program guidance) ³	$\frac{1}{2}$ oz.....	$\frac{1}{2}$ oz.....	1 oz.

¹ A citrus juice or fruit or a fruit or vegetable or juice that is a good source of vitamin C (See Menu Planning Guide for School Food Service—PA-1260) is recommended to be offered daily.

² See Food Buying Guide for Child Nutrition Programs, PA-1331 (1984) for serving sizes for breads and bread alternates.

³ No more than one ounce of nuts and/or seeds may be served in any one meal.

Authority: Secs. 4 and 10 of the Child Nutrition Act of 1966, 80 Stat. 886, 889 (42 U.S.C. 1773, 1779), unless otherwise noted.

2. In § 220.8:

a. Paragraph (a) is revised.

b. Paragraphs (b)(1) and (b)(3) are removed;

c. Paragraph (b)(2) introductory text is redesignated as paragraph (b) introductory text, and a title is added to read "Infant meal pattern"; and

d. Paragraphs (b)(2) (i), (ii) and (iii) are redesignated as paragraph (b) (1), (2) and (3) respectively. The revision reads as follows:

§ 220.8 Requirements for breakfast.

(a)(1) *Food components*—Except as otherwise provided in this section and in any appendix to this part, a breakfast eligible for Federal cash reimbursement shall contain, at a minimum, the following food components in the quantities specified in the table in paragraph (a)(2) of this section:

(i) A serving of fluid milk served as a beverage or on cereal or used in part for each purpose;

(ii) A serving of fruit or vegetable or both, or full-strength fruit or vegetable juice; and

(iii) Two servings from one of the following components or one serving from each:

(A) Bread/Bread alternate

(B) Meat/Meat alternate

(2) *Minimum required breakfast quantities*. Except as otherwise provided in this section and in any appendix to this part, a breakfast eligible for Federal cash reimbursement shall contain at least the per breakfast minimum quantities of each item for the age and grade levels specified in the following table:

(e) *Offer Versus Serve*. Each school shall offer its students all four required food items as set forth under paragraph (a)(1) of this section. At the option of the school food authority, each school may allow students to refuse one food item from any component that the student does not intend to consume. The refused food item may be any of the four items offered to the student. A student's decision to accept all four food items or to decline one of the four food items shall not affect the charge for breakfast.

3. Appendix A of Part 220 is amended by revising paragraph 1 (a) and (b) to read as follows:

Appendix A—Alternate Foods for Meals Formulated Grain-Fruit Products

1. * * *

(a) Formulated grain-fruit products may be used to meet one bread/bread alternate and the fruit/vegetable requirement in the breakfast pattern specified in § 220.8.

(b) Only individually wrapped formulated grain-fruit products which bear a label conforming to the following legend shall be utilized. "This product conforms to U.S.D.A. Child Nutrition Program specifications. For breakfast, it meets the requirements for fruit/vegetable/juice and one bread/bread alternate."

* * *

G. Scott Dunn,
Acting Administrator.

Date: March 27, 1989.

[FR Doc. 89-7576 Filed 3-29-89; 8:45 am]
BILLING CODE 3410-30-M

7 CFR Part 226

Child Care Food Program: Retroactive Reimbursement to Adult Day Care Centers

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule amends the Child Care Food Program (CCFP) regulations to extend the qualifying deadlines for retroactive reimbursement payments to adult day care centers. Under existing regulations, centers must have executed a Program agreement agreement by March 31, 1989 and submitted retroactive claims by March 31, 1989 or 60 days following the last full month covered by the claim, whichever is later. This rule allows retroactive

reimbursement to be made provided that the application for Program participation is postmarked or submitted no later than April 17, 1989 and the claims for retroactive reimbursement are postmarked or submitted no later than April 17, 1989 or 60 days following the last full month covered by the claim, whichever is later. This extension will provide State agencies and adult day care centers additional time to properly carry out their responsibilities under the application and claim submission processes.

EFFECTIVE DATE: This interim rule is effective March 30, 1989.

FOR FURTHER INFORMATION CONTACT: Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, United States Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302; (703) 756-3620.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under Executive Order 12291 and has been classified as not major because it will not have an annual effect on the economy of \$100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, or Federal, State or local government agencies, or geographic regions; and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule has also been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 through 612). Pursuant to this review, the Acting Administrator of the Food and Nutrition Service has certified that this final rule will not have a significant economic impact on a substantial number of small entities.

This Program is listed in the Catalog of Federal Domestic Assistance under No. 10.558 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultations with State and local officials (7 CFR Part 3015, Subpart V, and final rule related notice published at 48 FR 29114, June 24, 1983.)

Public Participation and Interim Rule Justification

This rule amends 7 CFR Part 226, as amended at 53 FR 52584 on December 28, 1988. That amendment implemented a provision of the Older Americans Act Amendments of 1987 requiring that adult day care centers be considered eligible institutions for reimbursement for meals or supplements under the CCFP effective October 1, 1987. Based on the effective date of the legislation, the December 28 rule contained special provisions in § 226.25(g) which permit adult day care centers to claim retroactive reimbursement for eligible meals served between October 1, 1987 and the date of the initial Program agreement between a State agency and an adult day care center. Rather than requiring that the Program agreement be executed by March 31, 1989, as set forth in the previous rulemaking, this rule requires that application for Program participation be postmarked or submitted by April 17, 1989. It also extends the deadline for submitting claims for retroactive reimbursement from March 31, 1989 to April 17, 1989, or 60 days following the last day of the full month covered by the claim, as provided in 7 CFR Part 226.10(e). Since this rule will provide State agencies and institutions additional time to complete tasks essential to the retroactive payment process, G. Scott Dunn, Acting Administrator of the Food and Nutrition Service, has determined, in accordance with 5 U.S.C. 553(b), that it is unnecessary and contrary to public interest to take prior public comment and that good cause therefore exists for publishing this rule without prior public notice and comment. For the same reasons, the Acting Administrator has determined that good cause exists for making this rule effective without a 30 day post-publication waiting period.

Background

Although Pub. L. 100-175 was enacted on November 29, 1987, the effective date of the adult day care provisions is October 1, 1987. Based on that effective date, the Department made an exception to Section 226.11(a) of CCFP regulations that limits retroactive cash and commodity reimbursement to meals served in the calendar month preceding the calendar month in which a written agreement to operate the Program is executed. Specifically, Program regulations published on December 28,

1988 allow reimbursement retroactive to October 1, 1987. In addition, the regulation required institutions which intended to claim retroactive reimbursement to have executed a Program agreement with the State agency by March 31, 1989 and have submitted a claim for reimbursement for each month of operation covering the meals served between October 1, 1987 and the date of the initial Program agreement between the State agency and the center by March 31, 1989 or the date set by § 226.10(e), whichever was later.

Since the publication of the December 28 regulations the Department has been made aware by State agencies and others that the time period between the publication date and the March 31, 1989 deadline date is inadequate to accomplish what is envisioned under that regulation due to the unexpectedly large amount of interest in the adult day care community. They point out that § 226.25(g), which was added by the December 28 amendments and which establishes minimum documentation requirements for retroactive payments, will require centers to compile significant amounts of information. The difficulty in compiling this information is compounded by the fact that many of these centers are generally unfamiliar with CCFP requirements and procedures and, as a result, may need considerable assistance from State agencies in order to develop adequate documentation. Further, the more of these centers which apply, the greater will be the burden on State agencies. The Department is sympathetic to the concerns, particularly the potential burden on State agencies, and agrees that it is in the best interest of Program administration and Program participants if the March 31, 1989 deadline is extended.

In support of that position, the Department recognizes that extending CCFP benefits to a new class of centers and program participants requires extensive efforts on the part of State agencies and implementing this new component of the program in their centers requires considerable effort on the part of adult day care providers. The extension of these deadlines would give State agencies and adult day care centers a more reasonable amount of time to coordinate the necessary elements for retroactive reimbursements. Also, the addition of adults to the CCFP introduces a new universe of entities, such as programs for the elderly, mental health programs and programs for the disabled, with which CCFP State agencies must work.

The extension of deadlines gives CCFP State agencies further opportunities to develop sound relations with those administrators of programs for the aged and functionally impaired as they prepare to implement CCFP in adult day care centers.

In this regard, the Department believes that an April 17 deadline for the submission of Program applications is a date by which a center can more reasonably be expected to accomplish the work necessary to submit an approvable application. Further, since this rule requires only submission of applications by April 17 (rather than submission and approval by State agencies) and since existing regulations allow State agencies 30 days to approve applications (7 CFR 226.6(b)), State agencies will have an additional 47 days to carry out their responsibilities relative to application approval.

With regard to claim payments, the Department feels that an extension, also to April 17, 1989, would be appropriate. This will give centers additional time to prepare and submit retroactive claims and, given the 45 days currently available to State agencies to process claims (§ 226.7(k)), States should have adequate time to deal with these claims.

Accordingly, this regulation provides that institutions which intend to claim retroactive reimbursement now must have postmarked or submitted to the State agency an application for Program participation by April 17, 1989. 7 CFR 226.6(b) allows State agencies 30 days after the receipt of the application to make approval or disapproval decisions. Institutions which intend to claim retroactive reimbursement must have submitted a claim for reimbursement for each month of operation covering the means served between October 1, 1987 and the date of the initial program agreement between the State agency and the center by April 17, 1989, or the date set by 7 CFR 226.10(e).

All other requirements for retroactive reimbursement set forth in the December 28, 1988 amendment (53 FR 52584) remain applicable.

List of Subjects in 7 CFR Part 226

Day care, Food assistance programs, Grant programs—Health, infants and children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

Accordingly, Part 226 is amended as follows:

PART 226—CHILD CARE FOOD PROGRAM

1. The authority citation for Part 226 continues to read as follows:

Authority: Secs. 9, 11, 14, 16, and 17, National School Lunch Act, as amended (42 U.S.C. 1758, 1759a, 1762a, 1765 and 1766).

2. In § 226.25 paragraph (g)(1)(ii) is revised to read as follows:

§ 226.25 Other provisions.

(g) * * *

(1) * * *

(ii) the application for Program participation is postmarked or submitted to the State agency no later than April 17, 1989, and the claims for reimbursement for the meals served between October 1, 1987 and the date of the initial agreement between the State agency and the center are postmarked or submitted to the State agency no later than April 17, 1989 or the date set by § 226.10(e), whichever is later.

* * *

G. Scott Dunn,

Acting Administrator, Food and Nutrition Service.

Date: March 27, 1989.

[FR Doc. 89-7575 Filed 3-29-89; 8:45 am]

BILLING CODE 3410-30-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 89-051]

Protocols for Importation of Swine From China Through the Harry S Truman Animal Import Center

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending our regulations on the importation of swine from the People's Republic of China by adding two protocols to allow the Agricultural Research Service of the United States Department of Agriculture to import swine from the People's Republic of China through the Harry S Truman Animal Import Center (HSTAIC) during calendar year 1989. These protocols specify requirements for importations through HSTAIC of swine from China. The swine should improve the germplasm of breeding animals in the United States, eventually improving the productivity and international competitiveness of U.S. swine.

EFFECTIVE DATE: March 24, 1989.

FOR FURTHER INFORMATION CONTACT:

Dr. Samuel S. Richeson, Senior Staff Veterinarian, Import-Export Products Staff, Veterinary Services, APHIS, USDA, Room 759, Federal Building, 6505

Belcrest Road, Hyattsville, MD 20782,
(301) 436-8144.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 1988, we published in the *Federal Register* (53 FR 27846-27847, Docket Number 88-107) an interim rule that amended the regulations in 9 CFR Part 92, § 92.41, by granting the Agricultural Research Service (ARS) of the United States Department of Agriculture the exclusive right to use the Harry S Truman Animal Import Center (HSTAIC) for an importation of swine from the People's Republic of China during calendar year 1989. We affirmed that interim rule in a document published in the *Federal Register* on March 8, 1989 (54 FR 9768-9770, Docket Number 88-153).

The interim rule allows ARS to import swine from the People's Republic of China through HSTAIC in calendar year 1989, in accordance with procedures determined by the Secretary of Agriculture. The interim rule also stated that protocols governing the procedures for this importation would be published for comment prior to the importation.

These protocols were published in a proposed rule in the *Federal Register* on March 8, 1989 (54 FR 9836-9842, Docket Number 89-015). The proposed rule contained procedures for safe importation of swine from China, including overseas quarantine of swine from China prior to their importation, and procedures required for the swine from the time they leave China until their release from quarantine at HSTAIC.

Our proposal invited the submission of written comments, which were required to be postmarked or received on or before March 23, 1989. We did not receive any comments. Based on the rationale set forth in the proposal and in this document, we are adopting the provisions of the proposal as a final rule.

Effective Date

Pursuant to the provisions of 5 U.S.C. 553, we find good cause for making this rule effective less than 30 days after publication in the *Federal Register*. Arrangements for the shipment and quarantine of Chinese swine have already been completed by the Agricultural Research Service and the People's Republic of China. Delay in allowing the importation to proceed would disrupt research schedules and would lengthen the period during which the Harry S Truman Animal Import Center is unavailable for uses other than the importation of swine from China. Therefore, the Administrator of the

Animal and Plant Health Inspection Service has determined that this final rule should be effective upon signature.

Executive Order 12291 and Regulatory Flexibility Act

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

This rule enables ARS to import approximately 144 swine for research on the possibility of improving the germplasm of breeding swine in the United States. If improved breeding stock is developed, it should eventually benefit breeders in the private sector.

In December 1986, the swine population of the United States was approximately 51,000,000, of which approximately 6,612,000 were intended for breeding purposes. The ARS shipment is very small compared to this population, and is destined for research facilities instead of the normal market channels in the United States.

There are two potential effects resulting from adoption of this rule, one immediate and one long-term. The first impact is the costs involved in importing the shipment of Chinese swine in accordance with the rule, estimated at \$497,000. All costs associated with the importation of the swine will be borne by ARS.

The second possible impact is indirect and could occur only after years of research and development involving the imported swine. This impact would be development of improved breeds of U.S. swine incorporating desirable traits of the imported Chinese swine. If such development is successful, productivity of U.S. swine could increase, resulting in savings for swine producers and decreases in domestic consumer prices for pork and pork products. Since over 98 percent of U.S. swine producers qualify as small entities, higher swine productivity would have a beneficial effect on small entities. Higher swine productivity may be achieved only if numerous activities outside the scope of this rule occur, such as successful

research results, development of improved breeds that are marketable, and acceptance and distribution of improved breeds by the marketplace.

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

Paperwork Reduction Act

The regulations in this rule contain no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

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

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, 9 CFR Part 92 is amended as follows:

1. The authority citation for Part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

2. Paragraph (g) of § 92.41 is revised to read as follows:

§ 92.41 Requirements for the importation of animals into the United States through the Harry S Truman Animal Import Center.

(g) The Agricultural Research Service may, in calendar year 1989, import swine from the People's Republic of China into the United States through the Harry S Truman Animal Import Center in accordance with the following protocols.

Protocol for Quarantine and Health Requirements for Porcine Animals Exported From the People's Republic of China to the United States of America

1. The official veterinary organization (OVO) of the People's Republic of China (PRC) shall be responsible for the implementation of quarantine procedures in the PRC and the issuance of certificates concerning the disease status of the swine and certain other matters required by the regulations in this Part 92.

2. The U.S. Department of Agriculture (USDA) shall send veterinarians to the premises of origin of export swine, related isolation premises, testing laboratories, and quarantine facilities to cooperate with PRC veterinarians in conducting quarantine procedures.

3. The premises of origin of export swine shall meet the following requirements:

a. For the last 3 years the premises of origin was located in an area with a 16-km radius which was free of foot-and-mouth disease (FMD), swine vesicular disease (SVD), and hog cholera (HC).

b. For the last year, there has been no evidence of brucellosis, tuberculosis, or pseudorabies on the premises of origin or on premises adjacent to the premises of origin.

c. For the last 5 years, there have been no cases of FMD, SVD, or HC.

d. For the last 3 years, no animal has been introduced into the herd of origin from farms affected with FMD, SVD, or HC.

e. Raw animal food wastes (garbage) have not been fed to the animals for export while in isolation.

4. Animals offered for exportation shall originate from farms which are solely swine breeding operations and shall not have left the farm on which they were born and reared, except as necessary for movement to an approved isolation facility.

5. Animals offered for exportation shall not have been vaccinated for FMD, SVD, or HC.

6. Animals offered for exportation shall pass a 60-day isolation period in a facility on premises approved by the OVO of the PRC. The facility shall be cleaned and disinfected, using a 4 percent sodium carbonate solution used in accordance with applicable label instructions, prior to the start of the isolation. During the isolation period, personnel handling the animals shall not have contact with other domestic farm livestock. The term "domestic farm livestock" does not include pets such as dogs and cats.

7. During the 60-day isolation period, the animals offered for exportation shall be found negative to the following tests¹:

a. Foot-and-mouth disease: 1. Microtiter virus neutralization (VN) test for types A, O, C, and Asia. (The PRC will test for types A and O, and the United States will test for types C and Asia at the USDA Foreign Animal Disease Diagnostic Laboratory (FADDL)). 2. Agar gel immunodiffusion (AGID) test using virus infection associated

antigen (VIAA) in serum. (Animals having responses to the AGID test or reacting to the VN test at 1:10 dilution or greater shall be prohibited from export. Other animals shall be retested within 30 days. If the whole group does not have the above responses and there is no clinical evidence of FMD, the group shall be eligible for export. Otherwise, the whole group shall be prohibited from export.)

b. Brucellosis: 1. Standard tube test (STT) at less than 30 IU/ml. 2. Card test (antigen and protocol to be supplied by USDA).

c. Swine vesicular disease: Virus neutralization test at 1:40 dilution (serums to be tested at FADDL).

d. Hog cholera: Fluorescent antibody neutralization (FAN) test at 1:16 dilution.

e. Japanese B encephalitis:

Hemagglutination inhibition (HI) test, negative according to PRC standards.

f. Pseudorabies: Virus neutralization at 1:4 dilution.

g. Tuberculosis: Intradermal test using bovine PPD tuberculin (Positive animals will be necropsied. If there are lesions of TB in the test positive pigs, the whole group will be ineligible for export. If no lesions are found, the rest of the pigs will be eligible for export. Note: All swine sacrificed for diagnosis of tuberculosis will be at the importer's expense.)

All samples of the above tests, except as noted in items 7a, 7c, and 7g, will be submitted to laboratories designated by the OVO of the PRC.

8. All animals offered for exportation during the isolation period must be clinically examined and treated for ectoparasites with a pesticide approved by the OVO of the PRC, used in accordance with applicable label instructions, and given an intramuscular injection of dihydrostreptomycin at a rate of 25 mg/kg dosage twice at an interval of 14 days as a precautionary treatment for leptospirosis.

9. All crates and parts of vehicles and ships used to hold livestock for transport or handling of animals shall be cleaned and disinfected prior to use with a 4 percent sodium carbonate solution used in accordance with applicable label instructions. All aircraft used to transport animals shall be cleaned and disinfected prior to use with a 4 percent sodium carbonate and 0.1 percent sodium silicate solution used in accordance with applicable label instructions.

10. Feed and bedding to be used during the 60-day isolation period and during transport shall not originate from epizootic disease infected areas and must meet applicable veterinary hygienic requirements established by the OVO of the PRC concerning freedom of the feed and bedding from contamination that could transmit diseases.

11. The OVO of the PRC shall certify that the People's Republic of China is free of rinderpest and African swine fever, that Teschen's disease has never been diagnosed on the premises of origin and that there has been no clinical evidence of Teschen's disease on the premises of origin during the isolation period.

12. The animals to be exported shall be examined clinically within 24 hours prior to loading for export by a USDA veterinarian

and be healthy and free of signs of infectious and contagious diseases.

13. During the isolation period on the premises of origin and all transport from the isolation facility on the premises of origin to the port of embarkation (including loading), export animals shall not have contact with, or exposure to, animals not included in the group at the isolation facility. Exposure consists of contact with yards, pens, or other facilities or vehicles that have been in contact with animals and have not been cleaned and disinfected.

14. USDA, APHIS representatives will make the final determination on the eligibility of Chinese swine to be exported to the United States.

Protocol for Quarantine of Swine From China at the Harry S Truman Animal Import Center

Shipment to the United States

1. On successful completion of the 60-day isolation period on the premises of origin, the swine shall be accepted for shipment to the United States provided that the official veterinary organization (OVO) of the People's Republic of China (PRC) issues or endorses an official health certificate to the effect that the swine have been kept in isolation for a minimum of 60 days and that, during that time, the animals remained healthy with no evidence of communicable disease affecting swine and that all tests and conditions as stated in this protocol have been met.

2. The swine shall be moved under joint supervision by the OVO of the PRC and U.S. Department of Agriculture (USDA) direct from the isolation facility to the exporting carrier by trucks or other carriers that have been cleaned and disinfected using a 4 percent sodium carbonate solution used in accordance with applicable label instructions under joint OVO/USDA supervision.

3. If the swine transit countries affected with foot-and-mouth disease (FMD), rinderpest, hog cholera, swine vesicular disease (SVD), or African swine fever en route to the United States, they will be refused entry on arrival at the Harry S Truman Animal Import Center (HSTAIC), unless they were accompanied en route by a USDA inspector who certifies that no disease exposure occurred during shipment.

4. The swine may not transit through the United States or any of its territories en route to U.S. quarantine, except as specifically provided for in an import permit issued by APHIS under the authority of 21 U.S.C. 135.

5. The landing of the swine shall be carried out in accordance with instructions given by a USDA veterinary officer at HSTAIC.

6. All vessels or aircraft from which the imported swine are landed shall be immediately cleaned and disinfected using a 4 percent sodium carbonate and 0.1 percent sodium silicate solution used in accordance with applicable label instructions, in the presence of a USDA veterinary officer.

Quarantine and Testing Procedures at HSTAIC

1. The swine shall be quarantined in the import center under the supervision of a veterinary officer of USDA for a period of at

¹ Technical information on laboratory methods and procedures for these tests may be obtained from the Administrator, APHIS, c/o Director, National Veterinary Services Laboratories, P.O. Box 844, Ames, IA 50010.

least 120 days after arrival and until all tests have been successfully completed.

2. The temperature of all imported swine will be taken daily for 7 days after arrival and thereafter at the discretion of the quarantine officers in charge.

3. All imported swine shall be examined for ectoparasites on arrival at HSTAIC and, if found free of infestation, receive a precautionary spray with coumaphos, used in accordance with applicable label instructions, in the form of a wettable powder or 0.06 emulsified concentrate spray solution. If found to be infested, all affected and exposed swine shall be treated until found free of infestation.

4. During the initial portion of quarantine, the imported swine shall be subjected to the tests listed below.* The tests will be performed at the Foreign Animal Disease Diagnostic Laboratory (FADDL). To qualify for release, every animal must have negative test results.

* a. Foot-and-mouth disease: 1. Microtiter virus neutralization (VN) test for types A, O, C, and Asia. 2. AGID test using virus infection associated antigen (VIAA) in serum.

b. Brucellosis: 1. Standard tube test (STT) at less than 30 IU/ml. 2. Card test.

* c. Swine vesicular disease: Virus neutralization test at 1:40 dilution.

* d. Hog cholera: Fluorescent antibody neutralization (FAN) test at 1:16 dilution.

e. Japanese B. encephalitis: Hemagglutination inhibition (HI) test at 1:10 dilution.

f. Pseudorabies: Virus neutralization at 1:4 dilution.

g. Tuberculosis: Intradermal test using bovine PPD tuberculin and read at 48 hours post injection (positive animals will be necropsied. If there are lesions of TB in the test positive pigs, the whole group may be ineligible for release until it is determined they are free of tuberculosis).

h. Any other tests determined to be necessary by the Administrator. All tests on collected specimens will be conducted at FADDL, unless authorized by USDA to be conducted at HSTAIC. Imported swine with less than negative test results that are not definitely considered to be infected will be retested if retesting is ordered by APHIS.

* If any imported swine are determined to be infected with these diseases based on test results and other data, they will be refused entry and destroyed, and all other imported swine in HSTAIC will be refused entry and destroyed.

5. Twenty-one days after initial collection of samples for FMD testing a second sample will be taken from each imported swine for a FMD virus infection associated antigen (VIAA) test. All tests listed in items 4a through 4h will be repeated on imported swine at approximately 60 days following the initial collection of test samples.

6. Within seven days of arrival of the imported swine, contact sentinel animals shall be placed with the imported animals at

the ratio of at least one contact calf and one contact pig to eight imported swine. The sentinel pigs and calves shall have been found negative to the tests listed in items 4a through 4h prior to their entry into the animal import center.

7. Following the 60-day tests required by item 5, 10 ml of heparinized blood shall be drawn from each imported swine and used to inoculate sentinel pigs, in the ratio of one sentinel pig for each eight imported swine. Each sentinel pig shall be inoculated with blood from eight different imported swine, in eight separate subcutaneous sites. The identity of each imported swine used to inoculate each sentinel pig shall be recorded in order to trace possible reactions.

8. Approximately 90 days after arrival of the imported swine, serum from the sentinel pigs and calves will be collected and submitted to FADDL to be tested for the same diseases for which the imported swine were tested.

9. If any imported or sentinel animals show clinical symptoms of, or the causative organism is isolated for, FMD, rinderpest, swine vesicular disease, or hog cholera, USDA shall cause all imported and sentinel animals to be slaughtered and the carcasses disposed of as prescribed by USDA. If any imported or sentinel animals show clinical symptoms of, or are considered exposed to, any other disease, or are classified as positive to any of the tests conducted during the quarantine period, USDA may cause any or all of the animals to be slaughtered and the carcasses disposed of as prescribed by USDA.

10. No animals shall be moved from HSTAIC until duly discharged by APHIS.

11. The ARS will be directly responsible for the payment of all costs involved in the isolation, testing, transportation, and embarkation quarantine of the swine in China, their transportation to HSTAIC, and all applicable quarantine costs at HSTAIC.

Done in Washington, DC, this 24th day of March 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-7560 Filed 3-29-89; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 94

[Docket No. 89-036]

Change in Disease Status of Great Britain Because of Hog Cholera

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning the importation into the United States of swine, pork, and pork products by adding Great Britain to the list of countries in which hog cholera is not known to exist. We have determined that hog cholera has been eradicated from Great Britain. This

action relieves certain restrictions on the importation into the United States of swine, pork, and pork products, from Great Britain.

EFFECTIVE DATE: March 30, 1989.

FOR FURTHER INFORMATION CONTACT:

Dr. Harvey A. Kryder, Senior Staff Veterinarian, Import-Export Products Staff, VS, APHIS, USDA, Room 753, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8695.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 94 (referred to below as the regulations) regulate the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various diseases, including hog cholera.

Section 94.9 of the regulations restricts the importation into the United States of pork and pork products from countries where hog cholera is known to exist. The restrictions include cooking, heating, or curing and drying procedures designed to ensure that pork or pork products have been treated in a manner adequate to destroy organisms that could spread hog cholera. Section 94.10 of the regulations, with certain exceptions, prohibits the importation into the United States of swine that originate in, are moved from, or transit any country in which hog cholera is known to exist.

On December 29, 1988, we published in the *Federal Register* (53 FR 52715-52716, Docket Number 88-149), a document proposing to amend §§ 94.9 and 94.10 by adding Great Britain to the list of countries in which hog cholera is not known to exist, to correct § 94.9(a) by including Sweden in the list of countries in which hog cholera is not known to exist, and to make nonsubstantive changes in § 94.9(a) by deleting surplusage.

Our proposal invited the submission of written comments, which were required to be postmarked or received on or before February 27, 1989. We did not receive any comments. Based on the rationale set forth in the proposal and in this document, we are adopting the provisions of the proposal as a final rule.

Effective Date

This final rule is effective upon publication. It relieves certain restrictions on the importation of meat and other animal products into the United States. Accordingly, prompt action was taken to remove these restrictions.

* Technical information on laboratory methods and procedures for these tests may be obtained from the Administrator, APHIS, c/o Director, National Veterinary Services Laboratories, P.O. Box 844, Ames, IA 50010.

Miscellaneous

Also, the supplementary information in this final rule reflects some terminology changes in Part 94 that were published in the *Federal Register* (54 FR 7391-7395, Docket Number 87-167), on February 21, 1989. Specifically, references in the proposal to "entry" and "movement" have now been changed to "importation," and the term "not determined to exist" has been replaced by the term "not known to exist."

Further, the correction to § 94.9(a) to include Sweden in the list of countries in which hog cholera is not known to exist was made in docket number 87-167.

Executive Order 12291 and Regulatory Flexibility Act

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

This action will affect only the small number of U.S. swine producers who have expressed an interest in obtaining breeding stock, swine semen, or both, from Great Britain. We anticipate that the number of swine and the amount of swine semen that will be imported annually from Great Britain will not be significant, and will not have an impact on other U.S. swine producers. We expect that only one or two shipments of swine semen will be imported from Great Britain each year. We expect that no more than 100 swine will be imported from Great Britain each year, and we anticipate that only 3 or 4 importers will be involved. These importations are insignificant when compared with the 300,000 or more swine that were imported into the United States in FY 1988.

In addition, Great Britain has no pork processing plants that are approved by the USDA's Food Safety and Inspection Service. Therefore, even though Great Britain is being recognized as free of hog cholera, commercial shipments of pork products from that country to the United States will still be prohibited. Thus,

while individuals will be allowed to import small quantities of pork and pork products for personal consumption, commercial shipments will continue to be ineligible for importation.

For these reasons, the amount of pork and pork products imported into the United States from Great Britain will remain very small, and will have no significant impact on U.S. swine producers.

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

Paperwork Reduction Act

The regulations in this rule contain no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

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

List of Subjects in 9 CFR Part 94

Animal diseases, Hog cholera, Import, Livestock and livestock products, Meat and meat products, Milk, Poultry and poultry products.

Accordingly, 9 CFR Part 94 is amended as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAQUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for Part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, and 134f; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

§ 94.9 [Amended]

2. Paragraph (a) of § 94.9 is amended by adding "Great Britain (England, Scotland, Wales, and Isle of Man)," immediately after "Finland."

§ 94.10 [Amended]

3. Section 94.10 is amended by adding "Great Britain (England, Scotland, Wales, and Isle of Man)," immediately after "Finland."

Done in Washington, DC, this 27th day of March 1989.

James W. Glosier,
Administrator, Animal and Plant Health
Inspection Service.

[FR Doc. 89-7561 Filed 3-29-89; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 87-AWA-53]

Alteration of the Portland International Airport, OR, Airport Radar Service Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Airport Radar Service Area (ARSA) at Portland International Airport, OR. This ARSA modification adjusts the lateral limits of the ARSA core to exclude airspace in an area which does not receive adequate radar and/or communications coverage commensurate with the ARSA program and associated services.

EFFECTIVE DATE: 0901 UTC, June 29, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Alton Scott, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9252.

SUPPLEMENTARY INFORMATION:**History**

On August 2, 1985, the FAA proposed to designate ARSA's at 11 airports, including the Portland International Airport, OR, (50 FR 31472). The FAA, after carefully considering all comments received and making alterations where appropriate, adopted the proposal and published the final rule in the December 9, 1985, issue of the *Federal Register* (50 FR 50254) with an effective date of January 16, 1986.

On November 4, 1988, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to modify the Portland International Airport, OR, ARSA (53 FR 44613). This rule modifies the ARSA at the Portland International Airport. Interested parties were invited to participate in this rulemaking

proceeding by submitting written comments on the proposal to the FAA. Section 71.501 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6E dated January 3, 1989.

One comment was received in support of the proposed alteration; the Air Line Pilots Association agreed with the alteration "because it aligns the airspace with the capabilities of the radar and communication radios." No negative comments were received.

The Rule

This action modifies the ARSA at Portland International Airport, OR. The lateral limits of the ARSA core will be slightly reduced to exclude airspace west of the east bank of the Willamette River up to 2,300 feet mean sea level. Terrain prevents an acceptable degree of radar and communication coverage in this area. Consequently, aircraft seldom are capable of complying with the ARSA requirement for communicating with air traffic control (ATC) prior to encroachment upon this boundary of the airspace.

Regulatory Evaluation Summary

The modification to the Portland International Airport ARSA is intended to improve the utility of the affected airspace. This action to eliminate a small amount of airspace from the ARSA is not expected to result in any costs associated with a reduction in the controlled airspace. The affected airspace currently is not within sufficient radar and/or communications coverage necessary to provide ARSA services because of terrain features. Adjusting the ARSA boundary will not alter this situation. Reconfiguring the ARSA to more accurately reflect the terrain characteristics will improve the efficiency of its operations. Various users, especially the users of the Willamette River and downtown heliports, will benefit from the restoration of this airspace.

The FAA has determined that the economic impact of this rule is so minimal as not to require further regulatory evaluation. A copy of the regulatory evaluation for the original Portland International Airport ARSA is available for review in FAA Airspace Docket No. 85-AWA-2.

International Trade Impact Analysis

This regulation will only affect terminal airspace operating procedures at one location within the United States. As such, it will have no effect on the sale of foreign aviation products or services in the United States, nor will it

affect the sale of United States aviation products or services in foreign countries.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. Small entities are independently owned and operated small businesses and small not-for-profit organizations. The RFA requires agencies to review rules that may have significant economic impact on a substantial number of small entities.

Throughout the ARSA program, the FAA has attempted to eliminate potentially adverse impacts on satellite airports within 5 nautical miles of ARSA centers, small businesses based at these airports, flight training, soaring, ballooning, parachuting, as well as on ultralight and banner towing activities, by developing special procedures. These procedures accommodate such activities through local agreements between ATC facilities and the affected organizations, or in some cases, by providing airspace exclusions. This modification of the Portland International Airport ARSA will reduce the size of the ARSA and exclude an area in the vicinity of the Willamette River which will ease local operations.

For these reasons, the FAA certifies that this amendment will not result in a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required under the terms of the RFA.

Federalism Implications

The regulation adopted 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. Therefore, in accordance with Executive Order 12612, it is determined that this final rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed under "Regulatory Evaluation Summary," the FAA certifies that this regulation will not result in a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

For the reasons discussed above, the FAA has determined that this regulation (1) is not a "major rule" under Executive Order 12291; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects in 14 CFR Part 71

Aviation safety, Airport Radar Service Areas.

Adoption of the Amendment

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

PART 71—DESIGNATION OF FEDERAL AIRWAYS, 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.

§ 71.501 [Amended]

2. § 71.501 is amended as follows:

Portland International Airport, OR [Amended]

By removing the words "north shore of the Columbia River to the 5-mile arc from Portland International;" and by substituting the words "north shore of the Columbia River to the 5-mile arc from Portland International; and excluding that airspace west of the east bank of the Willamette River;"

Issued in Washington, DC, March 23, 1989.
Harold W. Becker,
Manager, Airspace-Rules and Aeronautical Information Division.
[FR Doc. 89-7490 Filed 3-29-89; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Ch. VII

[Docket No. 90356-9056]

Nomenclature Changes in the Export Administration Regulations To Reflect the Establishment of the Bureau of Export Administration

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: On October 1, 1987, the export control functions under the Export Administration Act of 1979, as amended, were transferred from the International Trade Administration to a new entity, designated the Bureau of Export Administration, within the U.S. Department of Commerce.

This rule makes numerous nomenclature changes throughout the Export Administration Regulations (15

CFR Chapter VII, Parts 768-799) based on the new organizational structure. Changes include substitution of "Bureau of Export Administration (BXA) for "International Trade Administration" (ITA) in office names, and office/address changes for the short supply program, which has been transferred to the Bureau of Export Administration from the Office of Industrial Resource Administration.

EFFECTIVE DATE: March 30, 1989.

FOR FURTHER INFORMATION CONTACT:

Willard Fisher, Regulations Branch, Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone: (202) 377-3856.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. This rule complies with Executive Order 12291 and Executive Order 12661.

2. This rule does not contain a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. Section 13(a) of the Export Administration Act of 1979 (EAA), as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule also is exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Section 13(b) of the EAA does not require that this rule be published in proposed form because this rule does not impose a new control. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on

this regulation are welcome on a continuing basis. Comments should be submitted to: Willard Fisher, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

Accordingly, 15 CFR Chapter VII (15 CFR Parts 768-799) is amended as follows:

1. The authority citations for Parts 768, 769, 770, 774, 775, 776, 778, and 791 continue to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981, by Pub. L. 99-64 of July 12, 1985, and Pub. L. 100-418 of August 23, 1988; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

2. The authority citations for Parts 771, 772, 785, 786, 787, and 789 continue to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981, by Pub. L. 99-64 of July 12, 1985, and Pub. L. 100-418 of August 23, 1988; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); and E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

3. The authority citations for Parts 773, 779, and 799 continue to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981, by Pub. L. 99-64 of July 12, 1985, and Pub. L. 100-418 of August 23, 1988; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); and E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

4. The authority citation for Part 777 is revised to read as follows:

Authority: Pub. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981, by Pub. L. 99-64 of July 12, 1985, and Pub. L. 100-418 of August 23, 1988; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); sec. 103, Pub. L. 94-163 of December 22, 1975 (42 U.S.C. 6212) as amended by Pub. L. 99-58 of July 2, 1985; sec. 101, Pub. L. 93-153 of November 16, 1973 (30 U.S.C. 185); sec. 28, Pub. L. 95-372 of September 18, 1978 (43 U.S.C. 1354); E.O. 11912 of April 13, 1976 (41 FR 15825, April 15, 1976), as amended; sec. 201 and 201(1)(e), Pub. L. 94-258 of April 5, 1976 (10 U.S.C. 7420 and 7430(e)); Presidential Findings of June 14, 1985 (50 FR 25189, June 18, 1985); sec. 125, Pub. L. 99-64 of July 12, 1985 (46 U.S.C.

466(c)); Presidential Findings of December 31, 1988 (54 FR 271, January 5, 1989); and sec. 305, Pub. L. 100-449 of September 28, 1988.

5. The authority citation for Part 790 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981, by Pub. L. 99-64 of July 12, 1985 and Pub. L. 100-418 of August 23, 1988; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12543 of January 7, 1986 (51 FR 875, January 9, 1986).

§§ 768.1, 770.2, 770.10, 770.11, 786.1, and 799.1 and Supplement No. 1 to Part 788 [Amended]

6. The phrase "Export Administration" is revised to read "the Bureau of Export Administration" in the following places:

Section or Part
768.1 (a)(2)(i) heading and introductory text
770.2 Under definitions of "Commodity Control List", "Department of Commerce", and "Validated License"
770.10 Heading and text of paragraphs (f)(2) and (3)
770.11 (d) [two references]
786.1 (c)(2) introductory text
788 Supplement No. 1: paragraph (b) introductory text, (b)(3) (i) and (ii)
799.1 (a), (f)(1) introductory text, and (f)(1)(iv)

§ 769.6 [Amended]

7. In § 769.6, paragraph (c)(3) is amended by revising the phrase "ITA Freedom of Information Records Inspection Facility, Room 4001B" to read "BXA Freedom of Information Records Inspection Facility, Room H-4886".

§ 769.8 [Amended]

8. In § 769.8, paragraph (b)(2), paragraph (c), and paragraph (ii) under the heading "Examples of the Grace Period Mechanism" that follows paragraph (f) are amended by revising the phrase "Deputy Assistant Secretary for Export Administration" to read "Assistant Secretary for Export Enforcement".

§ 770.13 [Amended]

9. Section 770.13(m)(2) is amended by revising the phrase "Office of the Deputy Assistant Secretary for Export Administration, Room 3886D" to read "Office of the Assistant Secretary for Export Administration, Room H-3886C".

10. Section 770.13(m)(4)(i) is amended by revising the phrase "Deputy Assistant Secretary for Export Administration" to read "Assistant Secretary for Export Administration".

11. In § 770.13, paragraphs (m)(4)(i), (m)(4)(ii) [two references], and (m)(4)(iii)

[three references] are amended by revising the phrase "DAS" to read "AS".

§§ 777.1, 777.2, 777.4, 777.7 and 777.15 [Amended]

2. The phrase "Office of Industrial Resource Administration" is revised to read "Office of Export Licensing" in the following places:

Sec.

777.1 (b)

(c)(2) [two references]

(c)(4)

777.2 (d)(1)

777.4 (c) introductory paragraph, (d)(1)(vi) [two references],

(e) [two references], (f) introductory paragraph, (f)(1)(i),

(i)(1) [two references]

777.7 (a), (g) introductory paragraph, (h)(3)

777.15 (d) [two references]

§§ 777.3, 777.8, and 777.9 [Amended]

13. The phrase "Office of Industrial Resource Administration" is revised to read "Office of Technology and Policy Analysis" in the following places:

Sec.

777.3 (a)(2), (b) introductory paragraph, (c) introductory paragraph

777.8 (b), (f) [two references], (g) [three references], (h) [four references], (i) [two references], (j), (l)

777.9 (b) introductory paragraph, (c)

§ 777.1 [Amended]

14. Section 777.1(c)(3) is amended by revising the phrase "Short Supply Program, Office of Industrial Resource Administration, Room 3876, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230 (Telephone: 202-377-3984)" to read "Exporter Assistance Staff of the Office of Export Licensing (Telephone: 202-377-4811; telex: 892536; telefax: 202-377-3322). Mail applications to the Processing Unit, P.O. Box 273, Office of Export Licensing, Washington, DC 20044. Courier deliver or hand-carry the applications to the Processing Unit, Room H-2705, Office of Export Licensing, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230" and by removing the last sentence in paragraph (c)(3).

§ 777.2 [Amended]

15. Section 777.2(e) is amended by revising the phrase "Room 3876, Short Supply Program, Office of Industrial Resource Administration" to read "the Processing Unit of the Office of Export Licensing. Mail applications to the Processing Unit, P.O. Box 273, Office of Export Licensing, Washington, DC 20044".

§ 777.4 [Amended]

16. The introductory text of § 777.4(d)(1) is amended by revising the phrase—

"Short Supply Program, Office of Industrial Resource Administration, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230" to read—

"Processing Unit, Office of Export Licensing, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044".

§§ 777.4 and 777.7 [Amended]

17. The phrase—

"Short Supply Program, Office of Industrial Resource Administration, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230"

is revised to read—

"Processing Unit, Reports and Records Unit, Office of Export Licensing, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044"

in the introductory text of § 777.4(h), the introductory text of § 777.4(i)(2), and in paragraph (d) of § 777.7.

§ 777.6 [Amended]

18. Section 777.6(d) is amended by revising the phrase—

"Office of Export Licensing, ATTN: Short Supply, Bureau of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230" to read—

"Processing Unit, Office of Export Licensing, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044"

§ 777.7 [Amended]

19. In § 777.7, paragraph (d) [the last four references], the introductory text of paragraph (e), and paragraphs (e)(1), (e)(4), (e)(5), (f)(1), and (j) are amended by revising the phrase "Office of Industrial Resource Administration" to read "Bureau of Export Administration".

§ 777.8 [Amended]

20. Section 777.8(d) is amended by revising the phrase "short Supply Program, Office of Industrial Resource Administration, Room 3876," to read "Short Supply Program, Office of Technology and Policy Analysis, Bureau of Export Administration, Room H-1618".

§ 786.10 [Amended]

21. Section 786.10 is amended by revising the phrase "exports regulated by Export Administration, U.S. Department of Commerce" to read "exports regulated by the Bureau of

Export Administration, U.S. Department of Commerce".

§§ 787.12, 787.13, 787.14, 788.2, 788.3 and 790.2 and Supplement No. 1 to Part 788 [Amended]

22. The phrase "International Trade Administration" is revised to read "Bureau of Export Administration" in the following places:

Sec.

787.12 (a)(1), (b)(1) and (2), (c)

787.13 (f)(1) and (2), (g)(4) (i) and (ii)

787.14 (a)(1) [two references]

788.2 Definition of "Department"

788.3 (c)

788 Paragraph (b)(1) of Supplement No. 1

790.2 (a)(1), (a)(2)(i), (a)(2)(iii) [two references], (a)(3) intro. text [two references], (a)(3)(i), (a)(3)(ii) [three references], (a)(3)(iii)

§§ 788.17, 788.22 and 788.23 [Amended]

23. The phrase "Assistant Secretary" is revised to read "Under Secretary" in the following places:

Sec.

788.17 (a)(2)

788.22 (a) introductory text, (b), (c), (d) [two references] and (e)

788.23 Heading, (a) [three references], (b), and (c) [two references]

§§ 788.17 and 788.19 [Amended]

24. The phrase "Deputy Assistant Secretary" or "Deputy Assistant Secretary's" are revised to read "Assistant Secretary" or "Assistant Secretary's" in the following places:

Sec.

788.17 (b) [six references]

788.19 (a)(1), (b)(1), (d)(1), (d)(2)(i) [four references], (d)(2)(iii), and (e)(1)(ii)

§ 788.20 [Amended]

25. Section 788.20(c)(1)(i) is amended by revising the phrase "International Trade Administration Freedom of Information Records Inspection Facility, Room H-4104, U.S. Department of Commerce, Washington, DC 20230, (202) 377-3031" to read "Bureau of Export Administration Freedom of Information Records Inspection Facility, U.S. Department of Commerce, Room H-4886, 14th St. and Pennsylvania Avenue NW., Washington, DC 20230, (202) 377-2593".

§§ 788.22, 788.23 and 789.2 [Amended]

26. In §§ 788.22(b), 788.23(a) and 789.2(c)(1), the phrase "Under Secretary for International Trade" is revised to read "Under Secretary for Export Administration".

27. Section 788.22(b) is amended by revising the phrase "Office of the Assistant Secretary for Trade Administration, U.S. Department of Commerce, 14th Street and Constitution

Avenue NW., Room H-3898B, Washington, DC 20230" to read "Office of the Under Secretary for Export Administration, Bureau of Export Administration, U.S. Department of Commerce, Room H-3898B, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230".

28. Section 788.232(a) is amended by revising the phrase "Assistant Secretary of Commerce for Trade Administration" to read "Under Secretary for Export Administration".

29. Section 788.23(b) is amended by revising the phrase "Office of the Assistant Secretary for Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Room 3898-B, Washington, DC 20230" to read "Office of the Under Secretary for Export Administration, Bureau of Export Administration, U.S. Department of Commerce, Room H-3898B, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230".

§ 789.1 [Amended]

30. In § 789.1(b), the definition of Assistant Secretary is revised to read "Assistant Secretary. The Assistant Secretary of Commerce for Export Administration."

§ 789.2 [Amended]

31. Section 789.2(b)(1) is amended by revising the phrase "Office of the Assistant Secretary for Trade Administration, International Trade Administration, 14th Street and Pennsylvania Avenue NW., Room 6716, U.S. Department of Commerce, Washington, DC 20230" to read "Office of the Assistant Secretary for Export Administration, Bureau of Export Administration, Room H-3886C, 14th Street and Pennsylvania Avenue NW., U.S. Department of Commerce, Washington, DC 20230".

§ 790.1 [Amended]

32. Section 790.1(h)(3) is amended by revising the phrase "International Trade Administration Freedom of Information Office Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, Telephone (202) 377-3031" to read "Bureau of Export Administration Freedom of Information Records Inspection Facility, Room H-4886, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230, Telephone (202) 377-2593".

§ 791.5 [Amended]

33. Section 791.5 is amended by revising the phrase "Office of the Assistant Secretary for Trade Administration, International Trade Administration, 14th Street and Pennsylvania Avenue NW., Room 3898B, U.S. Department of Commerce, Washington, DC 20230" to read "Office of the Assistant Secretary for Export Administration, Bureau of Export Administration, Room H-3886C, 14th Street and Pennsylvania Avenue NW., U.S. Department of Commerce, Washington, DC 20230".

§ 799.1 [Amended]

34. The phrase "EA" "OEL" or "OEA" is revised to read "BXA" in the following places:

Sec.

799.1 (a)

(b)

(c)(1) and (2)

(d)(1) [two references]

(f)(1)(ii)

§ 768.1 [Amended]

35. § 768.1 (a)(2)(i)(A), "Export Administration is revised to read "Office of Export Licensing."

36. In the heading of § 770.10, "Office of Export Licensing is revised to read "Bureau of Export Administration."

Dated: March 15, 1989.

Michael E. Zacharia,

Assistant Secretary for Export Administration.

[FR Doc. 89-6448 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-DT-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6828; 34-26663; 35-24846; 39-2211; IC-16894; IA-1161]

Approved Information Collections; Current OMB Expiration Dates

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending Subpart N of Part 200 relating to collection requirements under the Paperwork Reduction Act to reflect current OMB expiration dates for approved information collections.

EFFECTIVE DATE: March 30, 1989.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Fogash, Deputy Executive Director, SEC, 450 Fifth Street NW., Washington, DC 20549, (202) 272-2142.

SUPPLEMENTARY INFORMATION: The Commission will amend Subpart N periodically to reflect current information.

The Commission finds that this amendment, concerning the display of the control numbers and expiration dates assigned to information collection requirements of the Commission by the Office of Management and Budget pursuant to the Paperwork Reduction Act, pertains only to procedural matters; it is therefore not subject to the provisions of the Administrative Procedure Act, 5 U.S.C. 551 et seq., requiring advance notice and opportunity for comment. Accordingly, it is effective upon publication in the Federal Register.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of Information, Privacy, Securities.

Text of Amendment

Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart N—Commission Information Collection Requirements Under the Paperwork Reduction Act: OMB Control Nos. and Expiration Dates

1. The authority citation for Part 200, Subpart N continues to read as follows:

Authority: (44 U.S.C. 3507(f); secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 308(a)(2), 90 Stat. 57; secs. 3(b), 12, 13, 14, 15(d), 23(a), 48 Stat. 882, 902, 904, 905, 901; secs. 203(a), 1, 3, 8, 49 Stat. 704, 1375, 1377, 1379; sec. 202, 68 Stat. 686; secs. 4, 5, 6(d), 78 Stat. 569, 570-574; secs. 1, 2, 3, 82 Stat. 454, 455, 1503; secs. 8, 9, 10, 89 Stat. 117, 118, 119; sec. 308(b), 90 Stat. 57; sec. 18, 89 Stat. 155; secs. 202, 203, 204, 91 Stat. 1494, 1498-1500; sec. 20(a), 49 Stat. 833, sec. 319, 53 Stat. 1173; sec. 38, 54 Stat. 841; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78c(b), 781, 78m, 78n, 78o(d), 78w(a), 77ass(a), 80a-37)

2. Section 200.800 is amended by adding Form S-8, Form U-1, Form U-13-1, and Form U-6B-2; by deleting Form S-15 and Rule 15b2-1; and revising certain entries in paragraph (b) as follows:

* * * * *

§ 200.800 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(b) Display.

Information collection requirement	17 CFR part or sec. where identified and described	Control OMB control No.	Expiration date
Revise:			
Regulation S-X.....	Part 210.....	3235-0009	Jan. 31, 1992.
Regulation S-K.....	Part 229.....	3235-0071	June 30, 1991.
Regulation A.....	§§ 230.251 through 230.264.....	3235-0286	Jan. 31, 1992.
Regulation D.....	§§ 230.501 through 230.506.....	3235-0076	Mar. 30, 1991.
Form S-1.....	§ 239.11.....	3235-0065	Dec. 31, 1991.
Form S-2.....	§ 239.12.....	3235-0072	Aug. 31, 1991.
Form S-3.....	§ 239.13.....	3235-0073	Do.
Form N-1A.....	§ 239.15a.....	3235-0307	July 31, 1991.
Form S-11.....	§ 239.18.....	3235-0067	Aug. 31, 1991.
Form N-14.....	§ 239.23.....	3235-0336	May 31, 1991.
Form F-1.....	§ 239.31.....	3235-0258	May 31, 1991.
Form F-2.....	§ 239.32.....	3235-0257	Do.
Form F-3.....	§ 239.33.....	3235-0256	Do.
Form F-6.....	§ 239.36.....	3235-0292	Jan. 31, 1992.
Form 1-A.....	§ 239.90.....	3235-0286	Do.
Form 2-A.....	§ 239.91.....	3235-0286	Do.
Form 3-A.....	§ 239.92.....	3235-0286	Do.
Form 4-A.....	§ 239.93.....	3235-0286	Do.
Form 5-A.....	§ 239.94.....	3235-0286	Do.
Form 6-A.....	§ 239.95.....	3235-0286	Do.
Form 7-A.....	§ 239.96.....	3235-0286	Do.
Form 144.....	§ 239.144.....	3235-0101	Dec. 31, 1991.
Form D.....	§ 239.500.....	3235-0076	Apr. 30, 1991.
Rule 6a-1.....	§ 240.6a-1.....	3235-0017	Aug. 31, 1991.
Rule 6a-2.....	§ 240.6a-2.....	3235-0022	Do.
Rule 12g3-2.....	§ 240.12g3-2.....	3235-0119	Jan. 31, 1992.
Regulation 13D/G.....	§ 240.13d-1 through 240.13d-7.....	3235-0145	Aug. 31, 1991.
Schedule 13D.....	§ 240.13d-101.....	3235-0145	Do.
Schedule 13G.....	§ 240.13d-102.....	3235-0145	Do.
Rule 13e-1.....	§ 240.13e-1.....	3235-0305	Jan. 31, 1992.
Rule 15b1-1.....	§ 240.15b1-1.....	3235-0012	Mar. 31, 1991.
Rule 15b1-2.....	§ 240.15b1-2.....	3235-0020	Do.
Rule 15b1-3.....	§ 240.15b1-3.....	3235-0011	Do.
Rule 15Ba2-1.....	§ 240.15Ba2-1.....	3235-0083	Aug. 31, 1991.
Rule 15Ba2-2.....	§ 240.15Ba2-2.....	3235-0090	Dec. 31, 1990.
Rule 15Ba2-5.....	§ 240.15Ba2-5.....	3235-0088	Do.
Rule 17a-5(c).....	§ 240.17a-5(c).....	3235-0199	Jan. 31, 1992.
Rule 17Ac2-1(a) and (c).....	§ 240.17Ac2-1(a) and (c).....	3235-0084	June 30, 1991.
Rule 17Ad-4(b) and (c).....	§ 240.17Ad-4(b) and (c).....	3235-0341	Feb. 28, 1989.
Rule 17Ad-11.....	§ 240.17Ad-11.....	3235-0341	Do.
Rule 17Ad-13.....	§ 240.17Ad-13.....	3235-0275	Do.
Rule 17f-1(b).....	§ 240.17f-1(b).....	3235-0032	Dec. 31, 1991.
Rule 17f-1(c).....	§ 240.17f-1(c).....	3235-0037	Do.
Rule 17f-2(a).....	§ 240.17f-2(a).....	3235-0034	Do.
Rule 17f-5.....	§ 240.17f-5.....	3235-0269	July 31, 1991.
Rule 19d-3(b)-(f).....	§ 240.19d-3(b)-(f).....	3235-0240	Jan. 31, 1992.
Form 1.....	§ 249.1.....	3235-0017	Aug. 31, 1991.
Form 1-A.....	§ 249.1a.....	3235-0022	Do.
Form 3.....	§ 249.103.....	3235-0104	Nov. 30, 1991.
Form 4.....	§ 249.104.....	3235-0187	Do.
Form 8-B.....	§ 249.208b.....	3235-0068	Aug. 31, 1991.
Form 10.....	§ 249.210.....	3235-0064	Do.
Form 18.....	§ 249.218.....	3235-0121	May 31, 1991.
Form 20-F.....	§ 249.220f.....	3235-0288	June 30, 1991.
Form 6-K.....	§ 249.306.....	3235-0116	May 31, 1991.
Form 8-K.....	§ 249.308.....	3235-0060	June 30, 1991.
Form 10-Q.....	§ 249.308a.....	3235-0070	Do.

Information collection requirement	17 CFR part or sec. where identified and described	Control OMB control No.	Expiration date
Form 10-K.....	§ 249.310.....	3235-0063	Sept. 30, 1991.
Form 18-K.....	§ 249.318.....	3235-0120	May 31, 1991.
Form 12b-25.....	§ 249.322.....	3235-0058	June 30, 1991.
Form N-SAR.....	§ 249.330.....	3235-0030	Sept. 30, 1990.
Form MSD.....	§ 249.1100.....	3235-0083	Aug. 31, 1991.
Form X-17f-1A.....	§ 249.1200.....	3235-0037	Dec. 31, 1991.
Form TA-1.....	§ 249b.100.....	3235-0084	June 30, 1991.
Form TA-2.....	§ 249b.102.....	3235-0337	May 31, 1991.
Rule 1(a).....	§ 250.1(a).....	3235-0170	Sept. 30, 1991.
Rule 2.....	§ 250.2.....	3235-0161	Do.
Rule 3.....	§ 250.3.....	3235-0160	Do.
Rule 7.....	§ 250.7.....	3235-0165	Do.
Rule 7d.....	§ 250.7d.....	3235-0165	Do.
Rule 20(b).....	§ 250.20(b).....	3235-0125	Do.
Rule 20(c).....	§ 250.20(c).....	3235-0125	Do.
Rule 20(d).....	§ 250.20(d).....	3235-0163	Do.
Rule 23.....	§ 250.23.....	3235-0125	Do.
Rule 24.....	§ 250.24.....	3235-0126	Do.
Rule 26.....	§ 250.26.....	3235-0183	Do.
Rule 29(a).....	§ 250.29(a).....	3235-0149	Do.
Rule 29(b).....	§ 250.29(b).....	3235-0149	Do.
Rule 42.....	§ 250.42.....	3235-0171	Do.
Rule 44.....	§ 250.44.....	3235-0147	Do.
Rule 47(b).....	§ 250.47(b).....	3235-0163	Do.
Rule 50.....	§ 250.50.....	3235-0126	Do.
Rule 62.....	§ 250.62.....	3235-0152	Do.
Rule 71(a).....	§ 250.71(a).....	3235-0173	Do.
Rule 72.....	§ 250.72.....	3235-0149	Do.
Rule 83.....	§ 250.83.....	3235-0181	Do.
Rule 87.....	§ 250.87.....	3235-0182	Do.
Rule 88.....	§ 250.88.....	3235-0182	Do.
Rule 93.....	§ 250.93.....	3235-0153	Do.
Rule 94.....	§ 250.94.....	3235-0153	Do.
Rule 95.....	§ 250.95.....	3235-0162	Do.
Rule 100(a).....	§ 250.100(a).....	3235-0125	Do.
	Part 256(a).....	3235-0153	Do.
Form U5A.....	§ 259.5a.....	3235-0170	Do.
Form U5B.....	§ 259.5b.....	3235-0170	Do.
Form U5S.....	§ 259.5s.....	3235-0164	Nov. 30, 1989.
Form U-12(1)A.....	§ 259.12(a).....	3235-0173	Sept. 30, 1991.
Form U-12(1)B.....	§ 259.12(b).....	3235-0173	Do.
Form U-13e-1.....	§ 259.213.....	3235-0162	Do.
Form U-R-1.....	§ 259.221.....	3235-0152	Do.
Form U-13-60.....	§ 259.313.....	3235-0153	Do.
Form U-3A-2.....	§ 259.402.....	3235-0161	Do.
Form U-3A3-1.....	§ 259.403.....	3235-0160	Do.
Form U-7d.....	§ 259.404.....	3235-0165	Do.
Form U-A.....	§ 259.501.....	3235-0125	Do.
Rule 2a19-1.....	§ 270.2a19-1.....	3235-0332	Dec. 31, 1991.
Rule 6c-7.....	§ 270.6c-7.....	3235-0276	Jan. 31, 1992.
Rule 7d.....	§ 270.7d-(b)(8)(i), (iii) and (viii).....	3235-0176	Jan. 31, 1990.
Rule 10f-3.....	§ 270.10f-3.....	3235-0226	Nov. 30, 1989.
Rule 11a-2.....	§ 270.11a-2.....	3235-0272	Jan. 31, 1992.
Rule 12b-1.....	§ 270.12b-1.....	3235-0212	July 31, 1991.
Rule 17f-2.....	§ 270.17f-2.....	3235-0223	Oct. 31, 1991.
Rule 17f-1(g).....	§ 270.17f-1(g).....	3235-0213	Jan. 31, 1992.
Rule 20a-1(b).....	§ 270.20a-1(b).....	3235-0158	Sept. 30, 1991.
Rule 20a-2.....	§ 270.20a-2.....	3235-0158	Do.
Rule 20a-3.....	§ 270.20a-3.....	3235-0158	Do.
Rule 22d-1.....	§ 270.22d-1.....	3235-0310	June 30, 1991.
Rule 31a-2.....	§ 270.31a-2.....	3235-0179	June 30, 1989.
Form N-1A.....	§ 274.11a.....	3235-0307	July 31, 1991.
Form N-3.....	§ 274.11b.....	3235-0316	Do.

Information collection requirement	17 CFR part or sec. where identified and described	Control OMB control No.	Expiration date
Form N-4.....	§ 274.11c.....	3235-0318	Do.
Form N-SAR.....	§ 274.101.....	3235-0330	Sept. 30, 1990.
Rule 0-2.....	§ 275.0-2.....	3235-0240	Jan. 31, 1992.
Rule 203.....	§ 275.203-1.....	3235-0049	June 30, 1991.
Rule 203-2.....	§ 275.203-2.....	3235-0313	Jan. 31, 1992.
Rule 204-1.....	§ 275.204-1.....	3235-0048	June 30, 1991.
Rule 204-2.....	§ 275.204-2.....	3235-0278	Sept. 30, 1991.
Rule 204-3.....	§ 275.204-3.....	3235-0047	Jan. 31, 1992.
Rule 206(4)-2.....	§ 275.206(4)-2.....	3235-0241	Do.
Rule 206(4)-3.....	§ 275.206(4)-3.....	3235-0242	Sept. 30, 1991.
Rule 206(4)-4.....	§ 275.206(4)-4.....	3235-0345	Do.
Form ADV.....	§ 279.1.....	3235-0049	June 30, 1991.
Form ADV-W.....	§ 279.2.....	3235-0313	Jan. 31, 1992.
Form 4-R.....	§ 279.4.....	3235-0240	Do.
Form 5-R.....	§ 279.5.....	3235-0240	Do.
Form 6-R.....	§ 279.6.....	3235-0240	Do.
Form 7-R.....	§ 279.7.....	3235-0240	Do.
Add:			
Form S-8.....	§ 239.16b.....	3235-0066	Aug. 31, 1991.
Form U-1.....	§ 259.101.....	3235-0125	Sept. 30, 1991.
Form U-13-1.....	§ 259.113.....	3235-0182	Do.
Form U-6b-2.....	§ 259.206.....	3235-0183	Do.
Delete:			
Form S-15.....	§ 239.29.....	3235-0053	May 31, 1988.
Rule 15b2-1.....	§ 240.15b2-1.....	3235-0014	Sept. 30, 1987.

Jonathan G. Katz,
Secretary.

March 24, 1989.

[FR Doc. 89-7539 Filed 3-29-89; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 576

[Docket No. R-89-1434; FR-2562]

Emergency Shelter Grants Program; Technical Amendments

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule; technical amendments.

SUMMARY: This final rule informs the public of changes to the Emergency Shelter Grants program (ESG) (24 CFR Part 576) as a result of amendments contained in the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100-628, approved November 17, 1988). As directed by Congress, these changes were implemented by HUD in a Federal Register document published on January 9, 1989 (54 FR 750). The amendments: (1) Permit States to distribute ESG funds directly to private nonprofit

organizations if the relevant unit of general local government certifies that it approves the proposed project; (2) provide for an increase from 15 to 20 percent in the proportion of ESG assistance that a State or unit of local government may use to provide essential services; (3) in the case of States, provides that each State administer its grant so that on an aggregate basis, the amount that its State recipients expend on essential services does not exceed the 20 percent limitation; (4) permit ESG funds to be used for homeless prevention efforts; (5) in the case of assistance solely for operating and essential services, requires that the homeless services or shelters be made available for the period during which the assistance is provided, without regard to a particular site or structure, as long as the same general population is served; and (6) provide for the assumption of environmental review responsibilities by certain grantees and recipients.

EFFECTIVE DATE: March 31, 1989.

FOR FURTHER INFORMATION CONTACT: James R. Broughman, Director, Entitlement Cities Division, Room 7282, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 755-5977. For matters relating to Emergency Shelter Grants to States, James N. Forsberg, Director, State and Small Cities Division, room 7184, telephone (202) 755-6322. Hearing and

speech impaired individuals may call HUD's TDD number: (202) 426-0015. [These are not toll-free telephone numbers].

SUPPLEMENTARY INFORMATION: The Emergency Shelter Grants (ESG) program provides grants to States, units of general local government, and private nonprofit organizations for certain eligible activities related to providing emergency shelter to the homeless. The program is codified at 24 CFR Part 576.

On November 9, 1988, Congress passed the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100-690). As required by section 485 of the Amendments Act, HUD published a notice for immediate effect on January 9, 1989 (54 FR 750). The notice, which solicited public comment, will be used by HUD to develop a final rule implementing the Amendments Act changes.

However, because a final rule will not be ready for publication in the Federal Register until after April 1, 1989 (the Federal Register publication deadline for HUD to have documents codified in the 1989 revision of the Code of Federal Regulations), the 1989 Code will not reflect these changes. HUD is publishing this technical amendment to include notes in the 1989 Code that refer the reader to HUD's January 9, 1989 notice. These notes will appear under each affected provision in Part 576.

While the reader is advised to refer to the January 9, 1989 notice for a

substantive discussion of the Amendments Act changes, these amendments can be summarized as follows:

1. States are permitted to distribute ESG funds directly to private nonprofit organizations, if the relevant unit of general local government certifies that it approves the proposed project;

2. The proportion of ESG assistance that a State or unit of local government can use to provide essential services is increased from 15 to 20 percent;

3. In the case of States, each State may administer its grant so that on an aggregate basis, the amount that its State recipients expend on essential services does not exceed the 20 percent limitation;

4. ESG funds may be used for homeless prevention efforts;

5. In the case of assistance solely for operating costs and essential services, homeless services or shelters are to be made available for the period during which the assistance is provided, without regard to a particular site or structure, as long as the same general population is served; and

6. Environmental review responsibilities may be assumed by certain grantees and recipients.

Other Matters

This final rule does not contain any information collection requirements under the Paperwork Reduction Act of 1980.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulations issued on February 17, 1981. Analysis of the rule indicates that it would not: (1) Have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have 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.

In accordance with the provisions of 5 U.S.C. 605(b), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities, because it is limited to informing the public, by means of editorial notes, of statutory changes that have been implemented in a separate Federal Register publication.

The Catalog of Federal Domestic Assistance program number for the

Emergency Shelter Grants program is CFDA No. 14.231.

List of Subjects in 24 CFR Part 576

Grants programs—Housing and community development, Emergency shelter grants, Reporting and recordkeeping requirements.

Accordingly, the Department amends 24 CFR Part 576 as follows:

PART 576—EMERGENCY SHELTER GRANTS PROGRAM: STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

1. The authority citation for 24 CFR Part 576 continues to read as follows:

Authority: Sec. 416 of the Stewart B. McKinney Homeless Assistance Act (Pub. L. 100-77, approved July 22, 1987); sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§§ 576.1, 576.3, 576.21, 576.23, 576.51, 576.53, 576.55, 576.73, 576.85 [Amended]

2. Sections 576.1, 576.3, 576.21, 576.23, 576.51, 576.53, 576.55, 576.73 and 576.85 are amended by adding a Note at the end of each section, to read as follows:

* * * * *

Note: This section is affected by statutory amendments contained in the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100-628, approved November 17, 1988). As directed by the Congress in that Act, these amendments were implemented by HUD in a Federal Register document published for comment on January 9, 1989 (54 FR 750). The reader is advised to refer to the January 9, 1989 notice for additional relevant information. HUD will publish a final rule implementing these changes during 1989.

Dated: March 22, 1989.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 89-7508 Filed 3-29-89; 8:45 am]

BILLING CODE 4210-29-M

NEIGHBORHOOD REINVESTMENT CORPORATION

24 CFR Part 4100

Description of the Central and Field Organization of Neighborhood Reinvestment

AGENCY: Neighborhood Reinvestment Corporation.

ACTION: Final rule.

SUMMARY: This final rule replaces the earlier description of the central and field organization of Neighborhood Reinvestment; statements of the general course and method by which the functions of Neighborhood Reinvestment are channeled and determined, and public information

regarding meetings of the board of directors.

EFFECTIVE DATE: March 31, 1989.

FOR FURTHER INFORMATION CONTACT: Bonnie Nance Frazier, Communications Director, 202-376-3224.

Carol J. McCabe,

Secretary/General Counsel.

The Neighborhood Reinvestment Corporation hereby amends Part 4100, Chapter XXV of Title 24, Code of Federal Regulations as set forth below.

PART 4100—[AMENDED]

1. The authority citation for Part 4100 continues to read as follows:

Authority: Title VI, Pub. L. 95-557, 92 Stat. 2115 (42 U.S.C. 8101 *et seq.*); as amended by sec. 315, Pub. L. 96-399, 94 Stat. 1845; sec. 710, Pub. L. 97-320, 96 Stat. 1544; and sec. 520, Pub. L. 100-242, 101 Stat. 1815.

§ 4100.1 [Amended]

2. In § 4100.1(b), the introductory text is revised to read as follows:

(b) The Corporation is authorized to receive and expend Federal appropriations and other public and private revenues to conduct a variety of programs designed primarily to revitalize older urban neighborhoods by mobilizing public, private, and community resources at the neighborhood level. These programs include:

3. Sections 4100.1(b) (2) and (3) are redesignated as (b) (3) and (6). Redesignated § 4100.1(b)(3) is amended by removing the semicolon and the words "Neighborhood Program Development" from the heading and removing the last sentence.

4. A new paragraph (b)(2) is added to § 4100.1 to read as follows:

(b) * * *

(2) *Mutual Housing Associations.*

The Corporation also supports the organizational development of, and provides technical assistance to, Mutual Housing Associations. Mutual Housing Associations are private, nonprofit organizations which own, manage and continually develop affordable housing. Mutual Housing residents are members of the Association which owns and manages their buildings; thus they enjoy the security of long-term housing tenure.

Mutual Housing developments are capitalized through up-front grants and mortgages in a combination that ensures permanent affordability to low- and moderate-income families. Monthly housing charges to residents are kept at affordable levels on a continuing basis. A key element of Mutual Housing is the Association's commitment to use all resources in excess of operating and

maintenance costs for the production of additional units. A Mutual Housing Association's board of directors includes current member-residents, potential residents, and representatives from the community, local government and business. Residents and community members make up the majority on the board. A highly qualified professional staff, employed by the Mutual Housing Association, carries out the day-to-day activities of the organization. In addition to creating new affordable housing opportunities, Mutual Housing Associations offer a creative alternative for subsidized rental housing developments whose subsidies are scheduled to expire.

5. A new paragraph (b)(4) is added to § 4100.1 to read as follows:

(b) * * *

(4) *Programmatic Supplements.*

Proven, replicable programmatic tools are offered as broadly as resources permit. Often, these selected strategies are supported by Neighborhood Reinvestment grants. The Corporation's major programmatic supplements include the following:

(i) *Neighborhood Economic Development and Commercial Revitalization Strategies.* The Corporation's neighborhood economic development and commercial revitalization strategies offer NHSs a variety of tools designed to stabilize and enhance the economic base of NHS neighborhoods. They complement NHSs' revitalization mission by focusing the energies and resources of the partnership on the economic issues underlying neighborhood decline. Neighborhood economic development and commercial revitalization assures a viable neighborhood economy by strengthening small businesses and improving the physical environment of the area, thus providing additional goods, services, and employment opportunities for the community.

(ii) *Housing Development Strategies.* The Corporation's Housing Development Strategies program addresses the shortage of affordable, quality housing available to low to moderate income families in NHS neighborhoods, as well as the blighting effect of vacant lots and substandard properties. Home ownership opportunities are created through the planning and implementation of a variety of housing mechanisms by the NHS, which are intended to reverse negative real estate market trends, enhance new residential growth, and create renewed neighborhood pride. The mechanisms being used to achieve these goals include the following.

(A) The Owner Built Housing Program is a supervised housing construction process that helps moderate-income homeowners to collectively build their own homes. The NHS provides technical assistance while private lenders and public bodies providing financing.

(B) The Owner Rehab Housing program assists low to moderate income families in collectively rehabilitating existing blighted and vacant structures.

(C) The Infill Housing Program provides a mechanism for assisting NHSs in building new units on vacant land to meet the needs of prospective lower income homeowners.

(D) The Urban Subdivisions Program focuses on providing low cost, new housing for low-to-moderate income families on tracts of land suitable for the construction of 20 or more units.

(iii) *Problem Properties Strategies.* This program assists NHSs in addressing specific problem areas beyond the scope of basic NHS services and typical financial resources. Through the implementation of various problem properties strategies, NHS programs are able to assist tenants to purchase, improve the physical condition of target blocks, eliminate vacant neighborhood eyesores, develop housing and service facilities for special populations, and stimulate private reinvestment and new conventional mortgages in the NHS community.

6. A new paragraph (b)(5) is added to § 4100.1 to read as follows:

(b) * * *

(5) *Apartment Improvement Program.* The goal of the Apartment Improvement Program is to provide an effective, economical means of revitalizing and preserving neighborhoods with multi-family housing for the benefit of the current residents. The program is based upon a partnership of tenants and community representatives, property owners and managers, financial institutions and local government. The program assists in the development of an individually tailored improvement plan of activities from which each building may benefit, including tenant participation, tax assessment reviews, and increased investment or restructured mortgages to improve the economic viability of the buildings and to finance improvements.

§ 4100.2 [Amended]

7. In § 4100.2, paragraph (a)(1) is revised to read as follows:

(a) *The Board of Directors.* (1) The Corporation is under the direction of a Board of Directors composed of six members: the Chairman of the Federal Home Loan Bank Board or a member of the Federal Home Loan Bank Board

designated by the Chairman; the Secretary of Housing and Urban Development; the Chairman of the Board of Governors of the Federal Reserve System, or a member of the Board of Governors of the Federal Reserve System designated by the Chairman; the Chairman of the Federal Deposit Insurance Corporation or the appointive member of the Board of Directors of the Federal Deposit Insurance Corporation if so designated by the Chairman; the Comptroller of the Currency; and the Chairman of the National Credit Union Administration, or a member of the Board of the National Credit Union Administration designated by the Chairman. Members of the Board serve without additional compensation. The Board elects from among its members a Chairman and Vice-Chairman. The Bylaws of the Corporation provide for the creation of an Audit Committee, and such other committees as the Board may from time to time establish.

§ 4100.3 [Amended]

8. Section 4100.3 is amended by removing the words "region" and "regional" and inserting, in their place, the word "district".

PART 4100—[AMENDED]

9. In Part 4100 all references to the Corporation's former address of "1850 K Street NW., Suite 400, Washington, DC 20006" are changed to "1325 G Street NW., Suite 800, Washington, DC 20005". [FR Doc. 89-7565 Filed 3-29-89; 8:45 am]

BILLING CODE 7570-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-89-09]

Special Local Regulations for Chesapeake Bay Bridge Swim Race, Chesapeake Bay, MD

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of 33 CFR 100.507.

SUMMARY: This notice implements 33 CFR 100.507 for the Chesapeake Bay Bridge Swim Race, an annual event to be held on June 11, 1989. These special local regulations are needed to provide for the safety of participants and spectators on the navigable waters during this event. The effect will be to restrict general navigation in the regulated area for the safety of participants in the swim, and their attending personnel.

EFFECTIVE DATE: The regulations in 33 CFR 100.507 are effective from 8:00 a.m. to 12:15 p.m. on June 11, 1989.

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

SUPPLEMENTARY INFORMATION:

Drafting Information

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

Discussion

Fletcher Hanks, Director of the Chesapeake Bay Swim Race, has submitted an application to hold the race on June 11, 1989.

Approximately 600 swimmers will start from Sandy Point State Park and swim between the William P. Lane Jr. Memorial Twin Bridges to the Eastern Shore. Since this is the type of event contemplated by these regulations, and the safety of the participants would be enhanced by the implementation of the special local regulations for this regulated area, the regulations in 33 CFR 100.507 are being implemented. Vessel traffic will be permitted to transit the regulated area as the swim progresses, so commercial traffic should not be severely disrupted.

Dated: March 23, 1989.

A.D. Breed,

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

[FR Doc. 89-7582 Filed 3-29-89; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD 05-89-11]

Special Local Regulations for the Tenth Annual Safety-at-Sea Seminar, Severn River, Annapolis, MD

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special Local Regulations are being adopted for the Tenth Annual Safety-at-Sea Seminar. This event will be held on the Severn River in Annapolis, Maryland from Triton Light north to the Route 450 Bridge. The special local regulations are necessary to control vessel traffic within the immediate vicinity of the U. S. Naval Academy during the Pyrotechnic

Display, Helicopter Rescue Demonstration, and Sail Training Craft Maneuver Demonstration. The effect will be to restrict general navigation in this area for the safety of the spectators and the participants in these events.

EFFECTIVE DATE: These regulations are effective from 10:40 a.m. to 12:40 p.m., April 1, 1989.

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

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking to establish permanent special local regulations that would cover marine events to be held in the vicinity of the approaches to Annapolis Harbor, Spa Creek, and the Severn River was published in the *Federal Register* (54 FR 10373; March 13, 1989), and interested persons were invited to participate in the rulemaking by submitting written views, data, or arguments by April 27, 1989. However, since the Tenth annual Safety-at-Sea Seminar is to be held on April 1, 1989 it becomes necessary to establish temporary regulations to cover this year's event.

Drafting Information

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

Discussion of Regulations

This area is the site of several marine events each year, such as the Blue Angels air show and the Insertion/Extraction Demonstration. The Tenth annual Safety-at-Sea Seminar is an annual weekend event that includes a Helicopter Rescue Demonstration, a Sail Training Craft Maneuver Demonstration, and a Pyrotechnic Display. The special local regulations control spectator craft and provide for the safety of persons participating in this marine event.

Economic Assessment and Certification

These temporary regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). Because closure of the waterway is not anticipated for any extended period, commercial marine traffic will be inconvenienced only

slightly. The economic impact of this temporary regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. Since the impact of this temporary regulation is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the temporary regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment. Although closure of the Severn River during this event might have some small negative impact on the city of Annapolis, this impact pales when compared to the loss of revenue the local economy would face if this event could not be held due to a lack of regulations.

Environmental Impact

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction (COMDTINST) M16475.1B. A Categorical Exclusion Determination statement has been prepared and has been placed in the rulemaking docket for the proposed permanent special local regulations.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35-0511 is added to read as follows:

§ 100.511 Severn River, Annapolis, Maryland.

(a) *Definitions*—(1) *Regulated Area*. The approaches to Annapolis Harbor, the waters of Spa Creek, and the Severn River, shore to shore, bounded on the south by a line drawn from Carr Point, at latitude 38°58'58.0" North, longitude 76°27'40.0" West, thence to Horn Point Warning Light (LLNR 17935), at 38°58'24.0" North, longitude 76°28'10.0" West, thence to Horn Point, at

38°58'20.0" North, longitude 76°28'27.0" West, and bounded on the north by the State Route 450 Bridge.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Baltimore.

(b) *Special Local Regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer.

(3) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a) of this section, but may not block a navigable channel.

(c) *Effective Date.* These regulations are effective from 10:40 a.m. to 12:40 p.m., on April 1, 1989.

Dated: March 23, 1989.

A. D. Breed,

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

[FR Doc. 89-7580 Filed 3-29-89; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD8-88-13]

Drawbridge Operation Regulations; St. Marks River, FL

AGENCY: U.S. Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Florida Department of Transportation, the Coast Guard is changing the regulation governing the operation of the bascule span bridge on U.S. Highway 98 (SR 30) over St. Marks River, mile 9.0, at Newport, Wakulla County, Florida, by permitting the draw to remain closed to navigation at all times. This change is being made because of the absence of significant navigation on the waterway. The bridge has been opened only three times in the past ten years for the passage of marine traffic. This action will accommodate the needs of vehicular traffic and still provide for the needs of small boat traffic, with substantial savings to the taxpayers.

EFFECTIVE DATE: This regulation becomes effective on May 1, 1989.

FOR FURTHER INFORMATION CONTACT:

Mr. John Wachter, Bridge Administration Branch, Eighth Coast Guard District, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: On August 11, 1988, the Coast Guard published a proposed rule (53 FR 30314) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a Public Notice dated August 19, 1988. In each notice interested parties were given until September 26, 1988, to submit comments.

Drafting Information

The drafters of this regulation are Mr. John Wachter, project officer, and Commander J.A. Unzicker, project attorney.

Discussion of Comments

No comments were received as a result of publication in the *Federal Register*. One comment was received in response to the Public Notice. The respondent objected on the grounds that closure of the draw would deny access to possible future navigational needs, and that if the draw is allowed to be closed it might justify construction of a low level fixed span bridge at some future date. The Coast Guard bridge permitting process makes this concern unwarranted because application for a permit for a fixed span bridge at this location would require notification of all interested parties who could voice their concerns at that time. There is no organized plan for development of the area above the bridge, but merely an expressed desire for such an eventuality by the lone objector, who has since deceased. There is no need for the bridge owner to expend funds for maintenance of the bridge nor to keep a bidgetender available for a draw that is not in use.

The Coast Guard has carefully considered the objections to the bridge closure and it has been determined that due to the absence of significant navigations through the bridge that requires opening of the draw, the final rule is unchanged from the proposed rule as published in (53 FR 30314) on August 11, 1988.

Federalism Implications

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

Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034: February 26, 1979).

The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that there have been but three requests for openings in the past ten years by recreational boaters, and there have been no requests for openings by commercial navigation. Since the economic impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. Section 117.327 is revised to read as follows:

§ 117.327 St. Marks River.

The draw of the U.S. 98-SR30 bridge, mile 9.0 at Newport, need not be opened for the passage of vessels.

Dated: March 10, 1989.

W.F. Merlin,

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

[FR Doc. 89-7579 Filed 3-29-89; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN: 2900-AD61

Veterans Education; Determination of Training Time During Nonstandard Terms

AGENCY: Department of Veterans Affairs.¹

¹ On March 15, 1989, the Veterans Administration became the Department of Veterans Affairs (see 54 FR 10476).

ACTION: Final regulations.

SUMMARY: The law states the number of credit hours in which a veteran must be enrolled in order to be considered a full-time student during a standard term for the Department of Veterans Affairs (VA) purposes. It does not contain a similar statement for terms which are shorter than standard. The VA has provided for measurement for these accelerated terms through regulations. In determining the length of an accelerated term, it has been the VA's policy not to count vacation periods of seven days or more. However, this policy has not appeared in the Code of Federal Regulations. Since the regulation goes into detail concerning measurement during a nonstandard term, but omits this policy, users of the regulation have sometimes interpreted it as overriding the unstated policy. This results in underpayments to veterans and servicepersons. The amended regulation will prevent these underpayments.

EFFECTIVE DATE: February 27, 1989.

FOR FURTHER INFORMATION CONTACT:

William G. Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225), Vocational Rehabilitation and Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233-2092.

SUPPLEMENTARY INFORMATION: On pages 39490 and 39491 of the Federal Register of October 7, 1988, there was published a notice of intent to amend 38 CFR Part 21 in order to state how the VA determines training time during nonstandard terms. Interested persons were requested to submit comments, suggestions or objections. The VA received no comments, suggestions or objections. Accordingly, the VA is making the proposed regulation final.

The VA has determined that this final regulation does not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulation will not have a \$100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. It will have no 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.

The Secretary of Veterans Affairs has certified that this final regulation will not have a significant economic impact on a substantial number of small entities

as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), the regulation, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the regulation affects only individuals. It will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.111.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational educational, Vocational rehabilitation.

Approved: February 27, 1989.

Thomas E. Harvey,
Acting Administrator.

PART 21—[AMENDED]

38 CFR Part 21, VOCATIONAL REHABILITATION AND EDUCATION, is amended by revising § 21.4272(g)(2) and adding an authority citation to read:

§ 21.4272 Collegiate course measurements.

* * * * *

(g) * * *

(2) In determining whole weeks for this formula the VA will—

(i) Determine the number of days from the beginning to the end of the term as certified by the educational institution, subtracting any vacation period of 7 days or more;

(ii) Divide the number of days in the term by 7;

(iii) Disregard a remainder of 3 days or less, and

(iv) Consider 4 days or more to be a whole week.

(Authority: 38 U.S.C. 1788(b))

* * * * *

[FR Doc. 89-7500 Filed 3-29-89; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY**44 CFR Part 64**

[Docket No. FEMA 6828]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT:

Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate

FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities

listed on the date shown in the last column.

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed to this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance

decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance—floodplains

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	Location	Community No.	Effective dates authorization/cancellation of sale of flood insurance in community	Current effective map date	Date ¹
Region I					
Maine	Wayne, town of, Kennebec County.	230188	May 9, 1975, Emerg. Apr. 3, 1989, Reg. Apr. 3, 1989, Susp.	Apr. 3, 1989	Apr. 3, 1989.
Region III					
Pennsylvania	Lenox, township of, Susquehanna County.	422086	Apr. 4, 1977, Emerg. Apr. 3, 1989, Reg. Apr. 3, 1989, Susp.	Apr. 3, 1989	Do.
Do.	Lathrop, township of, Susquehanna County.	422085	July 30, 1980, Emerg. Apr. 3, 1989, Reg. Apr. 3, 1989, Susp.	Apr. 3, 1989	Do.
Do.	New Milford, township of, Susquehanna County.	422089	Jan. 26, 1976, Emerg. Apr. 3, 1989, Reg. Apr. 3, 1989, Susp.	Apr. 3, 1989	Do.
Do.	Pine, township of, Columbia County.	421556	Nov. 29, 1974, Emerg. Apr. 3, 1989, Reg. Apr. 3, 1989, Susp.	Apr. 3, 1989	Do.
Virginia	Madison County, unincorporated areas.	510094	Aug. 9, 1974, Emerg. Apr. 3, 1989, Reg. Apr. 3, 1989, Susp.	Apr. 3, 1989	Do.
Region IV					
Florida	Umatilla, city of, Lake County.	120139	Jun. 13, 1975, Emerg. Apr. 3, 1989, Reg. Apr. 3, 1989, Susp.	Apr. 3, 1989	Do.
Region III					
Pennsylvania	Adams, township of, Butler County.	421415	Mar. 28, 1975, Emerg. Apr. 17, 1989, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989	Apr. 17, 1989.
Do.	Callery, borough of, Butler County.	420213	Mar. 7, 1977, Emerg. Apr. 17, 1989, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989	Do.
Region IV					
Kentucky	Nicholasville, city of, Jessamine County.	210126	Jun. 11, 1975, Emerg. Apr. 17, 1989, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989	Do.
Region V					
Minnesota	Bigfork, city of, Itasca County.	270201	Oct. 2, 1975, Emerg. Apr. 17, 1989, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989	Do.
Do.	Isanti, city of, Isanti County.	270199	Aug. 25, 1975, Emerg. Apr. 17, 1989, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989	Do.
Ohio	Fairfield County, unincorporated areas.	390158	Mar. 21, 1977, Emerg. Apr. 17, 1989, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989	Do.

State	Location	Community No.	Effective dates authorization/cancellation of sale of flood insurance in community	Current effective map date	Date ¹
Do.....	Cumberland, village of, Guernsey County.	390824	Oct. 26, 1988, Emerg. Feb. 17, 1989, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989.....	Feb. 17, 1989.
Region VIII					
Colorado.....	Arapahoe County, unincorporated areas.	080011	Feb. 4, 1972, Emerg. Aug. 15, 1977, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989.....	Apr. 17, 1989.
Do.....	Cherry Hills Village, city of, Arapahoe County.	080013	Jan. 23, 1974, Emerg. Aug. 1, 1978, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989.....	Do.
Do.....	Columbine Valley, town of, Arapahoe County.	080014	May 18, 1973, Emerg. Jun. 15, 1979, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989.....	Do.
Do.....	De Beque, town of, Mesa County.	080307	Jan. 25, 1985, Emerg. Apr. 17, 1989, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989.....	Do.
Do.....	Englewood, city of, Arapahoe County.	085074	Feb. 26, 1971, Emerg. Feb. 11, 1972, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989.....	Do.
Do.....	Greenwood Village, city of, Arapahoe County.	080195	Mar. 16, 1976, Emerg. Jan. 5, 1978, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989.....	Do.
Do.....	Sheridan, city of, Arapahoe County.	080018	Feb. 4, 1972, Emerg. Jul. 13, 1976, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989.....	Do.
Region IX					
Arizona.....	Maricopa County, unincorporated areas.	040037	Dec. 31, 1970, Emerg. Jul. 2, 1979, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989.....	Do.
Region X					
Idaho.....	McCall, city of, Valley County.	160175	Nov. 11, 1975, Emerg. Apr. 17, 1989, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989.....	Apr. 17, 1989.
Oregon.....	Mitchell, city of, Wheeler County.	410247	Aug. 11, 1975, Emerg. Apr. 17, 1989, Reg. Apr. 17, 1989, Susp.	Apr. 17, 1989.....	Do.

¹ Date Certain Federal Assistance no longer Available in Special Flood Hazard Areas.
Code for reading fourth column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Harold T. Duryee,
Administrator, Federal Insurance
Administration.

Issued: March 24, 1989.

[FR Doc. 89-7538 Filed 3-29-89; 8:45 am]

BILLING CODE 6713-21-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 76

[MM Docket No. 87-154; FCC 88-344]

Broadcast Television and Cable Television Service; Cross-Interest Policy; Correction

AGENCY: Federal Communications Commission.

ACTION: Policy Statement; correction.

SUMMARY: The Commission, in its *Policy Statement* in MM Docket No. 87-154 (54 FR 9999, March 9, 1989), incorrectly identified the decision as FCC 89-344. The correct identification is FCC 88-344.

EFFECTIVE DATE: March 30, 1989.

ADDRESS: Federal Communications Commission, Washington, DC, 20554.

FOR FURTHER INFORMATION CONTACT: Douglas Minster, Mass Media Bureau,

Policy and Rules Division, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting, Television broadcasting.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-7549 Filed 3-29-89; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. T84-01; Notice 19]

Final Listing of High Theft Lines for 1989 Model Year; Motor Vehicle Theft Prevention Standard

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; technical amendment.

SUMMARY: The purpose of this notice is to (1) report the results of this agency's actions for determining which car lines are subject to the marking requirements of the motor vehicle theft prevention standard for the 1989 model year, and (2) publish a list of those car lines. NHTSA has previously published a list of the car lines that were selected as high theft car lines for prior model years, beginning with the 1987 model year. The list in this notice includes all of the car lines in the previous lists, as well as the new lines that were introduced for the 1989 model year and that have been selected as likely high theft lines. In addition, this listing shows the three new lines that have standard equipment anti-theft devices and have been granted exemptions from complying with the requirements of the theft prevention standard beginning with the 1989 model year. One additional line previously listed as having been designated a high theft line has been granted an exemption from the parts marking requirements for Model Year 1989 because it has a standard equipment anti-theft device. This final listing for the 1989 model year is intended to inform the public, particularly law enforcement groups, of

the car lines that are subject to the marking requirements of the theft prevention standard for the 1989 model year.

DATE: This listing applies to the 1989 model year. The amendment made by this notice is effective March 30, 1989.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara A. Kurtz, Office of Market Incentives, NHTSA, 400 Seventh Street SW., Washington, DC 20590 (202)-366-4808).

SUPPLEMENTARY INFORMATION: *Federal Motor Vehicle Theft Prevention Standard*, 49 CFR Part 541, sets forth performance requirements for inscribing or affixing identification numbers into or onto covered original equipment major parts, and the replacement parts for those original equipment parts, on all vehicles in lines selected as high theft lines.

Section 603(a)(2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2023(a)(2); hereinafter "the Cost Savings Act") specifies that NHTSA shall select the high theft lines, with the agreement of the manufacturer, if possible. In accordance with procedures published in 49 CFR Part 542, NHTSA previously selected nine of the new 1989 car lines as likely to be high theft lines. The newly selected lines are set forth in this listing, along with all those lines that had been selected as high theft lines and listed for one or more prior model years. Lists of selected lines were published at 51 FR 42577; November 25, 1986, for Model Year 1987, and at 53 FR 133; January 5, 1988, for Model Year 1988. Section 603(d) of the Cost Savings Act (15 U.S.C. 2023(d)) provides that the theft prevention standard must continue to apply to each line that has been selected as high theft lines, unless that line is exempted under section 605 of the Cost Savings Act (15 U.S.C. 2025).

Section 605 provides that a manufacturer may petition to have a high theft line exempted from the requirements of Part 541, if the line is equipped as standard equipment with an anti-theft device. The exemption is granted if NHTSA determines that the standard equipment anti-theft device is likely to be as effective as compliance with Part 541 in reducing and deterring motor vehicle thefts. Pursuant to this statutory provision, NHTSA has exempted from the requirements of Part 541 three of the new lines that have been selected as high theft. Also pursuant to section 605, the agency has exempted an existing car line, the Saab 9000, that was formerly subject to Part 541, beginning with the 1989 model year.

This revised listing is intended to inform the public, particularly law

enforcement groups, of those car lines that are subject to the marking requirements of the theft prevention standard for the 1989 model year, and of those car lines that are exempted from the theft prevention standard for the 1989 model year because of standard equipment anti-theft devices. The car lines listed as being subject to the standard were previously selected as high theft lines, in accordance with Part 542 and section 603 of the Cost Savings Act. Similarly, the car lines listed as being exempt from the standard were previously exempted in accordance with Part 543 and section 605 of the Cost Savings Act. Therefore, since this revised listing only informs the public of previous agency actions and agreements, and does not impose any additional obligations on any party, NHTSA finds for good cause that the amendment made by this notice should be effective as soon as it is published in the *Federal Register*.

For the same reasons, NHTSA also finds for good cause that notice and opportunity for comment on this listing are unnecessary. Further, public comment on the listing of selections and exemptions is not contemplated by Title VI, and is unnecessary after the selections and exemptions have been made in accordance with the statutory criteria.

Regulatory Impacts

NHTSA has determined that this rule listing the car lines that are high theft and are subject to the requirements of the vehicle theft prevention standard and the car lines that are exempt from the standard is neither "major" within the meaning of Executive Order 12291 nor "significant" within the meaning of the Department of Transportation regulatory policies and procedures. As noted above, the selections have all been made in accordance with the provisions of the Cost Savings Act, and the manufacturers of the selected lines have already been informed that those lines are subject to the requirements of Part 541 for the 1989 model year. Further, this listing does not actually exempt lines from the requirements of Part 541; it only informs the general public of all such exemptions. Since the only purpose of this final listing is to inform the public of prior final agency action for the 1989 model year, a full regulatory evaluation has not been prepared.

The agency has also considered the effects of this listing under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. As

noted above, the effect of this notice is simply to inform the public of those lines that are subject to the requirements of Part 541 for the 1989 model year. The agency believes that listing of this information will not have any economic impact on small entities.

In accordance with the National Environmental Policy Act of 1969, the agency has considered the environmental impacts of this rule, and determined that it will not have any significant impact on the quality of the human environment.

Finally, 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 rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 49 CFR Part 541

Administrative practice and procedure, Labeling, Motor vehicles, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Part 541 is amended as follows:

PART 541—[AMENDED]

1. The authority citation for Part 541 continues to read as follows:

Authority: 15 U.S.C. 2021–2024, and 2026; delegation of authority at 49 CFR 1.50.

2. Appendix A and Appendix A–I are revised to read as follows:

Appendix A—Lines Subject to the Requirements of this Standard

Manufacturer	Subject lines
Alfa Romeo.....	Milano 161
BMW	3-Car line 5-Car line 6-Car line
Chrysler	Chrysler Executive Sedan/Limousine Chrysler Fifth Avenue/ Newport Chrysler Laser Chrysler LeBaron/Town & Country Chrysler LeBaron GTS Dodge Aries Dodge Daytona Dodge Diplomat Dodge Lancer Dodge 600 Plymouth Caravelle Plymouth Gran Fury Plymouth Reliant Chrysler TC
Ferrari	Mondial 8 308 328
Ford	Ford Mustang

Manufacturer	Subject lines	Manufacturer	Subject lines
	Ford Thunderbird Ford Probe** Mercury Capri Mercury Cougar Lincoln Continental Lincoln Mark Lincoln Town Car Merkur Scorpio Merkur XR4Ti		300 D/E 300 CE 300 TD 300 TE 300 SDL 300 SEL 380 SEC/500 SEC 380 SEL/500 SEL 380 SL 420 SEL 560 SEL 560 SEC 560 SL
General Motors	Buick Electra Buick LeSabre Buick Reatta Buick Regal Buick Riviera Cadillac DeVille Cadillac Eldorado Cadillac Seville Chevrolet Camaro Chevrolet Nova Oldsmobile Cutlass Supreme Oldsmobile Delta 88 Oldsmobile 98 Oldsmobile Toronado Pontiac Bonneville Pontiac Fiero Pontiac Firebird Pontiac Grand Prix Geo Prizm**	Mitsubishi	Cordia Tredia Eclipse**
		Peugeot	405**
		Porsche	911 924S 928
		Reliant	SS1
		Saab	900
		Subaru	XT
		Toyota	Camry Celica Corolla/Corolla Sport MR2 Starlet
Honda	Acura Legend	Volkswagen	Audi Quattro Volkswagen Cabriolet Volkswagen Rabbit Volkswagen Scirocco Volkswagen Corrado**
Jaguar	XJ XJ-6 XJ-40		
Maserati	Biturbo Quattroporte 228**		
Mazda	GLC 626 MX-6		
Mercedes-Benz	190 D/E 260 E 300 CE		

** Nine car lines were added to the MY 1989 listings. Of these, three car lines received exemptions from the requirements of Part 541. Also, one existing car line (Saab 9000) received an exemption from the requirements of Part 541.

Appendix A-I—High-Theft Lines with Antitheft Devices that are Exempted from the Requirements of this Standard Pursuant to 49 CFR Part 543

Manufacturer	Exempted Lines
Austin Rover	Sterling
BMW	7 Car line *
Chrysler	Chrysler Conquest
General Motors	Cadillac Allante Chevrolet Corvette
Isuzu	Impulse
Mazda	929 RX 7
Mitsubishi	Galant Starion
Nissan	Maxima 300 ZX
Saab	9000 **
Toyota	Supra Cressida
Volkswagen	Audi 5000S Audi 100 ** Audi 200 **
Volvo	480ES **

* Although the BMW 7 car line received an exemption from parts marking, the exemption is not being used. This means the BMW 7 car line must be marked as required under Part 541.

** Nine car lines were added to the MY 1989 listings. Of these, three car lines received exemptions from the requirements of Part 541. Also one existing car line (Saab 9000) received an exemption from the requirements of Part 541.

Issued on March 27, 1989.

Diane K. Steed,
Administrator.

[FR Doc. 89-7562 Filed 3-29-89; 8:45 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register

Vol. 54, No. 60

Thursday, March 30, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88-NM-211-AD]

Airworthiness Directives; McDonnell Douglas Model DC-10-10, -30, -40 and KC-10A (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to revise an existing airworthiness directive (AD), applicable to McDonnell Douglas DC-10-10 and -30 series airplanes, which currently requires the inspection and modification of the Passenger Service Units (PSU), and the removal, inspection, and replacement of the PSU oxygen canisters, if necessary. That action was prompted by reports that the chemical oxygen generator canisters have been punctured by the existing standoff bracket within the PSU. This condition, if not corrected, could lead to loss of the use of the emergency oxygen system during rapid depressurization of the airplane. This proposal would revise the existing rule by expanding the applicability to include additional affected airplanes. This action is prompted by the reports that the subject PSU's may also be installed on Model DC-10-40 and KC-10A (Military) series airplanes.

DATES: Comments must be received no later than May 22, 1989.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 88-NM-211-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from The Jepson-Burns Corporation, 1455 Fairchild Road, Winston-Salem, North Carolina 27105-

4588. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 3229 East Spring Street, Long Beach California 90806-2425.

FOR FURTHER INFORMATION CONTACT:

Mr. Edward S. Chalpin, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5335.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 88-NM-211-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

On November 1, 1988, FAA issued AD 88-24-11, Amendment 39-6065 (53 FR 46444; November 17, 1988), to require the inspection and modification of the Passenger Service Units (PSU), and removal, inspection, and replacement of the PSU oxygen canisters, as necessary, on Jepson-Burns seats installed in Model DC-10-10 and -30 series airplanes.

That action was prompted by reports that some chemical generator canisters were found to be punctured by the existing standoff bracket within the PSU. This condition, if not corrected, could lead to loss of the use of the emergency oxygen system during rapid depressurization of the airplane.

Since issuance of that AD, the manufacturer has advised FAA that the subject PSU's and PSU oxygen canisters may also have been installed on Model DC-10-40 and KC-10A (Military) series airplanes. Accordingly, these models would be subject to the same unsafe condition addressed in the existing AD.

The FAA has reviewed and approved Jepson-Burns Corporation Service Bulletin 25-20-618, dated June 10, 1987, which describes procedures for visual inspection of all Scott Aviation 3-man chemical oxygen generators within the PSU of the Jepson-Burns seat for any evidence of bracket wear or contact, and the addition of new standoff brackets within the PSU units on Jepson-Burns seat model FBC-2000UHDE- (), as installed in McDonnell Douglas Model DC-10-10, -30, -40, and KC-10A (Military) series airplanes.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would revise the applicability of AD 88-24-11 to include Model DC-10-40 and KC-10A (Military) series airplanes, and require the inspection and modification of the PSUs within the seats of those airplanes, as well as the removal, inspection, and replacement of the PSU oxygen canisters, as necessary, in accordance with the service bulletin previously mentioned.

There are approximately 100 Model DC-10-40 and KC-10A (Military) airplanes in the worldwide fleet. It is estimated that 80 additional airplanes of U.S. registry would be affected by this proposed revision to the existing AD. There are approximately 88 PSU on each airplane. It would take approximately .5 manhour per PSU to accomplish the required actions, and the average labor cost would be \$40 per manhour. The cost of modification parts is estimated to be \$192 per PSU. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$18,656 per airplane, or \$1,492,480 for the additional affected airplanes in the U.S. fleet.

The regulations proposed herein would not have substantial direct

affects on the states, on the relationship between the national government and the states, or on the distribution of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For these reasons, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities because few, if any, McDonnell Douglas Model DC-10-10, -30, -40, and KC-10A (Military) series airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.69.

§ 39.13 [Amended]

2. By revising AD 88-24-11-AD, Amendment 39-6065 (53 FR 46444; November 17, 1988), as follows:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-10-10, -30, -40, and KC-10A (Military) Series airplanes equipped with Jepson-Burns Corporation seat model FBC-2000UHDE-(-), certificated in any category. Compliance required as indicated, unless previously accomplished.

To assure proper operation of the passenger emergency oxygen system, accomplish the following:

A. For Model DC-10-10 and -30 series airplanes, within 90 days after December 22, 1988 (the effective date of Amendment 39-6065), accomplish the following:

1. Remove and inspect all 3-man oxygen generators, Scott Aviation Part Number 801386-06, within the Passenger Service Unit

(PSU) of the seat. Replace, prior to further flight, any generator showing evidence of food tray latch and cotter pin contact and wear on the canister.

2. Remove existing brackets and install new bracket assemblies, Jepson-Burns Part Number 42703001, in accordance with the Implementation Instructions of Jepson-Burns Service Bulletin Number 25-20-618, dated June 10, 1987.

B. For Model DC-10-40 and KC-10A (Military) series airplanes, within 90 days after the effective date of this amendment, accomplish the following:

1. Remove and inspect all 3-man oxygen generators, Scott Aviation Part Number 801386-06, within the Passenger Service Unit (PSU) of the seat. Replace, prior to further flight, any generator showing evidence of food tray latch and cotter pin contact and wear on the canister.

2. Remove existing brackets and install new bracket assemblies, Jepson-Burns Part Number 42703001, in accordance with the Implementation Instructions of Jepson-Burns Service Bulletin Number 25-20-618, dated June 10, 1987.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note.—The request should be forwarded through an FAA Principal Maintenance Inspector, (PMI), who may add any comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Jepson-Burns Corporation, 1455 Fairchild Road, Winston-Salem, North Carolina 27105-4588. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 3229 East Spring Street, Long Beach, California.

Issued in Seattle, Washington, on March 22, 1989.

Darrell M. Pederson,
Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.
[FR Doc. 89-7491 Filed 3-29-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 88-AEA-10]

Proposed Alteration of VOR Federal Airways; Virginia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the descriptions of Federal Airways V-4, V-92, V-144, V-174 and V-214. The FAA is proposing to decommission the Shawnee very high frequency omnidirectional radio range and tactical air navigational aid (VORTAC) located at Winchester Regional Airport, VA. This action amends the descriptions of all airways affected by the decommissioning of the Shawnee VORTAC.

DATES: Comments must be received on or before May 15, 1989.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Eastern Region, Attention: Manager, Air Traffic Division, Docket No. 88-AEA-10, Federal Aviation Administration, JFK International Airport, The Fitzgerald Federal Building, Jamaica, NY 11430.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Jesse B. Bogan, Jr., Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9253.

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, aeronautical, 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-AEA-10." 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 Rules Docket 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 Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. 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 Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign VOR Federal Airways V-4, V-92, V-144, V-174 and V-214. The FAA is planning to decommission the Shawnee VORTAC located at Winchester Regional Airport, VA, and this action would alter the descriptions of all airways affected by the decommissioning. Sections 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The FAA has determined that this proposed 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 economic 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, VOR Federal airways.

The proposed amendment

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

PART 71—DESIGNATION OF FEDERAL AIRWAYS, 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.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V-4 [Amended]

By removing the words "Shawnee, VA; to Arnel, VA." and substituting the word "INT Kessel 097°T(103°M) and Arnel, VA, 292°T(300°M) radials; to Arnel."

V-92 [Amended]

By removing the words "INT Bellaire 107° and Grantsville 285° radials; Grantsville; Shawnee, VA." and substituting the words "INT Bellaire 107°T(111°M) and Grantsville, MD, 285°T(291°M) radials; Grantsville; INT Grantsville 124°T(130°M) and Arnel, Va, 292°T(300°M) radials; to Arnel."

V-144 [Amended]

By removing the words "Linden, VA; to INT Linden 104° and Casanova, VA, 348° radials." and substituting the words "to Linden, Va."

V-174 [Amended]

By removing the words "Elkins, WV; to Shawnee, VA." and substituting the words "to Elkins, WV."

V-214 [Amended]

By removing the words "INT Bellaire, 108° and Indian Head, PA, 254° radials; Indian Head; Martinsburg, WV;" and substituting the words "INT Bellaire 107°T(111°M) and Grantsville, MD, 285°T(291°M) radials; Grantsville; Martinsburg, WV;"

Issued in Washington, DC, on March 21, 1989.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-7492 Filed 3-29-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 89-ASW-2]

Proposed Establishment of Jet Route J-234-TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish new Jet Route J-234 located in the vicinity of Amarillo, TX. The proposed route is aligned from Amarillo via San Angelo, TX, to Junction, TX. This new jet route would permit additional flexibility for maneuvering, climbing, and descending in the Amarillo and Junction areas. This action reduces controller workload.

DATES: Comments must be received on or before May 15, 1989.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Southwest Region, Attention: Manager, Air Traffic Division, Docket No. 89-ASW-2, Federal Aviation Administration, Fort Worth, TX 76193-0530.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

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, aeronautical, 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. 89-ASW-2." 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 Rules Docket 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 Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. 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 Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to establish new Jet Route J-234 located in the vicinity of Amarillo, TX. This route would be established from Amarillo, via San Angelo, TX, to Junction, TX, to add flexibility for maneuvering en route, departure and arrival traffic in these terminal areas. These areas also have extensive military activities. This action would reduce controller coordination and workload. Section 75.100 of Part 75 of the Federal Aviation Regulations was published in Handbook 7400.6E dated January 3, 1989.

The FAA has determined that this proposed 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 economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for Part 75 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.

§ 75.100 [Amended]

2. Section 75.100 is amended as follows:

J-234 [New]

From Amarillo, TX; San Angelo, TX; to Junction, TX.

Issued in Washington, DC, on March 23, 1989.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-7493 Filed 3-29-89; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 891-0030]

Pepsico, Inc., et al; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, that General Cinema Corp. (GCC), a Massachusetts based corporation, not transfer to Pepsi its non-Pepsi soft drink distribution assets and operations in Stauton and Broward County. It also requires Pepsi,

for a five year period, to provide bottling services at cost to GCC for Dr. Pepper and Barq's products in Stauton, and for Dr. Pepper, Seven-Up, Barq's and Sunkist products in Broward County. These Supply agreements would not oblige General Cinema to buy all of its requirements from PepsiCo.

DATE: Comments must be received on or before May 30, 1989.

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

FOR FURTHER INFORMATION CONTACT: Ronald B. Rowe, FTC/S-3302, Washington, DC 20580, (202) 326-2610.

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

List of Subjects in 16 CFR Part 13

Carbonated soft drinks, Trade practices.

[File No. 891-0030]

Agreement Containing Consent Order

The Federal Trade Commission (the "Commission"), having initiated an investigation of the proposed acquisition of voting securities of General Cinema Corporation's ("GCC") General Cinema Beverages subsidiaries by PepsiCo, Inc. ("PepsiCo"); and GCC and PepsiCo having been furnished with a copy of a draft complaint that the Bureau of Competition has presented to the Commission for its consideration, and which, if issued by the Commission, would charge GCC and PepsiCo with violations of the Clayton Act and Federal Trade Commission Act; and it now appearing that GCC and PepsiCo, hereinafter sometimes referred to as proposed respondents, are willing to enter into an Agreement Containing Consent Order ("Agreement"),

It is Hereby Agreed by and between GCC and PepsiCo, by their duly

authorized officers and their attorneys, and counsel for the Commission that:

1. GCC is a corporation organized, existing, and doing business under the laws of the State of Delaware, with its executive offices located at 27 Boylston Street, Chestnut Hill, Massachusetts 02167.

2. PepsiCo is a corporation organized, existing, and doing business under the laws of the State of North Carolina, with its executive offices located at 700 Anderson Hill Road, Purchase, New York 10577.

3. GCC and PepsiCo admit all the jurisdictional facts set forth in the draft of complaint hereto attached.

4. GCC and PepsiCo waive:

(a) Any further procedural steps;

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

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

(d) All rights under the Equal Access to Justice Act.

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

6. This Agreement is for settlement purposes only and does not constitute an admission by the proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

7. This Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to GCC or PepsiCo, (a) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following Order in disposition of the proceeding, and (b) make information public with respect thereto. When so

entered, the Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed to Order to GCC and PepsiCo at their addresses as stated in this Agreement shall constitute service. GCC and PepsiCo waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the Order, and no agreement, understanding, representation or interpretation not contained in the Order or the Agreement may be used to vary or contradict the terms of the Order.

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

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

ORDER

I.

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

A. "GCC" means General Cinema Corporation, its predecessors, subsidiaries, divisions, groups and affiliates controlled by GCC, and their respective directors, officers, employees, agents and representatives, and their successors and assigns.

B. "PepsiCo" means PepsiCo, Inc., its predecessors, subsidiaries, divisions, groups and affiliates controlled by PepsiCo, and their respective directors, officers, employees, agents and representatives, and their successors and assigns.

C. "Acquisition" means PepsiCo's acquisition of the voting securities of the GCC subsidiaries identified on Exhibit 1, which are engaged in the soft drink business.

D. "Commission" means the Federal Trade Commission.

E. "Person" means any natural person or any corporate entity, partnership, association, joint venture, governmental entity, trust or any other organization or entity.

II.

It Is Ordered, that

A. For a period of five (5) years from the date this Order becomes final, PepsiCo agrees to supply to GCC, for sale in the Staunton and Broward County Areas (as defined in Exhibit 2 hereto), carbonated soft drink products, on the terms set forth in the Supply Agreements dated March 14, 1989, copies of which are attached as Exhibit 3. Nothing contained in such Supply Agreements shall restrict GCC from obtaining carbonated soft drink products from suppliers other than PepsiCo.

B. For a period of five (5) years from the date this Order becomes final, PepsiCo shall not acquire, without the prior approval of the Commission, directly or indirectly, the stock, share capital, equity interest or assets of any person if, as a result of such acquisition, PepsiCo would become a bottler or distributor of carbonated soft drink products in the Staunton or Broward County Areas.

C. Prior to the Commission's acceptance of this Agreement, GCC shall have executed and effectuated the modification of franchise agreements to ensure that it will retain rights to distribute 7UP, Dr Pepper, Barq's and Sunkist products in the Broward County, Florida Area and Dr Pepper, Barq's and Mountain Dew products in the Staunton, Virginia Area, as described in Exhibit 4 to this Agreement.

III.

It Is Further Ordered, that

A. For a period of ten (10) years from the date this Order becomes final, GCC shall not, without the prior approval of the Commission, assign or transfer any of the supply agreements described in Exhibit 3 to this Agreement, the franchise agreements described in Exhibit 4 to this Agreement, or, except in the ordinary course of business, any other physical assets presently owned by GCC and included in the description in Exhibit 5 to this Agreement.

B. For a period of ten (10) years from the date this Order becomes final, PepsiCo shall notify the Commission at least thirty (30) days in advance of any proposed acquisition by it of the stock, share capital, equity interests or assets of any person if, as a result of such acquisition, PepsiCo would become the bottler or distributor of one or more non-

PepsiCo brand products in any geographic area in the United States in which PepsiCo would not also own or operate the bottler or distributor of PepsiCo-brand products. For purposes of this provision, a "non-PepsiCo brand" product is a carbonated soft drink sold under a trademark owned by a person other than PepsiCo. This provision shall not require PepsiCo to notify the Commission of any acquisition: (a) In which the person being acquired sold 50,000 192 ounce equivalent cases or less of non-PepsiCo brand products in such geographic area in the calendar year immediately preceding the acquisition; (b) that is subject to Paragraph II.B. of this Order; or (c) that must be reported to the Commission pursuant to the Hart-Scott-Rodino Act, 15 U.S.C. 18a.

PepsiCo shall provide the notification to the Federal Trade Commission at least thirty days prior to acquiring any such interest (hereinafter referred to as the "first waiting period"). PepsiCo shall provide to the Commission supplemental information, upon request, either in PepsiCo's possession or reasonably available to PepsiCo. Such supplemental information shall include a copy of the proposed acquisition agreement; the names of the principal representatives of PepsiCo and the firm PepsiCo desires to acquire who negotiated the acquisition agreement, any management or strategic plans discussing the proposed acquisition, and all documents relating to competition for the provision of carbonated soft drink products in the geographic areas served by the bottler or distributor to be acquired. If, within the first waiting period, representatives of the Federal Trade Commission make a written request for additional information, PepsiCo shall not consummate the acquisition until twenty days after submitting such additional information. Early termination of the waiting periods in this Paragraph may be requested and, where appropriate, granted in the same manner as is applicable under the requirements and provisions of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. Section 18a).

IV.

It Is Further Ordered, that one year from the date this Order becomes final and annually thereafter, PepsiCo and GCC shall file with the Commission a verified written report of their compliance with this Order. Such reports filed by PepsiCo shall include a listing of all acquisitions made by PepsiCo without prior approval of the Commission under Paragraph II.B. of this Order, prior notice to the Commission under Paragraph III.B. of this Order, or

reported to the Commission pursuant to the Hart-Scott-Rodino Act, 15 U.S.C. § 18a.

V.

It Is Further Ordered, that for the purpose of determining or securing compliance with this Order, subject to any legally recognized privilege, and upon written request and with reasonable notice to GCC or PepsiCo made to their principal offices, GCC and PepsiCo shall permit any duly authorized representative or representatives of the Commission:

1. Access, during office hours and in the presence of counsel, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of GCC or PepsiCo relating to any matters contained in this Order; and

2. Upon five (5) days' written notice to GCC or PepsiCo, and without restraint or interference from them, to interview officers or employees of GCC or PepsiCo, who may have counsel present, regarding such matters.

VI.

It Is Further Ordered, that GCC and PepsiCo shall notify the Commission at least thirty (30) days prior to any change in their respective corporate structures that may affect compliance obligations arising out of this Order, including but not limited to dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change.

Exhibit 1

General Cinema Beverages, Inc.
General Cinema Beverages of California, Inc.
General Cinema Beverages of Dayton, Inc.
General Cinema Beverages of Ft. Myers, Inc.
General Cinema Beverages of Georgia, Inc.
General Cinema Beverages of Indiana, Inc.
General Cinema Beverages of North Carolina, Inc.
General Cinema Beverages of North Florida, Inc.
General Cinema Beverages of Ohio, Inc.
General Cinema Beverages of Springfield, Inc.
General Cinema Beverages of Virginia, Inc.
General Cinema Beverages of Washington, DC, Inc.
General Cinema Beverages of West Virginia, Inc.
General Cinema Beverages of Akron, Inc.
General Cinema Beverages of Miami, Inc.
General Cinema Beverages of Youngstown, Inc.

Exhibit 2

Staunton, Virginia Area

The "Staunton, Virginia Area" consists of (1) the following counties, or portions of counties, in the State of Virginia: Augusta, Rockingham, Page, Highland, that portion of Shenandoah County south of an east and west line running along the most northerly boundary of, and including, the town of Woodstock, and (with the exception of Mountain Dew products) that portion of Nelson County located south of a line running due east and west through the northernmost point on the city limits of the town of Lovingsston, including the town of Lovingsston and all dealer outlets located on the above described line; and (2) in the State of Virginia, the independent cities of Staunton, Waynesboro and Harrisonburg, all independent cities as so located on February 10, 1989.

Broward County, Florida Area

The "Broward County, Florida Area" consists of the following counties, or portions of counties, in the State of Florida: Broward, Glades, and that portion of Hendry County east of State Highway 29, excluding the locality known as LaBelle and all other towns and dealer outlets immediately abutting on said State Highway 29.

Exhibit 3—Supply Agreement

This Agreement, dated as of this 14th day of March, 1989, by and between Pepsi-Cola Company, a division of PepsiCo, Inc. (hereinafter "Seller") and General Cinema Beverages of Staunton, Inc. (hereinafter "Buyer").

1. Purchase and Sale

a. Subject to the terms and conditions set forth below, Seller agrees to sell to Buyer and Buyer agrees to purchase from Seller, the amounts requested by Buyer of soft drink products being sold or distributed by Buyer on the date hereof including but not limited to the Products set forth in Exhibit A hereto and all new related products, formulations or package sizes introduced by the Franchise Companies (and their respective subsidiaries) whose trademarks are set forth on Exhibit A (hereinafter, collectively, the "Franchise Companies") as it may be amended from time to time by mutual agreement of the parties, or whose products are currently being sold or distributed by Buyer (the "Products"), said Products to be sold by Buyer in Buyer's *Staunton, Virginia* licensed territory (hereinafter "Buyer's territory") during the term of this Agreement.

b. Buyer will provide Seller with a rolling 30 day written estimate of volume requirements for each product and package supplied under this Agreement at the beginning of each month during the term of this Agreement. Nothing herein contained shall restrict Buyer from obtaining soft drink products from suppliers other than the Seller.

2. Term of Agreement

This Agreement shall remain in effect, unless sooner terminated as provided below, for a period of five (5) years commencing on the date of Closing of the transaction contemplated in the Stock Purchase Agreement by and among General Cinema Corporation and SIFCO, Inc. and Pepsi-Cola Metropolitan Bottling Company, Inc. and PepsiCo, Inc. dated February 13, 1989. In the event said Closing does not occur on or before June 1, 1989, this Agreement shall terminate on said date unless extended by written agreement of the parties.

3. Consideration

Seller shall invoice Buyer for each case of Product which complies with Seller's express representations and warranties as set forth in Paragraph 4 below at the time of its sale to Buyer hereunder. For each Product sold to Buyer which fulfills Seller's said representations and warranties, Buyer shall pay Seller's actual cost of ingredients and packaging materials, plus one percent (1%) of costs to cover shrinkage, breakage, etc., and transportation, which actual costs will be fully documented by Seller upon Buyer's reasonable request. Buyer shall pay all invoiced amounts within thirty (30) days of receipt of Seller's invoice. Any invoice remaining open past its due date shall bear interest at the rate of 1 1/2% per month until paid in full.

4. Representation and Warranties

A. Seller hereby represents and warrants that (i) all of the Products delivered hereunder to Buyer shall comply with the requirements, including, without limitation, label requirements, for each soft drink as established by the licensor of such soft drink products; (ii) shall be of good and merchantable quality and fit for the end use intended; and (iii) shall be fit for introduction into Interstate Commerce pursuant to section 404 of the Federal Food, Drug and Cosmetic Act, inasmuch as it shall not be adulterated or misbranded within the meaning of such Act; and (iv) shall otherwise comply with all applicable federal, state or local laws, rules and

regulations. In the event Buyer notifies Seller that any of the Products supplied hereunder do not conform to the Representations and Warranties contained in this section, Seller shall replace such non-qualifying Products with Product which complies with Seller's representations and warranties within seven working days of the date of its receipt of notice of such non-conforming delivery.

B. It is understood and agreed that each of the Franchise Companies will be directly damaged if (i) any of the representations and warranties of Seller, as set forth in Paragraph 4A above, are untrue or inaccurate in any way, or (ii) Seller fails to meet any of its obligations under this Agreement. Accordingly, in consideration of the permitted use of the trademarks listed on Exhibit "A" and by virtue of the authority granted by each of the Franchise Companies to Buyer to enter into this Agreement, each of the Franchise Companies is hereby constituted and shall be considered a third party beneficiary of this Agreement and shall have the right to enforce directly all of the rights and remedies provided herein regarding (i) any misrepresentation or breach of warranty by Seller with respect to those matters contained in Paragraph 4A above, and (ii) the failure by Seller to meet any of its obligations under this Agreement.

C. Seller hereby agrees to defend, indemnify and hold Buyer and each of the Franchise Companies harmless from any and all claims, demands, liabilities, damages, losses, costs and expenses (including, without limitation, reasonable attorney's fees) incurred by Buyer or any of the Franchise Companies as a result of (i) Seller's failure to fulfill its obligations hereunder (ii) any breach by Seller of its express representation or warranties contained herein or (iii) any claim which if true would constitute such a breach.

D. Buyer hereby agrees to defend, indemnify and hold Seller harmless from any and all claims, demands, liabilities, losses, damages, costs and expenses (including, without limitation, reasonable attorney's fees) incurred by the Seller as a result of Buyer's failure to fulfill its obligations hereunder, or as a result of Buyer's improper handling, storage, delivery or merchandising of the Products.

5. Delivery of Product

All product shall be sold F.O.B. Buyer's plant. Seller shall produce the Products at its nearest plant to Buyer's plant. Buyer shall have the right to take

delivery at Seller's nearest plant and provide its own transportation with a reduction in price to reflect Seller's reduced transportation cost.

6. Order

Buyer shall notify Seller seven working days prior to the date of delivery of the type and quantities of Products drinks which it will require, together with a delivery schedule therefore, and Seller agrees to make such deliveries pursuant to Buyer's reasonable instructions.

7. Force Majeure

Neither party shall have any obligation to the other for its inability to perform its obligations hereunder by reason of fire, flood, strike, boycott, Federal, state or local legislation, or regulation issued in connection therewith, or for any other reason beyond the party's control; provided that the affected party uses its best efforts to thereafter renew its performance hereunder as expeditiously as possible.

8. Assignment

This Agreement and the rights and obligations of the parties hereunder, may be assigned by either party, upon the prior written consent of the other party which consent shall not be unreasonably withheld; it being understood however that Buyer and Seller may assign this Agreement without the other party's consent to its respective parent company, or any direct or indirect subsidiary of said parent company.

9. Miscellaneous

This Agreement, and the Exhibit attached hereto constitutes the entire understanding of the parties and supersedes all prior written or oral arrangements with regard to the subject matter hereof. This Agreement may not be modified or amended except by a written agreement executed by duly authorized representatives of both parties to this Agreement. The remedies provided hereunder are cumulative and not exclusive of all other legal and equitable remedies available to each of the parties. A waiver by either party of any of its rights hereunder shall not constitute a waiver in the future of any other rights of that party.

In Witness Whereof, the parties have executed this Agreement on the date and year first above written.

Pepsi-Cola Company ("Seller")

By: Edward V. LaHey,
Vice President.

General Cinema Beverages of Staunton, Inc.
("Buyer")

By: Bert J. Einloth III,
President.

EXHIBIT 'A'

Products

Mt. Dew
Diet Mt. Dew
Barq's Root Beer
Barq's Diet Root Beer
Dr. Pepper
Diet Dr. Pepper
Caffeine Free Dr. Pepper

Packages

12 oz. Cans
2 Liter PET Bottles
16 oz. NR. Bottles

Supply Agreement

This Agreement, dated as of this 14th day of March, 1989, by and between Pepsi-Cola Company, a division of PepsiCo, Inc. (hereinafter "Seller") and General Cinema Beverages of Broward, Inc. (hereinafter "Buyer").

1. Purchase and Sale

a. Subject to the terms and conditions set forth below, Seller agrees to sell to Buyer and Buyer agrees to purchase from Seller, the amounts requested by Buyer of soft drink products being sold or distributed by Buyer on the date hereof including but not limited to the Products set forth in Exhibit A hereto and all new related products, formulations or package sizes introduced by the Franchise Companies (and their respective subsidiaries) whose trademarks are set forth on Exhibit A (hereinafter, collectively, the "Franchise Companies"), as it may be amended from time to time by mutual agreement of the parties, or whose products are currently being sold or distributed by Buyer (the "Products"), said Products to be sold by Buyer in Buyer's Broward County, Florida licensed territory (hereinafter "Buyer's territory") during the term of this Agreement.

b. Buyer will provide Seller with a rolling 30 day written estimate of volume requirements for each product and package supplied under this Agreement at the beginning of each month during the term of this Agreement. Nothing herein contained shall restrict Buyer from obtaining soft drinks products from suppliers other than the Seller.

2. Term of Agreement

This Agreement shall remain in effect, unless sooner terminated as provided

below, for a period of five (5) years commencing on the date of Closing of the transaction contemplated in the Stock Purchase Agreement by and among General Cinema Corporation and SISTCO, Inc. and Pepsi-Cola Metropolitan Bottling Company, Inc. and PepsiCo, Inc. dated February 13, 1989. In the event said Closing does not occur on or before June 1, 1989, this Agreement shall terminate on said date unless extended by written agreement of the parties.

3. Consideration

Seller shall invoice Buyer for each case of Product which complies with Seller's express representations and warranties as set forth in paragraph 4 below at the time of its sale to Buyer hereunder. For each Product sold to Buyer which fulfills Seller's said representations and warranties, Buyer shall pay Seller's actual cost of ingredients and packaging materials plus one percent (1 percent) of such costs to cover shrinkage, breakage, etc., and transportation which actual costs will be fully documented by Seller upon Buyer's reasonable request. Buyer shall pay all invoiced amounts within thirty (30) days of receipt of Seller's invoice. Any invoice remaining open past its due date shall bear interest at the rate of 1½ percent per month until paid in full.

4. Representation and Warranties

A. Seller hereby represents and warrants that (i) all of the Products delivered hereunder to Buyer shall comply with the requirements, including, without limitation, label requirements, for each soft drink as established by the licensor of such soft drink products; (ii) shall be of good and merchantable quality and fit for the end use intended; and (iii) shall be fit for introduction into Interstate Commerce pursuant to section 404 of the Federal Food, Drug and Cosmetic Act, inasmuch as it shall not be adulterated or misbranded within the meaning of such Act; and (iv) shall otherwise comply with all applicable federal, state or local laws, rules and regulations. In the event Buyer notifies Seller that any of the Products supplied hereunder do not conform to the Representations and Warranties contained in this section, Seller shall replace such non-qualifying Products with Product which complies with Seller's representations and warranties within seven working days of the date of its receipt of notice of such non-conforming delivery.

B. It is understood and agreed that each of the Franchise Companies will be directly damaged if (i) any of the representations and warranties of Seller,

as set forth in Paragraph 4A above, are untrue or inaccurate in any way, or (ii) Seller fails to meet any of its obligations under this Agreement. Accordingly, in consideration of the permitted use of the trademarks listed on Exhibit "A" and by virtue of the authority granted by each of the Franchise Companies to Buyer to enter into this Agreement, each of the Franchise Companies is hereby constituted and shall be considered a third party beneficiary of this Agreement and shall have the right to enforce directly all of the rights and remedies provided herein regarding (i) any misrepresentation or breach of warranty by Seller with respect to those matters contained in Paragraph 4A above, and (ii) the failure by Seller to meet any of its obligations under this Agreement.

C. Seller hereby agrees to defend, indemnify and hold Buyer and each of the Franchise Companies harmless from any and all claims, demand, liabilities, damages, losses, costs and expenses (including, without limitation, reasonable attorney's fees) incurred by Buyer or any of the Franchise Companies as a result of (i) Seller's failure to fulfill its obligations hereunder, (ii) any breach by Seller of its express representation or warranties contained herein or (iii) any claim which if true would constitute such a breach.

D. Buyer hereby agrees to defend, indemnify and hold Seller harmless from any and all claims, demands, liabilities, losses, damages, costs and expenses (including, without limitation, reasonable attorney's fees) incurred by the Seller as a result of Buyer's failure to fulfill its obligations hereunder, or as a result of Buyer's improper handling, storage, delivery or merchandising of the Products.

5. Delivery of Product

All product shall be sold F.O.B. Buyer's plant. Seller shall produce the Products at its nearest plant to Buyer's plant. Buyer shall have the right to take delivery at Seller's nearest plant and provide its own transportation with a reduction in price to reflect Seller's reduced transportation cost.

6. Order

Buyer shall notify Seller seven working days prior to the date of delivery of the type and quantities of Products which it will require, together with a delivery schedule therefore, and Seller agrees to make such deliveries pursuant to Buyer's reasonable instructions.

7. Force Majeure

Neither party shall have any obligation to the other for its inability to perform its obligations hereunder by reason of fire, flood, strike, boycott, federal, state or local legislation, or regulation issued in connection therewith, or for any other reason beyond the party's control; provided that the affected party uses its best efforts to thereafter renew its performance hereunder as expeditiously as possible.

8. Assignment

This Agreement and the rights and obligations of the parties hereunder, may be assigned by either party, upon the prior written consent of the other party which consent shall not be unreasonably withheld; it being understood however that Buyer and Seller may assign this Agreement without the other party's consent to its respective parent company, or any direct or indirect subsidiary of said parent company.

9. Miscellaneous

This Agreement, and the Exhibit attached hereto constitutes the entire understanding of the parties and supersedes all prior written or oral arrangements with regard to the subject matter hereof. This Agreement may not be modified or amended except by a written agreement executed by duly authorized representatives of both parties to this Agreement. The remedies provided hereunder are cumulative and not exclusive of all other legal and equitable remedies available to each of the parties. A waiver by either party of any of its rights hereunder shall not constitute a waiver in the future of any other rights of that party.

In Witness Whereof, the parties have executed this Agreement on the date and year first above written.

Pepsi-Cola Company ("Seller")

By: Edward V. LaHey,

Vice President.

General Cinema Beverage of Broward, Inc. ("Buyer")

By: Bert J. Einloth, III,

President.

Exhibit 'A'

Products

7Up

diet 7Up

Cherry Seven-Up

diet Cherry Seven-Up

Dr. Pepper

Diet Dr. Pepper

Caffeine Free Dr. Pepper

Barq's Root Beer

Barq's Root Beer

Sunkist Orange
diet Sunkist Orange
Sunkist Grape
Sunkist Strawberry
Sunkist Punch

PACKAGES

12 oz. Cans

2 Liter PET Bottles

16 oz. NR. Bottles

Exhibit 4.—Staunton, Virginia Area

GCC shall retain rights to distribute the products set forth below in the following territories within the Staunton, Virginia area:

Dr. Pepper products:

Augusta, Rockingham, Page and Highland Counties, Virginia, all as so located on July 23, 1938.

Shenandoah County, Virginia, south of an east and west line running along the most northerly boundary of and to include the town of Woodstock, all as so located on July 23, 1938.

That part of Nelson County, Virginia located south of a line running due east and west through the northernmost point on the city limits of the town of Lovingson. It is the intent of this description to include the town of Lovingson and all dealer outlets located on the above described line within this territory. This description is as so located on March 20, 1969.

In the State of Virginia, the independent cities of Staunton, Waynesboro and Harrisonburg, all independent cities as so located on February 10, 1989.

Mountain Dew products:

The Counties of Augusta, Rockingham, Page, and Highland, and also that part of Shenandoah County, south of an east and west line running along the most northerly boundary of and to include, the town of Woodstock.

Barq's products:

In the Commonwealth of Virginia, the Counties of Augusta, Rockingham, Page, and Highland.

Also, that part of Shenandoah County, Virginia, south of an east and west line running along the most northerly boundary of and to include the town of Woodstock.

Broward County, Florida Area

GCC shall retain rights to distribute the products set forth below in the following territories within the Broward County, Florida area:

Dr. Pepper products:

Broward County, Glades County, and that portion of Hendry County lying east of State Highway 29, excluding the

locality known as LaBelle and all other towns and dealer outlets immediately abutting on said State Highway 29.

7-Up products:

Broward County, Glades County, and that portion of Hendry County lying east of State Highway 29, excluding the locality known as LaBelle and all other towns and dealer outlets immediately abutting on said State Highway 29.

Sunkist products:

Broward County.

Barq's products:

Broward County.

Exhibit 5.—Staunton, Virginia Area

The "Retained Assets and Operations" in the Staunton, Virginia Area shall consist of the franchise rights and supply agreement with respect to Dr. Pepper, Barq's and Mountain Dew products, together with the associated warehouse facilities, real estate, forklifts, vending machines, visi-coolers, fountain equipment, full goods inventory, and point-of-sale marketing materials in that area dedicated to those products.

Broward County, Florida Area

The "Retained Assets and Operations" in the Broward County area shall consist of the franchise rights and supply agreement with respect to 7UP, Dr Pepper, Barq's and Sunkist products, together with the associated warehouse facilities, real estate, trucks, forklifts, vending machines, visi-coolers, fountain equipment, full goods inventory, and point-of-sale marketing materials in that area dedicated to those products.

Analysis to Aid Public Comment on Provisionally Accepted Consent Order

The Federal Trade Commission has accepted for public comment from PepsiCo, Inc. ("PepsiCo"), and General Cinema Corporation ("GCC") an agreement containing a proposed consent order.

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

The Commission's investigation of this matter concerns the proposed acquisition by PepsiCo of one of its leading independent Pepsi bottlers with

seventeen wholly-owned bottling subsidiaries. PepsiCo is a soft drink concentrate manufacturer. PepsiCo supplies Pepsi brand syrup or concentrate to a number of bottlers, including GCC, that also bottle competing soft drink brands in a number of local markets in the United States.

The agreement containing the proposed consent order would, if issued by the Commission, settle the complaint. The complaint alleges that PepsiCo's acquisition of GCC's bottling operations in Broward County, Florida, and a six-county area in and around Staunton, Virginia ("Staunton area") would substantially lessen competition in all or branded carbonated soft drinks in those two areas, and would violate section 7 of the Clayton Act and section 5 of the Federal Trade Commission Act, unless an effective remedy eliminates the anticompetitive effects. The Staunton area includes the following counties or portion of counties: Augusta, Rockingham, Page, Highland, Shenandoah, and Nelson. Broward County is served by GCC through General Cinema Beverages of Miami, Inc.; the Staunton area is served by GCC through General Cinema Beverages of Virginia, Inc., and General Cinema Beverages of Staunton, Inc.

Because GCC has the right to distribute non-Pepsi brands in these territories in which there are competing Pepsi bottlers, absent the Commission's order, PepsiCo would be both a bottler of other soft drink brands as well as a supplier to its Pepsi bottler in the same market. As a result, direct competition between bottlers of Pepsi and non-Pepsi brands may be lessened and the risk of inter-brand collusion would be increased in these markets.

The proposed consent order requires PepsiCo and GCC to finalize and execute agreements that will permit GCC to continue to distribute Dr Pepper, Barq's and Mountain Dew soft drink brands in the Staunton area, and Dr Pepper, Seven-Up, Barq's and Sunkist soft drink brands in Broward County.

The proposed order accepted by the Commission for public comment also contains a requirement that GCC seeks prior Commission approval for a period of ten-years from the date of the order becomes final, before assigning or transferring any of its soft drink rights in Broward County or the Staunton area. PepsiCo is prohibited from acquiring carbonated soft drink assets or operations in Broward County of the Staunton area without prior approval from the Commission for a five-year period after the order becomes final. Also, for a ten-year period after the order becomes final, PepsiCo is required

to notify the Commission at least thirty (30) days in advance of any proposed acquisition that would result in PepsiCo becoming the bottler or distributor of one or more non-Pepsi brands in any geographic area in the United States in which PepsiCo would not also own or operate the bottler or distributor of Pepsi brands.

It is anticipated that the provisions of the proposed order would resolve the competitive problems alleged in the complaint. The purpose of this analysis is to invite public comment concerning the proposed order in order to assist the Commission in its determination to make final the order contained in the agreement.

This analysis is not intended to constitute an official interpretation of the agreement and the proposed order or to modify its terms in any way.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 89-7433 Filed 3-29-89; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[OGD 05-89-10]

Special Local Regulations; Forth of July Celebration, Parker Island, Little Egg Harbor, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish permanent special local regulations for the annual Fourth of July fireworks display launched from Parker Island, Little Egg Harbor, New Jersey. Notice of the precise name, date and times of the fireworks display will be published annually in the Local Notice to Mariners and a Federal Register Notice. The special local regulations will restrict general navigation in the regulated area during the event to provide for the safety of life and property on the navigable waters within the immediate vicinity of the celebration.

DATES: Comments must be received on or before May 15, 1989.

ADDRESSES: Comments should be mailed or hand carried to Commander (bb), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004. The comments will be available for inspection and copying at Room 209 of this address. Normal office hours are between 8:00 a.m. and 4:30

p.m., Monday through Friday, except holidays.

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

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 05-89-10) and the specific section of the proposal to which their comments apply, and give reasons for each comment. The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on the proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process. The receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

Drafting Information

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

Discussion of Proposed Regulation

The area covered by this proposal is the same as that covered by the special local regulations issued for the Fourth of July Celebration held on July 4, 1988. The Fourth of July Celebration has been proposed as an annual event expected to draw from 300 to 1,000 spectator craft.

Economic Assessment and Certification

The proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The waters enclosed by a circle drawn around the island with a radius of 1,000 feet will be closed to waterborne traffic during the fireworks display. However, vessels transiting the area will not be disrupted since the deep water channel will not be closed. The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary.

Since the impact of this proposal is expected to be minimal the Coast Guard certifies that if adopted it will not have a significant impact on a substantial number of small entities.

Federalism Assessment

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 rulemaking does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Impact

This proposed rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction (COMDTINST) M16475.1B. A Categorical Exclusion Determination statement has been prepared and has been placed in the rulemaking docket.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations as follows: 1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A new § 100.514 is added to read as follows:

§ 100.514 Fourth of July Celebration, Parker Island, Little Egg Harbor, New Jersey.

(a) *Definitions.*—(1) *Regulated area.* The waters of Little Egg Harbor bounded by the arc of a circle with a radius of 1,000 feet and with the center located at latitude 39°34'18.0" North, longitude 74°14'43.0" West.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Group Cape May, New Jersey.

(b) *Special local regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer

on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer.

(3) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a) of these regulations but may not block a navigable channel.

(c) *Effective period.* The Commander, Fifth Coast Guard District publishes a Notice in the *Federal Register* and in the Fifth Coast Guard District Local Notice to Mariners that announces the date and times that the section is in effect.

Dated: March 24, 1989.

A. D. Breed,

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

[FR Doc. 89-7581 Filed 3-29-89; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD8-89-05]

Drawbridge Operation Regulations; Inner Harbor Navigation Canal, LA

AGENCY: U.S. Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD), the Coast Guard is considering a change to the regulation governing the operation of the new Danziger bridge over the Inner Harbor Navigation Canal, mile 3.1, on US90 at New Orleans, Orleans Parish, Louisiana, by requiring that the draw open on at least four hours advance notice between 8 p.m. and 7 a.m. This would be in addition to the present regulation which states that the draw of this bridge need not be opened for navigation from 7 a.m. to 8:30 a.m. and from 5 p.m. to 6:30 p.m. Monday through Friday.

This proposal is being made because of infrequent requests for openings of the new draw during the proposed advance notice period. This action should relieve the bridge owner of the burden of having a person constantly available at the bridge during the proposed advance notice period, while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before May 15, 1989.

ADDRESS: Comments should be mailed to Commander (ob), Eighth Coast Guard District, 500 Camp Street, New Orleans, Louisiana 70130-3396. The comments and other materials referenced in this notice will be available for inspection and copying in Room 1115 at this address. Normal office hours are

between 8:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT:

John Wachter, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. This proposed regulation may be changed in the light of comments received.

Drafting Information

The drafters of this notice are John Wachter, project officer, and Commander J.A. Unzicker, project attorney.

Discussion of Proposed Regulation

This semi-high level, vertical lift span bridge replaced a low level bascule bridge at the same location in 1988. Vertical clearance of the new bridge in the closed position is 50.0 feet above mean high water and 55.0 feet above mean low water. Vertical clearance in the raised position is 120 feet above mean high water and 125 feet above mean low water. Navigation through the bridge consists of commercial boats of all types and a few sail boats. Data submitted by the LDOTD for the year 1988 show a total of 480 bridge openings for this traffic. However, this traffic is infrequent during the advance notice period under discussion, as noted below:

(1) In 1988, between 8 p.m. and 7 a.m., the proposed advance notice period, there were 109 bridge openings—an average of 9.1 openings per month or an average of one opening about every three days.

Considering the few openings involved for the proposed advance notice period, the Coast Guard feels that the current on site attendance at the bridge between 8 p.m. and 7 a.m. is not warranted and that the bridge can be placed on four-hour advance notice for an opening during this period. This will allow relief to the bridge owner while

still providing for the reasonable needs of navigation.

The advance notice for opening the draw would be given by placing a collect call to the LDOTD District Office in Bridge City, Louisiana, telephone (504) 436-9100. From afloat, this contact may be made by radiotelephone through a public coast station.

The LDOTD recognizes that there may be an unusual occasion to open the bridge on less than four hours notice for an emergency or to operate the bridge on demand for an isolated but temporary surge in waterway traffic, and has committed to doing so if such an event should occur.

Federalism Implications

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 rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that few vessels pass this bridge during the advance notice period of 8 p.m. to 7 a.m., as evidenced by the bridge opening statistics which show that the bridge averages one opening about every three days. These vessels can reasonably give at least four hours advance notice for a bridge opening by placing a collect call to the bridge owner at any time. Mariners requiring the bridge openings mainly are repeat users and scheduling their arrival at the bridge at the appointed time should involve little or no additional expense to them. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. Section 117.458 is revised to read as follows:

§ 117.458 Inner Harbor Navigation Canal, New Orleans.

(a) The draw of the US90 (Danziger) bridge, mile 3.1, shall open on signal; except that, from 8 p.m. to 7 a.m. the draw shall open on signal if at least four hours notice is given, and the draw need not be opened from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m. Monday through Friday.

(b) The draw of the Leon C. Simon Blvd. (Seabrook) bridge, mile 4.6, shall open on signal; except that, from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m. Monday through Friday, the draw need not be opened.

Dated: March 10, 1989.

W.F. Merlin,

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

[FR Doc. 89-7583 Filed 3-29-89; 8:45 am]

BILLING CODE 4910-N-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN: 2900-AD98

Benefits at DIC Rates in Certain Cases When Death Was Not Service Connected

AGENCY: Department of Veterans Affairs.¹

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations concerning the payment of benefits to surviving spouses of certain veterans whose deaths were not service connected. These changes are required in order to implement liberalizing legislation regarding specific marriage requirements. The intended effect of these changes is to expand eligibility to include those surviving spouses who meet the requirement of the liberalized law.

DATES: Comments must be received on or before May 1, 1989. Comments will be available for public inspection until May 9, 1989. These changes are proposed to

¹ On March 15, 1989, the Veterans Administration became the Department of Veterans Affairs (see 54 FR 10476).

be effective November 18, 1988, the effective date of the law.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding these changes to the Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, Room 132 of the above address, only between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until May 9, 1989.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Chief, Regulations Staff (211B), Compensation and Pension Staff, Compensation and Pension Service, Veterans Benefits Administration, (202) 233-3005.

SUPPLEMENTARY INFORMATION: Section 1403 of Pub. L. 100-687 recodified, at 38 U.S.C. 418, provisions which were formerly contained in section 410(b). We are proposing to amend 38 CFR 3.22 to reflect that change.

The law authorizes payment of benefits at dependency and indemnity compensation rates to the survivors of certain veterans who were rated as totally disabled due to service-connected disabilities but who died from causes which were not service connected. Previously, only those surviving spouses who had been married to such a veteran for a minimum of two years immediately preceding the date of death were eligible. Section 1403 of Pub. L. 100-687, Division B, Veterans' Benefits Improvement Act of 1988, eliminated the two year marriage requirement in those cases where a child was born of the marriage or born to the veteran and the surviving spouse before the marriage. We are amending 38 CFR 3.54(c)(2) to implement this liberalized eligibility requirement and to correctly cite the recodified authority for this benefit.

The Secretary hereby certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that these proposed regulations would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these proposed regulations are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

SUPPLEMENTARY INFORMATION: On May 14 of last year, a church bus collided

head-on with a compact pickup truck in Carrollton, Kentucky. It was an extremely severe crash; the combined velocity of the two vehicles at the moment of impact was in excess of 100 miles per hour (mph). During or shortly after the crash, a fire apparently started near or at the front bus entrance and was sustained by fuel from the wreckage. Twenty-seven occupants of the bus died as a result of smoke inhalation, and not from trauma or crash injuries resulting from the collision. The church bus, a used school bus designed to carry 66 passengers, was filled to capacity with children, teenagers and adults.

The bus was manufactured in 1977 shortly before the April 1, 1977, effective date of the school bus safety standards NHTSA issued pursuant to the Schoolbus and Motor Vehicle Safety Amendments of 1974. It was used first as a school bus and later sold to a church. Thus, the bus was typical of the pre-1977 school bus body type which had been in use for many years, and presumably met Federal Motor Vehicle Safety Standard No. 302 for the flammability of interior materials (which took effect in 1972). The bus was not required to comply with the comprehensive school bus emergency exit requirements of Standard No. 217 or the school bus fuel system integrity requirements of Standard No. 301 which took effect on April 1, 1977, and apparently did not fully meet all aspects of those school bus standards.

In the aftermath of the Kentucky crash, NHTSA has initiated a series of efforts to assess the safety need to amend several of the motor vehicles safety standards relating to the crashworthiness of buses in general and that of school buses in particular. (Under NHTSA's regulations, a "bus" is a motor vehicle designed for carrying 11 or more persons (driver included). A "school bus" is a "bus" that is sold for purposes that include carrying students to and from school or related events (common carriers in urban transportation excluded). 49 CFR 571.3(b).)

In taking these steps, NHTSA wishes to emphasize that the safety record of these vehicles has been remarkably good. According to the agency's records, the fatalities in the Kentucky crash were the first ones caused by fire in a school bus since NHTSA began careful tracking of all traffic fatalities in 1975. Further, over the past 10 years, school bus occupants have sustained an average of 15 fatal injuries each year. While each of these fatalities is tragic, the number of school bus occupant fatalities is small

compared to occupant fatalities in all other types of motor vehicles. In 1987, for example, there were 38,544 occupant deaths in motor vehicles other than school buses, which includes 5,663 deaths among children aged five to 18. These fatalities for 1987 are similar in number to those of other recent years.

School buses, which together travel 3.3 billion miles each year, are one of the safest means of travel. On a vehicle-mile basis, there are 0.5 school bus fatalities per hundred million vehicle miles travelled, compared to 1.9 occupant fatalities per hundred million vehicle miles in passenger cars—i.e., school buses are about four times safer than passenger cars on a per-vehicle mile basis. Moreover, since a school bus typically carries many more occupants than a passenger car, the comparison on a per-passenger-mile basis would be even more favorable for school buses.

The safety record for other types of buses is also extremely good. Occupant fatalities in inter-city and transit buses have averaged 18 per year over the past 10 years. During 1977–1987, there was one occupant fatality in a non-school bus in a crash in which fire was the most harmful event.

As safe as today's buses are, it is incumbent upon NHTSA to inquire whether the bus fleet might be made safer still. NHTSA is issuing this notice to obtain factual information on available technologies, real-world environmental conditions and other factors that might help the agency decide what further steps should be taken to improve school bus safety and the steps that can be reasonably taken to reduce the risk of another Kentucky tragedy. The agency believes it is important to find out more about the *potential* for fire-related injury and death on buses and school buses, and whether reasonable measures can be taken to reduce that potential.

The agency is in the process of determining whether to include buses over 10,000 pounds gross vehicle weight rating (GVWR), such as inter-city and transit buses, under coverage of Federal Motor Vehicle Safety Standard No. 301, *Fuel System Integrity*. More specifically, the agency is considering extending current or strengthened fuel system integrity requirements for large (over 10,000 pounds GVWR) school buses to large non-school buses. NHTSA is also considering the issuance of a proposal to upgrade the standard's current requirements for all buses (including school buses) to which the standard already applies. This advance notice requests comments to assist the agency in developing, if possible, viable

approaches toward increasing the capability of the fuel systems of inter-city, transit, and school buses to withstand crash forces with limited fuel spillage. The agency does not, however, intend to imply by issuing this notice that it is possible or reasonable to expect to totally eliminate the risk of excessive fuel spillage in every type of crash. In some types of catastrophic crashes, crash forces exerted on and damage to the fuel system are so great that fuel spillage beyond that permitted by Standard No. 301 could occur (e.g., a collision with a train). In those rare crashes, the crash forces to which the fuel system is subjected far exceeds crash forces generated in impacts in which buses are usually involved—i.e., the forces against which the integrity of the fuel system is designed to withstand. For lesser crashes, however, it is possible that upgraded requirements for bus fuel systems could reduce the risk of excessive fuel spillage, and thus the risk of death or injury to occupants due to fire.

Among other issues, the agency is interested in obtaining information on the safety need to amend the current requirements of Standard No. 301. To assess such a need, the agency will consider the magnitude and nature of the risk of fire-related death or injury to vehicle occupants. This risk is related to a variety of factors, including the ability of an occupant to escape from a burning vehicle, the time needed to escape, and the presence and suitability of exits and their ease of use.

Some of these factors are, in turn, related to each other. For example, escape time and the suitability of emergency exits are related. The speed with which a person is able to escape from a burning vehicle is affected by the source and magnitude of the fire, the amount of smoke produced, the toxicity of the fumes, the flammability resistance of the vehicle interior materials and the speed and ease with which egress is possible from the vehicle. Factors relating to the latter include the number of passengers carried in the vehicle, and the number and size of doors, windows and other apertures and the ease of opening them.

On November 4, 1988, NHTSA published concurrently two separate ANPRMs to address concerns and questions relating specifically to the adequacy of Federal minimum school bus emergency exit requirements in Standard No. 217 (53 FR 44623), and to examine possible revisions to the Federal Motor Vehicle Safety Standard for flammability resistance of interior materials (Standard No. 302) of large

buses, including school buses (53 FR 44627).

For the same reason that every one of the Federal motor vehicle safety standard must be premised on a safety need for it, any proposal by the agency to amend a standard must be justified by such a need. The agency wishes to explore whether such a need exists for amending the requirements of Standard No. 301 as they apply to buses (including school buses), and is issuing this advance notice to request information pertaining to these vehicles.

This notice discusses a range of issues that NHTSA is considering in deciding whether to develop and issue a proposal relating to the fuel system integrity of buses, including school buses. This notice makes a number of requests for opinions and data on four possible proposals, or "options," that the agency might consider pursuing in the event that NHTSA tentatively determines that rulemaking on Standard No. 301 is warranted. Although the options are presented separately below, they are not meant to be mutually exclusive in the sense that commenters agreeing with one option are expected to necessarily disagree with the other options. Instead, the agency will consider possible combinations of the options in its assessment of whether a proposal to change Standard No. 301's requirements for buses is warranted.

For easy reference, the agency has consecutively numbered its requests for comments on each of the four options. In commenting on a particular option or in responding to a particular question, interested persons are requested to provide any relevant factual information to support their conclusions or opinions, including but not limited to statistical data and estimated costs and benefits, and the source of such information. NHTSA is especially interested in the occurrence and risk of fire for the various classes of vehicles, and requests data and anecdotal information on bus fuel leakage and tank failures, and any resulting fires and injuries.

NHTSA emphasizes that this is an advance notice of proposed rulemaking. If the agency were ultimately to issue a final rule, it would do so only after further notice of proposed rulemaking and opportunity to comment.

Standard No. 301

Standard No. 301 was issued as an "Initial Federal Motor Vehicle Safety Standard" in 1967 and became effective for passenger cars on January 1, 1968. The standard's requirements for buses (including school buses) with a GVWR of 10,000 pounds or less became effective on September 1, 1976.

In 1974, Congress enacted the Motor Vehicle and Schoolbus Safety Amendments to the Vehicle Safety Act, which directed NHTSA to issue Federal motor vehicle safety standards on various aspects of school bus safety, including fuel system integrity. The 1974 Amendments also ratified Standard No. 301's requirements for buses 10,000 pounds GVWR and less, and thereby prohibited NHTSA from diminishing the level of motor vehicle safety that had been established for those buses by a final rule published on March 21, 1974 (39 FR 10588), and which became effective in 1976 (with additional requirements becoming effective in 1977). The potential proposals discussed in this notice regarding those buses conform to these statutory requirements.

In response to the 1974 Amendments, the agency established requirements for the fuel system integrity of large (over 10,000 pounds GVWR) school buses in conjunction with other Federal motor vehicle safety standards for school buses—e.g., those for passenger crash protection (FMVSS No. 222), emergency exits (No. 217), rollover protection (No. 220), and school bus body joint strength (Standard No. 221). These comprehensive school bus safety standards, including Standard No. 301's requirements for the fuel systems of large school buses, became effective on April 1, 1977. Currently, Standard No. 301 does not apply to non-school buses (e.g., transit and inter-city buses) over 10,000 pounds GVWR. (Generally speaking, a bus with a GVWR of 10,000 pounds or more would be designed to carry a minimum of about 25 passengers.)

In enacting the 1974 Amendment, Congress included a directive to issue motor vehicle safety requirements for school bus fuel system integrity even though data then available indicated that school bus fires had occurred very infrequently. In proposing Standard No. 301's requirements for large school buses, NHTSA stated that, notwithstanding the very infrequent occurrence of school bus fires, the potential for such fires exists. It is known that fuel allowed to escape during a crash can ignite if contacted by sparks. The danger to which children would be exposed in the event of a crash-caused schoolbus fire is great and poses a threat to large groups of individuals who normally travel in such vehicles. For these reasons Congress has directed the promulgation of a safety standard that will protect children by enforcing a safe level of schoolbus fuel system performance. 40 FR 17036; April 16, 1975.

Standard No. 301 limits the amount of fuel spillage that can occur from fuel

systems of vehicles subject to the standard during and after specified front, rear, and lateral barrier impact tests. Fuel spillage is measured from a test vehicle for a period of 30 minutes following the time the vehicle ceases movement after a fixed or moving barrier crash. Basically, limits are set on fuel spillage at three points in time: (1) from impact until the vehicle has ceased motion, spillage must not exceed one ounce; (2) for a five minute period following cessation of motion, fuel spillage must not exceed five ounces; (3) for the following 25-minute period, fuel spillage during any one-minute interval must not exceed one ounce.

After enactment of the 1974 Schoolbus Safety Amendments, NHTSA carefully considered the safety level at which the fuel system integrity requirements for large school buses should be established. NHTSA determined that the spillage rate that was in effect in the standard at that time for other vehicles constituted a reasonable maximum level of fuel escape during a crash. (That spillage rate is virtually identical to the current rate in the standard.) However, the agency adopted a crash test to evaluate compliance of the fuel systems of large school buses that is different from the test for buses with a GVWR of 10,000 pounds or less.

Buses (including school buses) with a GVWR of 10,000 pounds or less must not exceed fuel spillage rates set by Standard No. 301 after being subjected to a 20 mph lateral moving non-contoured barrier crash or a 30 mph frontal fixed barrier or rear moving non-contoured barrier crash, followed by a static rollover test. School buses over 10,000 pounds must not exceed the above spillage rates after being subjected to a 30 mph crash of a 4,000-pound moving contoured barrier into any point, and at any angle, on the school bus.

NHTSA established the 30 mph, 4,000-pound moving contoured barrier crash test for large school buses as a realistic and repeatable means of testing the performance of these vehicles in vehicle-to-vehicle impacts. The impact surface of the barrier was set at a height that was representative of a typical engine height of vehicles that might impact a school bus; the weight of the barrier was representative of vehicles likely to be encountered by a school bus, given the occurrence of a crash. Also, the agency believed the moving contoured barrier crash test was appropriate in terms of the severity of the crash, and the corresponding level of vehicle crashworthiness that had to be exhibited by a school bus when subjected to the barrier crash. Since the

contoured barrier concentrates the crash energy into a relatively small area, when the barrier impacts the school bus at the location where the fuel tank is mounted, the fuel tank is subject to crash forces more severe than those generated by a frontal impact into a fixed barrier. Large school buses must withstand the moving barrier crash at any point on the school bus body; thus the integrity of the "most vulnerable" points of the fuel system configuration must be sound enough to meet Standard No. 301.

Issues

Option 1: Extend requirements to large buses other than school buses

The agency believes that the potential for fire in crashes of large buses not covered under the Schoolbus Safety Amendments, i.e., transit and inter-city buses, is at least as great as that for school buses. Accordingly, the agency wishes to explore whether it should propose that Standard No. 301 be amended to establish fuel system integrity requirements for buses such as transit and inter-city buses. To aid the agency in analyzing areas related to developing a proposal extending Standard No. 301 to large buses not presently subject to the standard, the agency request responses to the following questions:

1. Should the agency extend Standard No. 301 to large buses that are currently excluded from the standard? If yes, what would be the benefits of such an extension? If no, why not?

2. What are the costs of fuel system guards currently used on school buses over 10,000 pounds GVWR? Would those same types of guards be effective on non-school buses for Standard No. 301 compliance? Would costs be the same?

3. Do any large transit or inter-city buses currently meet any of Standard No. 301's requirements (i.e., those for either large school buses or for small buses)? Where are the fuel tanks on large transit or inter-city buses located? What steps have been taken by manufacturers to protect fuel systems on these vehicles? What makes and models of buses have their fuel tanks located inside the chassis frame rails?

Option 2: Extend the large school bus requirements to small school buses (10,000 pounds GVWR or less)

The agency is of the view—one supported by the excellent safety record of school buses—that the standard's requirements for large school buses achieve a high level of safety, and that consideration should be given as to whether these requirements might be

achievable by and appropriate for other types of buses. Accordingly, the agency is setting forth an option for extending the current fuel system integrity requirements for school buses over 10,000 pounds GVWR (hereinafter "large school bus requirements")—viz., the contoured moving barrier crash test—to small school buses, which are already subject to other Standard No. 301 crash tests (i.e., frontal fixed, or rear or lateral moving barrier, followed by a static rollover).

To aid the agency in analyzing issues related to upgraded fuel system integrity for small school buses, the agency requests information or comments on the following questions:

4. Are there any small school buses that are currently manufactured to meet Standard No. 301's requirements for large school buses. What types of fuel guards would be needed for 301 compliance?

5. How would the design of a small school bus that meets the current Standard No. 301 for small school buses be affected if the bus were made subject to the 30-mph contoured moving barrier impact test for large school buses?

6. How long a leadtime would be needed if the standard were amended as described in option 2? What are the estimated costs of such an amendment?

7. Currently small school buses are subject to a static rollover test following a barrier crash test, during which fuel spillage must not exceed limits set forth in the standard. Should the static rollover test be retained in the event the moving contoured barrier crash test requirement is adopted for small school buses?

Option 3: Extend the large school bus requirements to small non-school buses

The agency also wishes to explore whether NHTSA should propose extending the large school bus requirements to small non-school buses, which are already subject to the same requirements in Standard No. 301 that apply to small school buses.

To aid the agency in analyzing issues related to upgraded fuel system integrity for small buses, the agency requests information or comments in response to the following questions:

8. Are there any small non-school buses that are currently manufactured to meet Standard No. 301's requirements for large school buses?

9. How would the design of a small non-school bus that meets the current applicable requirements of Standard No. 301 be affected if the bus were made subject to the 30-mph contoured moving barrier impact test for large school

buses? What would be the costs of such a requirement?

10. Do the current requirements in Standard No. 301 for small non-school buses (i.e., the fixed frontal, or moving rear or lateral barrier impact, followed by a static rollover) achieve reasonable and appropriate fuel system performance?

11. Should all buses be subject to the same fuel system integrity requirements?

12. How long a leadtime would be needed if the standard were amended as described in option 3? What are the estimated costs of such an amendment?

Option 4: Upgrade performance requirements and test procedures for large school buses

As with every other Federal motor vehicle safety standard, Standard No. 301 is a performance standard. Manufacturers are free to select their own fuel system design as long as they ensure that their vehicles will meet the fuel spillage limitations of Standard No. 301 when tested by the agency in accordance with the test procedures set forth in the standard. Manufacturers of large school buses typically conform to the fuel spillage limitations by installing an open steel frame, or cage, which encircles the fuel tank and which guards against excessive deformation and rupture during the moving contoured barrier compliance test. While each bus chassis manufacturer has a different fuel tank cage design, it is possible that small objects might be able to pass between the rails of some cages and strike the fuel tank. Available information indicates that these manufacturers have complied with Standard No. 301 without changing the location or size of the fuel tank on their large school buses.

To aid the agency in analyzing issues related to developing possible new test procedures for improved fuel system integrity, the agency requests information or comments on the following questions:

13. The agency wishes to explore whether Standard No. 301's crash test requirements adequately address potential safety problems that may arise in a bus crash situation. For example, the agency is concerned that there is a real possibility that the front wheels of a bus can be displaced rearward in a frontal crash, due to breakage of the axle and/or suspension mountings or bending of the vehicle frame, which could result in a rupturing of the fuel tank or fuel delivery/crossover lines and an ensuing fuel spillage. How frequently do the front axles dislodge on buses, especially school buses, in crashes and

how does a dislodged axle exacerbate damage to the vehicle? Is there a need to test the structural integrity of the front axle and suspension of large school buses, and if so, what would be an appropriate test? Which buses should be subject to such a test? Should the test be in addition to the moving contoured barrier test? What would be the costs of such a requirement?

14. Should NHTSA establish requirements for the location of the fuel tank on large school buses? Does the frequency or magnitude of fuel spillage in large school bus crashes vary according to fuel tank location? Where are the fuel tanks on large school buses located? How many large school buses have their fuel tanks located between the chassis frame rails? How many large buses have their fuel tanks located outside the chassis frame rails? How many large school buses have their fuel tanks located on the left (or right) side of the bus? What factors (e.g., probable area of impact, probability of impact, location of rear emergency exit(s)) affect a manufacturer's decision about where to place the fuel tank and how would a possible requirement for tank location affect these factors? Should the agency prohibit tanks to be placed adjacent to a door? Should tanks be required to be placed inside the frame rails? Is this feasible for all school bus models? How would any of the above possible requirements affect the cost of school buses?

15. Currently compliance with Standard No. 301, a "vehicle" standard, is determined in a crash test of the entire vehicle. Should the standard incorporate additional tests of component parts of the fuel system, such as a "drop test" established by the Federal Highway Administration (FHWA) for side-mounted liquid fuel tanks? (See, 49 CFR § 393.67(e)(1).) Briefly, under the FHWA "drop test," a fuel tank may not leak more than a total of one ounce by weight of water per minute after being dropped 30 feet on its corner onto an unyielding surface.

16. Are Standard No. 301's requirements adequate for buses that have multiple fuel tanks? Should different requirements apply to buses with multiple fuel tanks, and if so, what should those requirements be?

17. The agency believes that diesel fuel may be less flammable than gasoline in certain types of crash situations. Should the agency consider different test procedures for fire protection for gasoline-versus diesel-fueled buses based on the differences in the flammability of these fuels? Should school and/or other buses be required to

operate on diesel fuel? What would be the consequences of such a requirement?

18. Are the impact speed and size/weight of the moving contoured barrier sufficient and appropriate for ensuring adequate protection of school bus occupants? Should either the impact speed or barrier size/weight be changed, in particular, should either be increased to cover higher speed crashes and impacts by larger vehicles, respectively? Why or why not? Can any aspects of the current test procedure be changed to better represent typical crash conditions? What would be the effects of a different test procedure, such as a change in barrier test speeds and/or sizes/weights, on the design and costs of school buses?

19. Should there be additional performance requirements concerning the penetration resistance of the fuel tank? What would be an objective and reasonable test procedure for penetration resistance? Do non-metallic fuel tanks have better penetration resistance than metallic tanks? What are the costs and benefits of non-metallic fuel tanks for buses? Do any buses currently have non-metallic fuel tanks? What is the future of non-metallic fuel tanks for buses? What performance criteria are appropriate for non-metallic tanks?

20. The agency solicits comments on any other reasonable approaches commenters believe would increase fuel system integrity of large school buses. Commenters should estimate the burdens and benefits associated with each of their suggestions.

21. The agency requests comments on the desirability of a proposal extending these upgraded large school bus requirements (or a variation thereof) to:

- (a) Large non-school buses;
- (b) Small school buses; and,
- (c) Small non-school buses.

What should those strengthened requirements be? What would be the costs of such an extension?

Potential Regulatory Impacts

NHTSA has considered the potential burdens and benefits associated with requirements addressing the areas discussed above. This advance notice of proposed rulemaking is not subject to Executive Order 12291, since that order applies to notices of proposed rulemaking and final rules only. However, NHTSA believes that this advance notice is a "significant" rulemaking action under the Department of Transportation regulatory policies and procedures. The advance notice concerns a matter in which there is substantial public interest. The agency

has prepared a Preliminary Regulatory Evaluation (PRE) which addresses preliminary estimates of the costs and benefits of potential countermeasures that the agency is considering in this action. The evaluation is available in the docket.

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

Comments

NHTSA solicits public comments on this notice. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21.) Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. (49 CFR Part 512.)

All comments received before the close of business on the comment closing date indicated above for the advance proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments on the advance proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN

contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

(15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.50.)

Issued: March 27, 1989.

Barry Felrite,

Associate Administrator for Rulemaking.

[FR Doc. 89-7559 Filed 3-27-89; 4:37 pm]

BILLING CODE 4910-59-M

Notices

Federal Register

Vol. 54, No. 60

Thursday, March 30, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 88-209]

General Conference Committee of the National Poultry Improvement Plan; Intent to Reestablish

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of intent to reestablish the General Conference Committee of the National Poultry Improvement Plan.

SUMMARY: We are giving notice that the Secretary of Agriculture intends to reestablish the General Conference Committee of the National Poultry Improvement Plan (Committee) for a 2-year period. The Secretary has determined that the Committee is in the public interest.

FOR FURTHER INFORMATION CONTACT: Dr. Irvin L. Peterson, Senior Staff Veterinarian, Swine, Poultry, & Misc. Diseases Staff, APHIS, USDA, Room 771, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-5777.

DATE: Consideration will be given only to comments postmarked or received on or before April 14, 1989.

ADDRESSES: Send an original and two copies of written comments to Helene R. Wright, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 88-209. Comments received may be inspected at USDA, Room 1141, South Building, 14th and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: The purpose of the Committee will be to advise the Secretary concerning

policies, program issues, and research needed to conduct the National Poultry Improvement Plan, and to make recommendations to the Department concerning the poultry industry and the poultry improvement regulations contained in 9 CFR Parts 145 and 147. The Committee will also serve as a public forum, enabling those affected by the National Poultry Improvement Plan to have a voice in the plan's policies.

The Committee will be comprised of poultry geneticists and pathologists, veterinarians, hatcherymen, owners of breeding flocks, or state administrators of the National Poultry Improvement Plan. The Committee's seven industry members will be from various parts of the United States and will be elected by state delegates to the National Poultry Improvement Plan Conference.

Equal opportunity practices will be followed concerning the nomination and election of members to the Committee. It is a policy of the USDA that no person shall be discriminated against on grounds of race, color, sex, national origin, age, or handicap.

The Chairman of the Committee will be the Assistant Secretary, Marketing and Inspection Services, United States Department of Agriculture, or a designee of the Assistant Secretary. The Vice Chairman of the Committee will be the Administrator of the Animal and Plant Health Inspection Service, or a designee of the Administrator.

The Committee will meet at least annually.

This notice is given in compliance with the Federal Advisory Committee Act (Pub. L. 92-463).

Done in Washington, DC., this 24th day of March, 1989.

John J. Franke, Jr.,

Assistant Secretary for Administration.

[FR Doc. 89-7541 Filed 3-29-89; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration.

Title: Reports on Exports and Reexports of Technical Data.

Form Number: Export Administration Regulations, §§ 779.6 and 779.8, OM-0694-0041.

Type Of Request: Extension of the expiration date of a currently approved collection.

Burden: 40 respondents; 11 reporting/recordkeeping hours. Average time per respondent is 16 minutes.

Needs and Uses: This collection is the statement required of exporters or reexporters who have used or partially used their export licenses or reexport authorizations for exporting or reexporting technical data. The statement provides information on the disposition of the technical data.

Affected Public: Businesses or other for-profit institutions; small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: John Horrigan 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Horrigan, OMB Desk Officer, Room 3208, New Executive Office Building, Washington DC 20503.

Dated: March 24, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-7513 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-CW-M

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration.

Title: Export of Horses.

Form Number: Part 776.3, Export Administration Regulations; OMB—0694-0042.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 1 respondent; 1 reporting hour. Average time per response is 15 minutes.

Needs and Uses: This collection is required by statute authorizing the Department of Commerce and Agriculture to permit the export of horses by sea. The affected public are exporters of horses who state that the horses are not being exported for slaughter.

Affected Public: Businesses or other for-profit institutions; small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: John Horrigan, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Horrigan, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: March 24, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-7514 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-CW-M

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration.

Title: General License GATS: Authorization for Non-Return of Aircraft.

Form Number: Export Administration Regulations, § 771.9(C), OMB—0694-0039.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 20 respondents; 11 reporting/recordkeeping hours. Average time per respondent is ½ hour.

Needs and Uses: This reporting requirement is required to prevent violations of the Export Administration Act. The information collected from exporters will be used to authorize exports of civil aircraft and/or aircraft components.

Affected Public: Businesses or other for-profit institutions; small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: John Horrigan, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Horrigan, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: March 24, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-7515 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-CW-M

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration.

Title: Export of Petroleum Products From a Foreign Trade Zone.

Form Number: Export Administration Regulations, § 771.7, OMB—0694-0037.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 1 respondent; 4 responses; 1 reporting hour. Average time per response is 15 minutes.

Needs and Uses: Petroleum products refined in Guam or in U.S. foreign trade zones from foreign origin crude petroleum can be exported from those areas without obtaining a validated license. However, the exporter is required to file quarterly reports with BXA regarding all such transactions. This information is used to verify that such shipments are in accord with Export Administration Regulations.

Affected Public: Businesses or other for-profit institutions; small businesses or organizations.

Frequency: Quarterly.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: John Horrigan, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Horrigan, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: March 24, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-7516 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-CW-M

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration.

Title: Information Disclosure to Foreign Consignee When a Reexport Has Been Authorized.

Form Number: Export Administration Regulations, § 774.4, OMB—0694-0036.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 1,000 respondents; 267 reporting and recordkeeping hours. Average time per respondent is 16 minutes.

Needs and Uses: This collection of information is required to advise foreign consignees of exports from the U.S. that reexport requests of the controlled commodities have been authorized.

Affected Public: Businesses or other for-profit institutions; small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: John Horrigan, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance

Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Horrigan, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: March 24, 1989.

Edward Michals,
Departmental Clearance Officer, Office of
Management and Organization.

[FR Doc. 89-7517 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-CW-M

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration.

Title: Letter of Inquiry.

Form Number: Export Administration Regulations, § 778.6, OMB-0694-0034.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 20 respondents; 6 reporting/recordkeeping hours. Average time per respondent is 16 minutes.

Needs and Uses: An exporter must obtain an export license when he/she knows that a commodity can be used for nuclear end-use purposes. In some instances, however, an exporter may have to ask the manufacturer of the commodity if the particular item would fall under licensing requirements. The exporter who makes the inquiry must keep on record the response and obtain an export license when appropriate.

Affected Public: Businesses or other for-profit institutions; small businesses or organizations.

Frequency: Quarterly.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: John Horrigan 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3171, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Horrigan, OMB Desk Officer, Room

3208, New Executive Office Building, Washington, DC 20503.

Dated: March 24, 1989.

Edward Michals,
Departmental Clearance Officer, Office of
Management and Organization.

[FR Doc. 89-7518 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration (A-580-507)

Malleable Cast Iron Pipe Fittings, Other Than Grooved, From Korea; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade
Administration/Import Administration,
Department of Commerce.

ACTION: Notice of final results of
antidumping duty administrative review.

SUMMARY: On February 22, 1989, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on malleable cast iron pipe fittings, other than grooved, from Korea. The review covers two manufacturers/exporters and the period May 1, 1987 through April 30, 1988.

We gave interested parties an opportunity to comment on our preliminary results. We received no comments. The final results are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: March 30, 1989.

FOR FURTHER INFORMATION CONTACT:
Barbara Victor or Laurie A. Lucksinger,
Office of Antidumping Compliance,
International Trade Administration, U.S.
Department of Commerce, Washington,
DC 20230; telephone: (202) 377-5222/
5253.

SUPPLEMENTARY INFORMATION:

Background

On February 22, 1989, the Department of Commerce ("the Department") published in the Federal Register (54 FR 7577) the preliminary results of its administrative review of the antidumping duty order on malleable cast iron pipe fittings, other than grooved, from Korea (51 FR 18917, May 23, 1986). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of malleable cast iron pipe fittings, other than grooved, from Korea. During the review period such

merchandise was classifiable under items 610.7000 and 610.7400 of the Tariff Schedules of the United States Annotated ("TSUSA"). This merchandise is currently classifiable under Harmonized Tariff System ("HTS") item 7307.19.10. The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers two manufacturers/exporters and the period May 1, 1987 through April 30, 1988.

Final Results of Review

We invited interested parties to comment on the preliminary results. We received no comments. The final results are unchanged from those presented in the preliminary results of review, and we determine that the following margins exist for the period May 1, 1987 through April 30, 1988:

Manufacturer/Exporter	Margin (Per- cent)
Migin Metal Industrial Co., Ltd	25.59
Shin Han Cast Iron Co., Ltd	25.59

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, as provided for in section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties of 25.59 percent shall be required for shipments of Korean malleable cast iron pipe fittings, other than grooved, by these firms. For any future entries of this merchandise from a new exporter, not covered in this review, whose first shipments occurred after April 30, 1988 and who is unrelated to either reviewed firm, a cash deposit of 12.48 percent shall be required. As we stated in our notice of preliminary results, this is in accordance with our practice of not using the most recently reviewed rate as a basis for a cash deposit for new shippers when we have based the most recent rate on best information otherwise available.

These deposit requirements are effective for all shipments of Korean malleable cast iron pipe fittings, other than grooved, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1)

of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.53a.

Jan W. Mares,
Assistant Secretary for Import
Administration.

Dated: March 24, 1989.

[FR Doc. 89-7554 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-05-M

[A-475-059]

Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administrative/Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On August 5, 1988, the Department of Commerce published the preliminary results of its administrative review of and tentative determination to revoke in part the antidumping finding on pressure sensitive plastic tape from Italy. The review covers four manufacturers and/or exporters of Italian pressure sensitive plastic tape to the U.S. and the period October 1, 1986 through September 30, 1987.

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke in part. We held a hearing on September 9, 1988. Based on our analysis of the comments received, we have changed the margins for one firm from those presented in our preliminary results of review. Also, we are no longer considering Manuli's request for revocation.

EFFECTIVE DATE: March 30, 1989.

FOR FURTHER INFORMATION CONTACT: Eugenio Parisi or John Kugelman, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2923.

SUPPLEMENTARY INFORMATION:

Background

On August 5, 1988, the Department of Commerce ("the Department") published in the Federal Register (53 FR 29507) the preliminary results of its administrative review of and tentative determination to revoke in part the antidumping finding on pressure sensitive plastic tape from Italy (42 FR 56110, October 21, 1977). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

The United States, under the auspices of the Customs Cooperation Council, has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedule ("HTS"), as provided for in section 1201 et seq. of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS item numbers.

Imports covered by this review are shipments of pressure sensitive plastic tape measuring over 1/8 inches in width and not exceeding 4 millimeters in thickness, currently classifiable under HTS item numbers 3919.90.20, 3919.90.50, 4811.21.00, 4821.90.20, 4823.11.00, and 5906.10.00. HTS item numbers are provided for Commerce and Customs purposes. The written description remains dispositive.

The review covers two manufacturers and/or exporters of Italian pressure sensitive plastic tape to the United States and the period October 1, 1986 through September 30, 1987.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results and tentative determination to revoke in part. We received comments from the petitioner, Minnesota Mining and Manufacturing ("3M"), and three respondents, N.A.R., S.p.A. ("NAR"), Boston, S.p.A. ("Boston"), and Manuli, S.p.A. ("Manuli"). On September 2, 1988, we received additional comments from NAR; we are not considering these comments because they were untimely submitted.

Comment 1: 3M urges the Department to deny Manuli's request for revocation because, in its rebuttal brief dated September 6, 1988, Manuli acknowledged one unreported U.S. sale during the previous review period (October 1, 1985–September 30, 1986). In the administrative review of that period Manuli had reported no shipments. On September 20, 1988, Manuli provided data concerning this sale and a contemporaneous home market sale and requested that the Department determine whether there was any dumping margin for this sale. Manuli suggests that if the Department treats that period as one in which there were no sales at less than foreign market value, that would result in two consecutive periods of no less-than-

foreign-market-value sales (1984–86) and one period of no sales (1986–87), and Manuli would thus still qualify for revocation. Further, 3M urges the Department to examine entry documentation provided by the U.S. Customs Service concerning two of Manuli's sales which may have occurred in review periods for which Manuli claimed no shipments to the U.S.

Department's Position: We will not consider Manuli's request to determine whether dumping margins exist for the unreported shipment since, due to Manuli's inconsistent reporting, the Department cannot be sure that sales are no longer being made at less than foreign market value and, therefore, we cannot be satisfied that there is no likelihood of resumption of sales at less than foreign market value. See 19 CFR 353.54(a). Therefore, we hereby rescind the tentative determination to revoke in part with respect to Manuli. Since the unreported U.S. sale remains unliquidated, we will instruct the U.S. Customs Service to assess the highest cash deposit rate for a reviewed firm (6.39 percent) in that review period, consistent with our policy concerning unreported shipments. Further, we have examined 3M's allegations that two additional Manuli sales occurred during a review period for which Manuli claimed no shipments, and have determined that we included these sales in our previous review of the period October 1, 1984–September 30, 1985.

Comment 2: 3M argues that the Department's proposal to revoke the antidumping finding with respect to Boston and Manuli without examining sales up to the date of the tentative revocation (August 5, 1988), referred to as the "gap period", is contrary to the Department's regulations and policy. Manuli argues that the Department need not review the "gap period" and that the Tariff Act gives the Department discretion in determining the effective date of a revocation.

Department's Position: For Manuli, see our position on *Comment 1*. Before determining whether to revoke Boston, however, we will examine sales up to the date of the tentative determination to revoke in part (August 5, 1988), consistent with 19 CFR 353.54(f) and the Department's policy. Should that revocation be made final, the effective date will be August 5, 1988.

Comment 3: 3M requests that the Department conduct on-site verifications to determine whether Boston and Manuli made no shipments during the review period. Manuli argues that the Department's procedure for verifying no shipments, that is, relying

on the U.S. Customs Service to notify the Department of any imports, satisfies the statutory requirement.

Department's Position: In making a final determination concerning revocation of Boston, the Department will verify, to the extent it deems appropriate, the information provided in support of this revocation. As for Manuli, see our position on *Comment 1*.

Comment 4: 3M urges the Department not to revoke Boston or Manuli because neither had demonstrated that there is no likelihood of resumption of less-than-fair sales. Manuli argues that the fact that it has not sold this merchandise to the U.S. since April 1984 (except for the sale in October 1985, discussed in *Comment 1*), that it has closed its U.S. subsidiary (Manuli U.S.A.), and that it has received *de minimis* or no margins in two of the four years and a small (0.97%) margin in one of the other years, are sufficient evidence and assurance that there is no likelihood of resumption of dumping. Boston urges the Department to publish a final revocation for Boston because it has not sales to the United States since October 1981.

Department's Position: Prior to a final revocation, we intend to review the gap period for Boston in our next review (see our position on *Comment 2*). Manuli is no longer eligible for revocation since we have rescinded our tentative revocation (see our position on *Comment 1*).

Comment 5: 3M argues that the Department's proposed revocation of Manuli based on two years of no shipments and one year of *de minimis* margins is contrary to the Department's revocation policy.

Department's Position: See our position on *Comment 1*. Since we have rescinded the tentative determination to revoke with respect to Manuli, this argument is moot.

Comment 6: NAR claims that the Department should not have included home market sales to end users in its calculation of foreign market value ("FMV"), since it sold exclusively to wholesalers in the United States. In addition, NAR argues that; had the Department made a yearly aggregation of all end-user sales, it would have found that higher prices were charged to end users as a group than to wholesalers and retailers. Finally, NAR argues that price and quantity cannot be the only indications of level of trade. The Department must also look at what the customer does with the merchandise.

Department's Position: We used all of NAR's home market sales because, as in the last review, we examined pricing practices and found unexplained inconsistencies; that is, at times prices

differed though purchased quantities were the same, and vice-versa. We are not satisfied that these classes of purchasers were different, as claimed. NAR did not provide any documentation to support its conclusion that a yearly aggregation of end-user sales would show that prices to this group were higher than to the other customer categories. The Department is not required by either the statute or the regulations compare yearly sales amounts to different customer categories or to determine how the customer uses the merchandise in ascertaining the appropriate levels of trade. Rather, the burden falls on the respondent to establish that different levels of trade exist and that such differences affect price comparability. Recently the Court of International Trade ("CIT") upheld this position in *NAR v. United States*, slip. op. 89-12 (Ct. Int'l Trade, January 27, 1989).

Comment 7: NAR argues that, for the differences-in-merchandise ("diffmer") adjustment, rather than rejecting NAR's data and using another manufacturer's public data (Manuli) for the 1982-83 review period, the Department should use NAR's data as best information available. Alternatively, if the Department insists on using Manuli's data as best information available, the Department should make proportionate adjustments for its cost differences according to each size and type of tape sold by NAR to the U.S. during this review period. 3M argues that the Department's decision to use best information available is appropriate both because NAR did not provide the diffmer data in a timely manner and because NAR's data were deficient on several counts.

Department's Position: As noted in our preliminary results, NAR's diffmer submissions contained several procedural and substantive deficiencies and various inconsistencies as outlined in the Department's memorandum dated July 19, 1988. Although NAR provided various clarifications and explanations with respect to the diffmer adjustment, we are compelled to use best information available in our final results in light of the remaining deficiencies (see Memorandum to the file dated February 10, 1989). Given the clarifications and explanations furnished by NAR, however, we have decided to base best information available, in part, on data NAR provided in its July 6, 1988 submission, such as the materials and labor components. Because we are forced to proceed on a best information available basis, we have still applied the adverse inference rule in determining which of NAR's data

we used. For example, as best information available we added to FMV the differential between the highest cost for each component of materials and labor for U.S. tape and the lowest cost of each component for home market tape, for all sizes of tape for which NAR provided cost data. For direct factory overhead, as best information available we used the highest cost differential from another company in a previous review.

Comment 8: NAR contends that the Department should not have used the Federal Reserve Board quarterly exchange rates in its calculations, but should have used the exchange rates which NAR submitted.

Department's Position: Using the Federal Reserve Board rates of exchange is in accordance with section 353.56(a) of the Commerce Regulations. Recently the CIT upheld this position in *NAR v. United States*, slip. op. 89-12 (Ct. Int'l Trade, January 27, 1989).

Comment 9: NAR contends that the Department should have used a weighted-average U.S. price, rather than individual U.S. prices, since Congress intended section 777A of the Tariff Act to provide for a fairer comparison between U.S. price and FMV. NAR claims that weight-averaging U.S. prices would produce fairer results because NAR would be credited for U.S. sales made at or above its FMV and Commerce would be less likely to find sales at margin. Finally, NAR argues that the Department should use average U.S. movement expenses, rather than sale-by-sale movement expenses.

Department's Position: We disagree. Congress added this section of the Tariff Act allowing sampling and averaging of U.S. sales data to reduce Departmental costs and the administrative burden where a significant volume of sales is involved or a significant number of adjustments to prices is required. Congress did not intend to discourage the Department from using individual sales data when available and when doing so is administratively feasible. See H.R. Rep. No. 725, 98th Cong., 2d Sess. 9 (1984). With respect to U.S. movement expenses, we prefer to adjust for these expenses on a sale-by-sale basis when, as here, such data are available, since this more accurately reflects the actual expenses incurred.

Comment 10: NAR argues that the Department should not have offset home market commissions with U.S. indirect selling expenses because section 353.15(c) of the Commerce Regulations is applicable only in exporter's sales price calculations.

Department's Position: We disagree. Only the last sentence of section 353.15(c) is restricted to exporter's sales price situations. The rest of this section is applicable in both purchase price and exporter's sales price situations. Recently, the CIT upheld our application of section 353.15(c) to purchase price situations in *NAR v. United States*, Slip Op. 89-12 (Ct. Int'l Trade, January 27, 1989).

Comment 11: NAR argues that the Department incorrectly assumed that U.S. indirect selling expenses equalled

or exceeded the full amount of the commissions paid in the home market. NAR also contends that the Department overstated the amount of U.S. indirect selling expenses because salaries for salesmen who service the U.S. market should be treated as direct selling expenses.

Department's Position: We disagree. We did not assume that U.S. indirect selling expenses equalled or exceeded home market commission. In cases where U.S. indirect selling expenses were greater than home market

commissions, we limited our adjustment for U.S. indirect selling expenses by the amount of the home market commissions. We consider salesmen's salaries to be indirect, rather than direct, selling expenses, since they are paid whether or not specific sales are made.

Final Results of the Review

As a result of the comments received, we have revised our preliminary results for NAR and we determine that the following margins exist:

Manufacturer/Exporter	Time period	Margin (percent)
NAR.....	10/01/86-9/30/87	1.40
Manuli.....	10/01/86-9/30/87	1.0
Irpilastnastri.....	10/01/86-9/30/87	12.66
Boston.....	10/01/86-9/30/87	8.67

¹ No shipments during the period; margin from last review in which there were shipments.

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. As provided for in section 751(a) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required for these firms.

For any shipments from the remaining known manufacturers and/or exporters not covered by this review, the cash deposit will continue to be at the rate published in the final results of the last administrative review for each of those firms (48 FR 35688, August 5, 1983, 51 FR 43955, December 5, 1986, and 53 FR 16444, May 9, 1988).

For any shipments from a new exporter not covered in this or prior administrative reviews, whose first shipments of Italian pressure sensitive plastic tape occurred after September 30, 1987, and who is unrelated to any reviewed firm or any previously reviewed firm, a cash deposit of 1.40 percent shall be required. These deposit requirements are effective for all shipments of Italian pressure sensitive plastic tape entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.53a.

Date: March 24, 1989.

Jan W. Mares,
Assistant Secretary for Import
Administration.

[FR Doc. 89-7555 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-05-M

[C-201-505]

Porcelain-on-Steel Cooking Ware From Mexico; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On September 6, 1988, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on porcelain-on-steel cooking ware from Mexico. The Department preliminarily determined the net subsidy to be 3.59 *ad valorem* for all firms during the period March 7, 1986 through December 31, 1986 and 1.78 percent *ad valorem* for all firms during the period January 1, 1987 through December 31, 1987.

We have now completed that review and determine the net subsidy to be 5.16 percent *ad valorem* for all companies during the period March 7, 1986 through December 31, 1986. We determine the net subsidy to be 2.89 percent *ad valorem* for all companies during the period January 1, 1987 through December 31, 1987.

EFFECTIVE DATE: March 30, 1989.

FOR FURTHER INFORMATION CONTACT:

Anne M. Driscoll or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On September 6, 1988, the Department of Commerce ("the Department") published in the Federal Register (53 FR 34342) the preliminary results of its administrative review of countervailing duty order on porcelain-on-steel cooking ware from Mexico (51 FR 26447, October 10, 1986). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedule (HTS), as provided for in section 1201 et seq. of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by the review are shipments of porcelain-on-steel cooking ware from Mexico. The products are porcelain-on-steel cooking ware (except teakettles), which do not have self-contained electric heating units. All of the foregoing are constructed of steel. During the review period, such

merchandise was classifiable under item number 654.0818 of the Tariff Schedules of the United States Annotated. These products are currently classifiable under HTS item number 7323.94.00.20. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive. The review covers the period from March 7, 1986 through December 31, 1987 and 11 programs.

In calculating the benefit from FOMEX export loans in our preliminary results, we failed to convert the value of porcelain-on-steel cooking ware exports from pesos to U.S. dollars. After adjusting our calculations accordingly, we determine the FOMEX export loan benefit to be 1.56 percent *ad valorem* for 1986 and 1.1 percent *ad valorem* for 1987, and the total benefit to be 5.16 percent *ad valorem* for 1986 and 2.89 percent *ad valorem* for 1987.

We gave interested parties an opportunity to comment on the preliminary results. We received written comments from the respondents, Troqueles Y Esmaltes, S.A. ("TRES"), and CINSA, S.A., and from the petitioner, General Housewares Corp. ("GHC").

Comment 1: The respondents contend that the Department used an improper benchmark to measure the countervailable benefit from FOMEX export loans. The Department's benchmark is based on lending rates for short-term loans of less than \$25,000, as published in the *Federal Reserve Bulletin*. Because most FOMEX export loans taken out by the exporters during the period of review were in excess of \$25,000, the Department should base its benchmark on lending rates applicable to the actual sums borrowed.

Department's Position: The benchmark used to measure the subsidy conferred by FOMEX export loans is based on the annual average of commercial bank fixed lending rates for short-term loans under \$1,000,000, as published in the *Federal Reserve Bulletin*. The exporters borrowed sums ranging from approximately \$10,000 to \$500,000. Therefore, we believe our benchmark is appropriate.

Comment 2: The respondents claim that the Department overstated TRES' net benefit from FONEI. During the review period, TRES made seven payments on a FONEI loan. No payment on principal was made. Rather, each payment consisted of a portion of the interest due on the outstanding balance. The portion of interest due on the outstanding balance. The portion of interest that was not paid was converted to principal. Thus, the interest due on the subsequent payment date

was based on the previous outstanding balance plus capitalized interest from the previous period. However, for the last payment due during the review period, the Department incorrectly included the capitalized portion of the interest due for the present payment, an amount for which interest would not fall due until the subsequent payment date.

Department's Position: We agree. We have corrected our calculation and determine the benefit conferred by the FONEI loans to be 0.42 percent *ad valorem* for 1987 and 0.17 percent *ad valorem* for 1986.

Comment 3: The petitioner argues that the Department's benchmark for calculating the benefit from peso-denominated loans understates the benefit from those loans. The peso loan benchmark is based in part on an average of the difference between an average of the monthly effective interest rates published in *Indicadores Economicos* and monthly Costo Porcentual Promedio ("CPP") rates for the years 1981-1984. The petitioner contends that this methodology understates the impact of recent inflation on interest rates in Mexico. Inflation would not only cause both rates to increase, but would increase the absolute spread between the two rates. The petitioner argues that a benchmark based in part on an average of the ratio of the average monthly effective interest rates and average monthly CPP rates for the years 1981-1984, rather than on the absolute difference between the two, would better incorporate the effects of inflation on interest rates in Mexico and therefore be a more accurate reflection of the benefit.

Department's Position: The petitioner has not adequately proven that the proposed methodology will more accurately predict the effective interest rate than the Department's methodology. We note that in the high inflation years of 1981-1984, the CPP rates, which are deposit rates, rose faster than the I.E. effective rates, which are lending rates. This seems to indicate that inflation does not necessarily affect both rates equally. In addition, interest rates are affected by factors other than inflation, such as perceived risk and the supply and demand for money.

Between 1981 and 1984, the average CPP rate increased by 80 percent, while the average I.E. effective rate increased by 62 percent, which means that the relative spread between the two rates decreased in this period. Moreover, the absolute spread between the I.E. effective rate and the CPP rate decreased from 1981 to 1984. This contradicts the petitioner's assertion

that the spread would increase as the rates increase.

To test the petitioner's hypothesis, we constructed two different "benchmarks" for the period in which the actual effective interest rates are available (1981-1984). In one exercise, we added the absolute spread that we have used in our benchmark to the average CPP rates in each year between 1981 and 1984. In the other exercise, we added the relative spread that the petitioner proposes to the average CPP rates in the same years. We compared the results of both exercises with the actual, published effective rates for the years 1981-1984. On average, our methodology more accurately predicted the effective interest rates for those years.

Between 1984 and 1987, the CPP rates rose at roughly the same rate as in the 1981-1984 period. The CPP rates increased about 85 percent between 1984 and 1987, while in the 1981-1984 period, the CPP rates increased about 80 percent. Because the absolute spread between the CPP rates and the effective rates did not increase in the earlier period, when the CPP rates were increasing at approximately the same rate as in the later period, there is no reason to expect a dramatic increase in the spread in the later period.

Although we do not believe that the petitioner's suggested change is unreasonable, the petitioner has not provided enough information to show that the proposed method is more accurate than our method. We recognize that there are shortcomings in our current methodology and are seeking, for future reviews, a better benchmark by which to measure the benefits conferred by the preferential loans granted to Mexican exporters. We invite comments from all parties on this issue. For this review, however, we believe that our current benchmark is the most accurate information available.

Comment 4: The petitioner argues that it is "unfair" for the respondents to avoid provisional measures in a countervailing duty investigation by extending the final determination in the corresponding antidumping investigation of the same product. Because the petitioner previously had requested that the Department extend the final determination in this case to coincide with the final antidumping determination pursuant to section 705(a)(1) of the Tariff Act, the respondents' extension of the final antidumping determination further postponed the final countervailing duty determination. Partly as a result of this extension, the Department directed the U.S. Customs Service to terminate the

suspension of liquidation on the subject merchandise during the period between July 5, 1986, the 120th day after the initial suspension of liquidation, and December 12, 1986, the date of publication of the countervailing duty order (the "gap period").

The petitioner contends that, despite the absence of provisional measures during this period, the Department should direct the U.S. Customs Service to assess countervailing duties for entries or withdrawals of the subject merchandise made during this period. The petitioner contends that the Department has the legal authority to do so because the U.S. Customs Service has not yet liquidated most of the entries or withdrawals made during this period because of the suspension of liquidation in effect for the antidumping duty order covering the same product. The petitioner further contends that nothing in the relevant U.S. statutes, the Department's regulations, or the GATT Subsidies Code prohibits the Department from directing the U.S. Customs Service to collect countervailing duties during the gap period.

Department's Position: We disagree. Under section 705(a)(1) of the Tariff Act, as amended by section 606 of the Trade and Tariff Act of 1984 (the "1984 Trade Act"), the Department is proscribed from imposing provisional measures (i.e., cash deposits, bonds, and assessment of duties) for a period greater than 120 days in the absence of a countervailing duty order. Accordingly, the Department directed the U.S. Customs Service to terminate the suspension of liquidation in this case on July 5, 1986, the 120th day after the preliminary determination and the initial suspension of liquidation.

This 120-day statutory proscription stems from Article 5, paragraph 3, of the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade ("GATT Subsidies Code") which requires that "[t]he imposition of provisional measures . . . be limited to as short a duration as possible, not exceeding four months." One of the stated goals of Congress in enacting the Trade Agreements Act of 1979, as well as the 1984 Trade Act, was to conform U.S. trade laws with the GATT Subsidies Code and Antidumping Code. See S. Rep. No. 249, 96th Cong., 1st Sess. 36, 38-39 (1979); see also H.R. Rep. No. 725, 98th Cong., 2nd Sess. 5 (1984). As a consequence, we have consistently interpreted section 705(a)(1) of the Act in accordance with Article 5, paragraph 3, of the GATT Subsidies

Code. The Court of International Trade ("CIT") has upheld this interpretation. See *U.S. Steel Corp. v. United States*, 618 F. Supp. 496 (CIT 1985); *appeal dismissed*, 792 F.2d 1101 (Fed. Cir. 1986).

The Department has recently codified this 120-day limit on provisional measures in the final countervailing duty regulations published in the *Federal Register* on December 27, 1988. The relevant language provides in pertinent part:

*** [i]f the Secretary simultaneously initiated antidumping and countervailing duty investigations . . . the secretary will:

(i) At the petitioner's request, postpone the final [countervailing duty] determination . . . ; and

(ii) If the Secretary postpones the final [countervailing duty] determination, *and any suspension of liquidation ordered in the preliminary determination not later than 120 days after the date of publication of the preliminary determination*, and not resume it unless and until the Secretary publishes a countervailing duty order.

53 FR 52306, 52353 (Dec. 27, 1988) (to be codified at 19 CFR 355.20(c)) (emphasis added).

We also disagree with the petitioner's contention that the suspension of liquidation in effect for purposes of assessing antidumping duties authorizes the Department to direct the U.S. Customs Service to assess countervailing duties during the gap period.

The authority that the Department invokes to suspend liquidation for purposes of assessing countervailing duties is independent from that to suspend liquidation for purposes of assessing antidumping duties. Suspension for purposes of assessing antidumping duties has no legal effect on suspension for purposes of assessing countervailing duties. Thus, regardless of whether suspension of liquidation was in effect for purposes of assessing antidumping duties during the gap period, such suspension does not authorize the Department to assess countervailing duties during that period.

Finally, we disagree with the petitioner's argument that it was "unfair" for the Department to terminate provisional countervailing duty measures in this case. When the petitioner requested an extension of the deadline of the final countervailing duty determination, the petitioner should have known that provisional measures would cease on July 5, 1986. That date marked the 120th day from the date of publication of the preliminary countervailing duty determination and the original suspension of liquidation; July 28, 1986, was the original deadline date of the final determination in the

concurrent antidumping investigation. Moreover, the Department did not have the legal authority to resume such suspension until the Department had published the countervailing duty order covering the subject merchandise on December 12, 1986. Hence, it was the respondents' request to postpone the final antidumping investigation that caused the termination of suspension of liquidation, but rather the petitioner's original request to extend the final countervailing duty determination. The respondents' postponement merely extended the period during which provisional countervailing duty measures would be unavailable.

The petitioner's fairness argument is therefore disingenuous. By choosing to extend the deadline of the final countervailing duty determination, the petitioner chose the convenience of one consolidated countervailing duty and antidumping injury hearing at the International Trade Commission. Petitioner thus voluntarily selected the administrative benefit of consolidation in exchange for the gap in provisional measures.

Comment 5: The petitioner argues that the preliminary cash deposit rate underestimates the current benefit because the Department used the most recently available CPP rate (May 1988), which is substantially lower than the rates in the first few months of 1988. The petitioner argues that the Department should instead base the cash deposit rate on an average of all the months in 1988 for which data are available.

Department's Position: After further review, we find that the rates in 1988 have been too volatile to measure accurately the current benefit from FOMEX pre-export loans. Therefore, we determine that, for purposes of cash deposit of estimated countervailing duties, the benefit for FOMEX is the same as the review period assessment rate, 2.47 percent.

Final Results of Review: After reviewing all of the comments received, we determine the net subsidy to be 5.16 percent *ad valorem* for all companies during the period March 7, 1986 through December 31, 1986. We determine the net subsidy to be 2.89 percent *ad valorem* for all companies during the period January 1, 1987 through December 31, 1987.

Section 707 of the Tariff Act provides that the difference between the amount of a cash deposit, or the amount of any bond or security, for an estimated countervailing duty and the duty determined under a countervailing duty order shall be disregarded to the extent that the estimated duty is lower than the

duty determined under the order which was published on December 12, 1986. The rate in our preliminary determination (51 FR 7878, March 7, 1986) was 2.29 percent *ad valorem*.

In accordance with section 705(a)(1) of the Tariff Act, the final determination in this case was extended to coincide with the final antidumping determination on the same products from Mexico. Because we are precluded by statute from imposing provisional measures for more than 120 days without the issuance of a countervailing duty order, we terminated the suspension of liquidation for entries or withdrawal made on or after July 5, 1986 and before December 12, 1986, the date of publication of the countervailing duty order. We reinstated suspension of liquidation and the requirement for collection of estimated countervailing duties for entries or withdrawals of the subject merchandise made on or after the date of publication of the countervailing duty order, December 12, 1986.

The Department will therefore instruct the Customs Service to assess countervailing duties of 2.29 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after March 7, 1986 and on or before July 4, 1986. Entries or withdrawals between July 5, 1986 and December 11, 1986 are not subject to countervailing duties. The Department will instruct the Customs Service to assess countervailing duties of 5.16 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after December 12, 1986 and exported on or before December 31, 1986. We will also instruct the Customs Service to assess countervailing duties of 2.89 percent of the f.o.b. invoice price on all shipments of this merchandise exported on or after January 1, 1987 and on or before December 31, 1987.

Further, as provided by section 751(a)(1) of the Tariff Act, the Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 2.89 percent of the f.o.b. invoice price on shipments from all firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the text administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 355.22 of the Commerce

Regulations published in the **Federal Register** on December 27, and 1988 (53 FR 52306) (to be codified at 19 CFR 355.22).

Date: March 24, 1989.

Jan W. Mares,

Assistant Secretary for Import Administration.

[FR Doc. 89-7556 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-DS-M

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 2841, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No.: 88-250. Applicant: University of Massachusetts, Amherst, MA 01003. **Instrument:** Electron Microscope, Model CM10/PC. **Manufacturer:** N.V. Philips, The Netherlands. **Intended Use:** See notice at 53 FR 32420, August 25, 1988. **Instrument Ordered:** June 10, 1988.

Docket No.: 88-257. Applicant: Arizona State University, Tempe, AZ 85287-1601. **Instrument:** Electron Microscope System, Model CM12S with Accessories. **Manufacturer:** N.V. Philips, The Netherlands. **Intended Use:** See notice at 53 FR 37017, September 23, 1988. **Instrument Ordered:** May 26, 1988.

Docket No.: 88-265. Applicant: National Bureau of Standards, Gaithersburg, MD 20899. **Instrument:** Electron Microscope, Model CM30/STEM with Accessories. **Manufacturer:** N.V. Philips, The Netherlands. **Intended Use:** See notice at 53 FR 37018, September 23, 1988. **Instrument Ordered:** January 27, 1988.

Docket No.: 88-268. Applicant: Virginia Institute of Marine Science, Gloucester Point, VA 23062. **Instrument:** Electron Microscope, Model CEM 902. **Manufacturer:** Carl Zeiss, West Germany. **Intended Use:** See notice at 53 FR 37018, September 23, 1988. **Instrument Ordered:** June 29, 1988.

Docket No.: 88-270. Applicant: Howard University Hospital, Washington, DC 20059. **Instrument:** Electron Microscope, Model CM-10PC with Accessories. **Manufacturer:** N.V. Philips, The Netherlands. **Intended Use:** See notice at 53 FR 39494, October 7, 1988. **Instrument Ordered:** March 23, 1988.

Docket No.: 88-271. Applicant: University of Colorado, Boulder, CO 80309-0425. **Instrument:** Electron Microscope, Model H-800NA with Accessories. **Manufacturer:** Hitachi, Japan. **Intended Use:** See notice at 53 FR 39494, October 7, 1988. **Instrument Ordered:** April 12, 1988.

Docket No.: 88-273. Applicant: University of Houston, Calhoun, TX 77004. **Instrument:** Electron Microscope, Model JEM-2000FX/SEG/SIP/DP. **Manufacturer:** JEOL Ltd., Japan. **Intended Use:** See notice at 53 FR 39494, October 7, 1988. **Instrument Ordered:** February 4, 1988.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89-7557 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-DS-M

National Institute of Environmental Health Sciences, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 2841, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No.: 88-238. Applicant: National Institute of Environmental Health Sciences, Research Triangle Park, NC 27709. **Instrument:** Mass Spectrometer, Model CONCEPT I S. **Manufacturer:** Kratos Analytical, United Kingdom. **Intended Use:** See notice at 53 FR 32419, August 25, 1988. **Reasons for This Decision:** The foreign instrument provides: (1) Scan speed to 0.5 second per decade, (2) FAB capability, and (3) sensitivity yielding a signal-to-noise

ratio of 10:1 with 10 femtogram samples of TCDD. *Advice Submitted By:* National Institutes of Health, September 27, 1988.

Docket No.: 88-241. *Applicant:* University of Rochester, Rochester, NY 14642. *Instrument:* Magnetic Sector Mass Spectrometer, Model VG TS-250. *Manufacturer:* VG Tritech, United Kingdom. *Intended Use:* See notice at 53 FR 32420, August 25, 1988. *Reasons for This Decision:* The foreign instrument provides (1) MS/MS capability, (2) FAB capability, and (3) scanning rate of 0.1 second/decade with switching times to 50 ms. *Advice Submitted By:* National Institutes of Health, September 27, 1988.

Docket No.: 88-242. *Applicant:* New York University, New York, NY 10003. *Instrument:* Display Oscilloscopes (2), Model DM2. *Manufacturer:* Joyce Electronics, United Kingdom. *Intended Use:* See notice at 53 FR 32420, August 25, 1988. *Reasons for This Decision:* The foreign instrument is optimized for vision research with extended luminance range controllable to 1.0%. *Advice Submitted By:* National Institutes of Health, September 27, 1988.

Docket No.: 88-262. *Applicant:* Food and Drug Administration, Bethesda, MD 20892. *Instrument:* Mass Spectrometer, Model BIO ION 20. *Manufacturer:* BIO-ION, Nordic AB, Sweden. *Intended Use:* See notice at 53 FR 37018, September 23, 1988. *Reasons for This Decision:* The foreign instrument utilizes plasma desorption and time-of-flight geometry to provide mass range to 20 000 amu. *Advice Submitted By:* National Institutes of Health, November 1, 1988.

Docket No.: 88-266. *Applicant:* Scripps Clinic and Research Foundation, La Jolla, CA 92037. *Instrument:* Stopped-Flow Spectrofluorimeter, Model SF-51. *Manufacturer:* Hi-Tech Scientific, Ltd., United Kingdom. *Intended Use:* See notice at 53 FR 37018, September 23, 1988. *Reasons for This Decision:* The foreign instrument employs inert materials in the flow path and provides a 650 microsecond dead time. *Advice Submitted By:* National Institutes of Health, November 1, 1988.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. The National Institutes of Health advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff,
[FR Doc. 89-7558 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council's King and Spanish Mackerel Advisory Panel (AP) will hold a public meeting on April 19-20, 1989, at the Council's office (address below), which will begin at 1 p.m., on April 19 and will adjourn on April 20 at noon. The AP will discuss the 1989 mackerel stock assessment and develop recommendations on total allowable catch and bag limits for the 1989-90 fishing year. The AP will also discuss Amendment #5 to Fishery Management Plan (FMP) for the Coastal Migratory Pelagic Resources (mackerels), and make recommendations to the South Atlantic Council regarding management measures in the FMP.

A detailed agenda will be available to the public on or about April 5, 1989. For further information contact Carrie R.F. Knight, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407; telephone: (803) 571-4366.

Date: March 27, 1989.

Richard H. Schaefer,

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

[FR Doc. 89-7572 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

Two public meetings related to the fishery management activities of the Western Pacific Fishery Management Council will be held on April 5, 1989, at the National Marine Fisheries Service, Honolulu Laboratory, 2570 Dole Street, Honolulu, HI.

The Western Pacific Fishery Management Council's Plan Monitoring Team for the Crustacean Fishery Management Plan (FMP) will meet on

April 5 from 9 a.m. to 11 a.m. The Team will review the 1988 annual report, review data adequacy, identify additional needs for stock assessment, and discuss other fishery management business.

The Western Pacific Fishery Management Council's Plan Monitoring Team for the Bottomfish and Seamount Groundfish Fisheries FMP will meet on April 5 from 1 p.m. to 3 p.m. The Team will discuss the 1988 annual report, review data adequacy, identify additional needs for stock assessment, discuss changes to minimum legal sizes, review the linear programming model for the Northwestern Hawaiian Islands fishery, and discuss other fishery management business.

For further information contact Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813; telephone (808) 523-1368.

Date: March 27, 1989.

Richard H. Schaefer,

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

[FR Doc. 89-7573 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-22

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council's Pelagic Species Plan Monitoring Team (PMT) will hold a public meeting on April 4, 1989, at the National Marine Fisheries Service, Honolulu Laboratory, 2570 Dole Street, Honolulu, HI.

The PMT will meet at 10 a.m., to summarize agreed-upon work products, divide work among Team members and discuss a timetable (event schedule) for completing the 1988 annual report. The Team also will summarize an approach for assessing the impacts of domestic longliners on domestic fisheries in Hawaii which take pelagic species, report on Council actions taken during the 64th meeting, review Council preliminary program planning statements for 1990-1995, and review performance data, biological data and research needs as indicated in the fishery management plan (FMP) annual report requirements.

For further information contact Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405,

Honolulu, HI 96813; telephone: (808) 523-1368.

Date: March 27, 1989.

Richard H. Schaefer,
Director, Office of Fisheries Conservation and
Management, National Marine Fisheries
Service.

[FR Doc. 89-7574 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-22-M

Permits: Pacific Coast Groundfish Fishery

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

ACTION: Notice of receipt of an experimental fishing permit application and request for comments.

SUMMARY: This notice acknowledges receipt of and requests public comment on two applications for experimental fishing permits to harvest shortbelly rockfish in the exclusive economic zone off the coasts of Washington, Oregon, and California. If granted, these permits would allow fishing practices which otherwise would be prohibited by Federal regulations. This action is authorized by the Pacific Coast Groundfish Fishery Management Plan and implementing regulations.

DATE: Comments on these applications will be received until April 14, 1989.

ADDRESS: Send comments to Rolland A. Schmitt, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115; or E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: William L. Robinson, 206-526-6140; or Rodney R. McInnis, 213-514-6199.

SUPPLEMENTARY INFORMATION: The Pacific Coast Groundfish Fishery Management Plan (FMP) and implementing regulations at 50 CFR Part 663 specify that experimental fishing permits (EFPs) may be issued to authorize fishing that would otherwise be prohibited by the FMP and regulations. The procedures for issuing EFPs are contained in the regulations at 50 CFR 663.10.

Two EFP applications to conduct joint venture operations for harvesting shortbelly rockfish (*Sebastes jordani*) in the exclusive economic zone (EEZ) off the coasts of Washington, Oregon, and California were received by the NMFS, Northwest Regional Office. Both applicants propose using mid-water trawl gear equipped with one and one-

half inch mesh codend liners to catch this small rockfish species. Current groundfish regulations at 50 CFR 663.26(b) prohibit use of double-walled codends and mesh size smaller than three inches in pelagic trawls in the EEZ off the coasts of Washington, Oregon, and California. If granted, the EFPs would waive these regulations for the time, area, and vessels specified.

The purpose and goal of both EFPs is to catch sufficient quantities of shortbelly rockfish to develop a market for this currently underutilized species. The current optimum yield (OY) is 10,000 metric tons (mt), of which 1,000 mt is designated for shore-based processing. The remaining 9,000 mt may be made available for joint venture fisheries because it is surplus to the needs of domestic processors.

Both applicants intend to operate primarily off the California coast, south of 30 degrees 00' N. latitude, where the highest concentrations of shortbelly rockfish are believed to occur. One EFP applicant proposes to harvest 10,000 mt with four or five U.S. catcher vessels (delivering to one or two foreign processing vessels) between 30 degrees 00' and 38 degrees 00' N. latitude. This applicant plans to conduct fishing operations between June 15 and August 15, 1989, and intends to experiment with various product forms, including headed and gutted, fillet and minced product. The other applicant proposes to use six U.S. catcher vessels (delivering to three foreign processing vessels), north of 36 degrees 38' N. latitude, to harvest 3,000-5,000 mt of shortbelly rockfish. This applicant plans to conduct fishing operations between July 1 and November 30, 1989, and intends to produce primarily whole, frozen fish with some headed and gutted product.

Both applicants plan joint venture operations in which their catches of shortbelly rockfish will be delivered to foreign processing vessels at sea. Current foreign fishing regulations prohibit the receipt or processing of U.S.-harvested fish south of 39 degrees 00' N. latitude. However, other regulations provide for adjusting area restrictions. Therefore, authorization for foreign vessels to operate south of 39 degrees 00' N. latitude is possible, but requires a different procedure than is used for issuance of EFPs. If NOAA Fisheries decides to issue the EFPs after consultation with the Pacific Fishery Management Council (Council), a separate Federal Register notice will be published requesting public comment on the proposal to allow foreign processing vessels to receive shortbelly rockfish south of 39 degrees 00' N. latitude. After

a 30-day public comment period, NOAA Fisheries will again consult with the Council prior to publication of any final notice removing the restriction. The U.S. vessels requesting the EFPs may choose not to conduct the experimental fishery if foreign processing vessels are not allowed south of 39 degrees 00' N. latitude.

In 1982, four EFPs were issued to U.S. fishing vessels to harvest shortbelly rockfish with pelagic trawls in the EEZ off the coast of California for delivery to a foreign processing vessel. Only two domestic vessels actually fished under the EFPs and delivered 707 mt to a foreign processor. Of the amount delivered, 89 percent was shortbelly rockfish, 11 percent was Pacific whiting, and less than one half of one percent was other rockfish, sablefish, flatfish, and other fish combined. No salmon were taken. One EFP was issued in both 1983 and 1984 and three EFPs were issued in 1985 to U.S. fishing vessels to harvest shortbelly rockfish for delivery to a shore-based, domestic processor. However, no fishing occurred under these EFPs.

These applications will be reviewed at the April 4-7, 1989, public meeting of the Council in Portland, Oregon. The decision to approve or deny issuance of these EFPs will be based on a number of considerations including recommendations of the Council and comments received from the public. Copies of the applications are available for review at the NMFS, Northwest Regional Office, address above.

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

Dated: March 27, 1989.

Richard H. Schaefer,
Director, Office of Fisheries, Conservation
and Management, National Marine Fisheries
Service.

[FR Doc. 89-7571 Filed 3-27-89; 4:40 pm]

BILLING CODE 3510-22-M

Permits: Foreign Fishing

This document publishes for public review a summary of applications received by the Secretary of State requesting permits and foreign vessels to fish in the exclusive economic zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 *et seq.*) Send comments on applications to: Office of Operations Support and Analysis Division, National Marine Fisheries Service, Department of Commerce, 1335 East West Highway, Silver Spring, Maryland 20910.

or, to the appropriate Regional Fishery Management Council, reviewing an application(s), as specified below:

Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906, 617/231-0422

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building Room 2115, 320 South New Street, Dover, DE 19901, 302/674-2331

Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407, 803/571-4366

Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, Banco De Ponce Building, Suite 1108, Hato Rey, PR 00918, 809/753-4926

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Blvd., Tampa, FL 33609, 813/228-2815

Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Building, Suite 420, 2000 SW First Avenue, Portland, OR 97201, 503/221-6352

Clarence Pautzke, Executive Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, 907/274-4563

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813, 808/523-1368

For further information contact John D. Kelly or Robert A. Dickinson (Office of Fisheries Conservation and Management, 301-427-2339).

The Magnuson Act requires the Secretary of State to publish a notice of

receipt of applications for foreign fishing permits, summarizing contents of the applications in the **Federal Register**. The National Marine Fisheries Service, under the authority granted in a memorandum of understanding with the Department of State effective November 29, 1983, issues this notice on behalf of the Secretary of State.

Individual vessel applications for fishing in 1989 have been received from the Governments shown below.

Dated: March 28, 1989.

Richard H. Schaefer,

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

Fishery codes and designation of Regional Fishery Management Councils which review applications for individual fisheries are as follows:

Code	Fishery	Regional Fishery Management Councils
ABS	Atlantic Billfish and Sharks.	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA	Bering Sea and Aleutian Islands Groundfish.	North Pacific.
GOA	Gulf of Alaska Groundfish.	North Pacific.
NWA	Northwest Atlantic Ocean.	New England, Mid-Atlantic.
SNA	Snail (Bering Sea).....	North Pacific
WOC	Pacific Coast Groundfish (Washington, Oregon and California).	Pacific.
PBS	Pacific Billfishes, Oceanic Sharks, Wahoo, and Mahimahi.	Western Pacific.

Activity codes which specify categories of fishing operations applied for are as follows:

Activity Code	Fishing operations
1.....	Catching, processing and other support.
2.....	Processing and other support only.
3.....	Other support only.
*.....	Vessel(s) supporting U.S. vessels (Joint Venture).

USSR (UR)

The Government of the Union of Soviet Socialist Republics submitted applications to receive from U.S. fishermen a total of 105,000 metric tons (mt) of joint venture Pacific whiting in the Pacific Coast Groundfish Fishery (WOC).

Japan (JA)

The Government of Japan submitted applications to receive from U.S. fishermen a total of 100,000 mt of joint venture Pacific whiting in the WOC fishery.

China (CH)

The Government of the People's Republic of China submitted applications to receive from U.S. fishermen a total of 20,000 mt of joint venture Pacific whiting in the WOC fishery.

Korea (KS)

The Government of the Republic of Korea submitted applications to receive from U.S. fishermen a total of 52,000 mt of joint venture Pacific whiting in the WOC fishery.

Poland (PL)

The Government of the Polish People's Republic submitted applications to receive from U.S. fishermen a total of 43,000 mt of joint venture Pacific whiting in the WOC fishery.

Nation, Vessel name, Vessel type	Application No.	Fishery	Activity
Government of Japan (JA):			
<i>Daian Maru No. 158</i> , Medium Stern Trawler.....	JA-89-0228.....	GOA,BSA.....	*1
<i>Kaiyo Maru No. 18</i> , Small Stern Trawler.....	JA-89-0079.....	BSA,GOA.....	*1
<i>Tsuda Maru</i> , Large Stern Trawler.....	JA-89-0337.....	WOC.....	*1
<i>Yamasan Maru No. 101</i> , Medium Stern Trawler.....	JA-89-1184.....	BSA,GOA.....	*1
Government of the Union of Soviet Socialist Republics (UR):			
<i>Gazgan</i> , Large Stern Trawler.....	UR-89-0835.....	NWA.....	*1
<i>Korenga</i> , Large Stern Trawler.....	UR-89-0215.....	BSA.....	*1
<i>Poliarnye Zori</i> , Cargo Transport.....	UR-89-0836.....	3.....	
<i>Proliv Sannikova</i> , Cargo Transport.....	UR-89-Pending.....	NWA.....	3
<i>Sovetsk</i> , Factory Ship.....	UR-89-0777.....	NWA.....	3
<i>Zerkalniy</i> , Cargo Transport.....	UR-89-0779.....	BSA,GOA,WOC.....	3

[FR Doc. 89-7749 Filed 3-29-89; 10:11 am]

BILLING CODE 3510-22-M

Marine Mammals; Intent to Conduct a Review of the Permit Program

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

ACTION: Notice of intent to conduct a review of the permit program for scientific research and public display of marine mammals.

SUMMARY: The National Marine Fisheries Service (NOAA Fisheries) is conducting a review of its program and policies for issuing permits to take marine mammals for purposes of scientific research and public display pursuant to the Marine Mammal Protection Act (MMPA) and the Endangered Species Act. NOAA Fisheries is making available for public distribution a discussion paper that describes the permit program and summarizes questions relevant to the review.

DATES: Written comments on the Discussion Paper must be received on or before June 30, 1989.

FOR FURTHER INFORMATION CONTACT: Nancy Foster, Ph.D., Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910.

SUPPLEMENTARY INFORMATION: NOAA Fisheries is conducting a review of the permit program to take marine mammals for public display and scientific research pursuant to the MMPA, and for scientific research pursuant to the Endangered Species Act. NOAA Fisheries will use the results of the review to clarify and confirm the policies that should govern the permit program; develop criteria and procedures for reviewing applications and issuing permits that are clearly formulated, and responsive to applicant and public concerns; determine the documentation needed for all permits to satisfy requirements under the National Environmental Policy Act; and revise existing regulations in order to implement these improvements and the MMPA Amendments of 1988 pertaining to permits to take marine mammals for public display, scientific research, and enhancement of the recovery or survival of species or stocks. A Discussion Paper is available for general distribution that describes the regulations, policies, criteria, and administrative procedures that are used to review applications and issue permits. Questions and concerns that have been raised about the permit program are also summarized. NOAA Fisheries will notify all individuals/organizations that have applied for permits since the enactment of the MMPA of its intent to conduct a review as well as publish a notice of the time period during which comments will be accepted. Anyone wishing to receive a copy of the Discussion Paper should send a written request to the above address. Public meetings on the permit program review will be held in each of the NOAA Fisheries regions. Notification of the meetings will be published in the *Federal Register*.

Date: March 24, 1989.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 89-7509 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of an Import Limit on Certain Cotton Textile Products Produced or Manufactured in India

March 27, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: April 3, 1989.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343-6494. For information on embargos and quota re-openings, call (202) 377-3715. For information on categories on which consultations have been requested, call (202) 377-3740.

SUPPLEMENTARY INFORMATION:

Authority

Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; Bilateral Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of February 6, 1987, as amended.

Inasmuch as the consultation period expires on March 28, 1989, the United States has decided to establish a limit for cotton dish towels in Category 369-D for the twelve-month period which began on January 1, 1989 and extends through December 31, 1989.

The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of India, further notice will be published in the *Federal Register*.

A description of the textile and apparel categories in terms of HTS numbers is available in the

CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States [see *Federal Register* notice 53 FR 44937, published on November 7, 1988]. Also see 54 FR 7247, published on February 17, 1989.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 27, 1989.

Commissioner of Customs, Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 8, 1988 by the Chairman, Committee for the Implementation of Textile Agreements, concerning cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in India and exported during the period which began on January 1, 1989 and extends through December 31, 1989.

Effective on April 3, 1989, you are directed to establish a limit of 732,401 kilograms¹ for cotton textile products in Category 369-D², produced or manufactured in India and exported during the period which began on January 1, 1989 and extends through December 31, 1989.

Also effective on April 3, 1989, HTS numbers 6302.60.0010 and 6302.91.0020 shall be removed from the HTS numbers in Category 369-O for 1989. However, charges in these HTS numbers shall remain subject to the Group II limit established in the directive of December 8, 1988. Charges in the newly defined 369-O³ shall also remain subject to the Group II limit established in the directive of December 8, 1988.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89-7547 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-DR-M

¹ The limit has not been adjusted to account for any imports exported after December 31, 1988.

² In Category 369-D, only HTS numbers 6302.60.0010 and 6302.91.0020.

³ In Category 369-O, only HTS numbers 6302.60.0010 and 6302.91.0020 in Category 369-D; 6307.10.2005 in Category 369-S; and rugs exempt from the bilateral agreement in HTS numbers 5702.10.9020, 5702.49.1010 and 5702.99.1010.

Amendment of Certification Requirements Under the Special Access Program for Certain Woven Apparel Products from the Dominican Republic

March 27, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs amending export visa and certification requirements.

EFFECTIVE DATE: April 3, 1989.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

SUPPLEMENTARY INFORMATION:

Authority. Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Governments of the United States and the Dominican Republic agreed to amend the existing agreement and visa arrangement to extend coverage of the Special Access Program to woven apparel products assembled in the Dominican Republic from fabric parts formed and cut in the United States which are subject to bleaching, acid-washing, stone-washing or permapressing after assembly.

A copy of the current bilateral agreement is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647-1998.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 53 FR 44937, published on November 7, 1988). Also see 46 FR 34619, published on July 2, 1981, and 52 FR 6595, published on March 4, 1987.

James H. Babb,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on June 29, 1981, as amended on

February 25, 1987, by the Chairman, Committee for the Implementation of Textile Agreements, establishing visa and certification requirements for certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced, manufactured or assembled in the Dominican Republic.

Effective on April 3, 1989, you are directed to permit entry under the Special Access Program of woven apparel products assembled in the Dominican Republic from fabric parts formed and cut in the United States and then subjected to bleaching, acid-washing, stone-washing or permapressing in the Dominican Republic after assembly and exported to the United States on and after January 1, 1989.

These products shall be entered under the Special Access Program, even though they may not be classified under HTS number 9802.00.8010 of the Harmonized Tariff Schedules.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89-7546 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the United Mexican States; Correction

March 24, 1989.

On January 27, 1989 (54 FR 4059), the Committee for the Implementation of Textile Agreements published a correction to an earlier notice published December 28, 1988 (53 FR 52461). The January 27, correction changed an entry in the table and removed a footnote. This correction changes the entry "223" to read "223pt.²" as originally published and restores and amends the footnote to read as follows:

² In Category 223 pt., all tariff numbers except 5601.21.0010.

James H. Babb,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89-7512 Filed 3-29-89; 8:45 am]

BILLING CODE 3510-DR-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. 89-2-87CD]

Commencement of 1987 Cable Distribution Proceeding

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice commencing 1987 cable distribution proceeding.

SUMMARY: The Copyright Royalty Tribunal announces that a controversy exists concerning the distribution of the royalties paid by cable operators in Phase I and Phase II for the calendar year 1987. The Tribunal also seeks comments regarding a partial distribution of the 1987 cable royalty fund.

EFFECTIVE DATES: The 1987 cable distribution controversy is declared effective April 3, 1989. Comments concerning partial distribution are due April 14, 1989.

FOR FURTHER INFORMATION CONTACT: Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1111 20th Street, NW., Suite 450, Washington, DC 20036, 202-653-5175.

SUPPLEMENTARY INFORMATION: Based upon the comments filed in response to the Copyright Royalty Tribunal's notice, 54 FR 5119 (February 1, 1989), asking the claimants to the 1987 cable copyright royalty fund whether a controversy existed concerning the distribution of the fund, the Tribunal has determined that controversies exist in both Phase I and Phase II of the distribution proceeding, effective April 3, 1989.

The procedural dates in this docket will be set by the Tribunal in an order to be issued to the parties in the proceeding at a later date.

Generally, the comments indicated that no controversies had been resolved in either Phase I or Phase II. However, the Tribunal would like to make a partial distribution of the 1987 fund. Therefore, the Tribunal solicits further comments from the parties as to how much of the 1987 fund could be distributed while retaining a sufficient amount to satisfy all controversies. Comments are due concerning partial distribution of the 1987 fund by April 14, 1989.

Dated: March 27, 1989.

Edward W. Ray,
Chairman.

[FR Doc. 89-7553 Filed 3-29-89; 8:45 am]

BILLING CODE 1410-09-M

DEPARTMENT OF DEFENSE

Public Information Collection
Requirement Submitted to OMB for
Review*Action: Notice.*

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Application for MSC Afloat Employment; MSC Form 12310/1; and OMB Control Number 0703-0014.

Type of Request: Revision.

Average Burden Hours/Minutes Per Response: 2 hours.

Frequency of Response: One response per respondent.

Number of Respondents: 11,500.

Annual Burden Hours: 23,000.

Annual Responses: 11,500.

Needs and Uses: The application for MSC Afloat Employment (MSC Form 12310/1) is used to establish eligibility for MSC afloat employment and provide information for applicant evaluation for employment based on past work experience and education. Because the need for specific license and certification information is required, a custom form is necessary. The MNSC form is used in lieu of standard Form (SF) 171.

Affected Public: Individuals or households.

Frequency: One-time only.

Respondent's Obligation: Required for employment consideration.

OMB Desk Officer: Dr. J. Timothy Sprehe.

Written comments and recommendations on the proposed information collection should be sent to Dr. J. Timothy Sprehe at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

Written request for copies of the information collection proposal should be sent to Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 24, 1989.

[FR Doc. 89-7532 Filed 3-29-89; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection
Requirement Submitted to OMB for
Review*Action: Notice.*

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: DoD FAR Supplements, Part 220, Labor Surplus Area Concerns; No Form; and OMB Control Number 0704-0260.

Type of Request: Extension.

Average Burden Hours/Minutes Per Response: .25 hours.

Frequency of Response: On occasion.

Number of Respondents: 805.

Annual Burden Hours: 201.

Annual Responses: 805.

Needs and Uses: This request concerns data required to support award of labor surplus area contracts.

Affected Public: Businesses or other for-profit; Non-profit institutions; and Small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Ms. Eyvette R. Flynn.

Written comments and recommendations on the proposed information collection should be sent to Ms. Eyvette R. Flynn at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

Written requests for copies of the information collection proposal may be obtained from Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 24, 1989.

[FR Doc. 89-7533 Filed 3-29-89; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection
Requirement Submitted to OMB for
Review

Action: Notice.—The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Allotments for Child and Spousal

Support; No Prescribed Form; and OMB Control Number 0704-0180.

Type of Request: Reinstatement.

Average Burden Hours/Minutes Per Response: 1 hour.

Frequency of Response: On occasion.

Number of Respondents: 1,000.

Annual Burden Hours: 1,000.

Annual Responses: 1,000.

Needs and Uses: The information collection requirement is necessary to start an allotment for child and spousal support. There is no prescribed form. State and local child support enforcement agencies are permitted to submit allotment requests on their forms; provided all essential information requirements are included. Failure to provide the required information collection requirements may delay the processing of a support allotment or make it impossible to process it at all. Public information requirements have not been changed or modified in this reinstatement.

Affected Public: Individuals or households; State or local governments; and Federal agencies or employees.

Frequency: Continuing.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Dr. J. Timothy Sprehe.

Written comments and recommendations on the proposed information collection should be sent to Dr. J. Timothy Sprehe at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

Written request for copies of the information collection proposal should be sent to Ms. Rascoe-Harrison WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

L.M. Bynum

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 24, 1989.

[FR Doc. 89-7534 Filed 3-29-89; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Defense Science Board Task Force on
Advanced Naval Warfare Concepts

ACTION: Cancellation of Meeting.

SUMMARY: The meeting notice for the Defense Science Board Task Force on Advanced Naval Warfare Concepts scheduled for March 14, 1989 as published in the Federal Register (Vol. 53, No. 232, Page 48708, Friday

December 2, 1988, FR Doc 88-27769) has been cancelled.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 24, 1989.

[FR Doc. 89-7528 Filed 3-29-89; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Use of Commercial Components in Military Equipment—Revisit

ACTION: Change in Location of Advisory Committee Meeting Notice.

SUMMARY: This meeting notice for the Defense Science Board Task Force on Use of Commercial Components in Military Equipment—Revisit scheduled for March 30, 1989 as published in the Federal Register (Vol. 54, No. 43, Page 9544-9545, Tuesday, March 7, 1989, FR Doc. 89-5194) will be held at the TRW Corporation, Redondo Beach, California.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 24, 1989.

[FR Doc. 89-7529 Filed 3-29-89; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Defense Industrial Cooperation With Pacific Rim Nations

ACTION: Cancellation of meeting.

SUMMARY: This meeting notice for the Defense Science Board Task Force on Defense Industrial Cooperation With Pacific Rim Nations scheduled for March 6, 1989 as published in the Federal Register (Vol. 54, No. 9, Page 1428, Friday, January 13, 1989, FR Doc. 89-887) has been cancelled.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 24, 1989.

[FR Doc. 89-7530 Filed 3-29-89; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Follow-on Forces Attack (FOFA)

ACTION: Cancellation of meeting.

SUMMARY: This meeting notice for the Defense Science Board Task Force on Follow-on Forces Attack (FOFA) scheduled for March 14, 1989 as published in the Federal Register (Vol. 54, No. 22, Page 5548, Friday, February 3,

1989, FR Doc. 89-2586) has been cancelled.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 24, 1989.

[FR Doc. 89-7531 Filed 3-29-89; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Intent To Prepare an Environmental Impact Statement for Transmission Reinforcement to Port Angeles, Washington

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of intent to prepare and consider an environmental impact statement (DEIS).

SUMMARY: To meet a proposed upgrade of Daishowa's Port Angeles paper mill, which will increase the load on the existing City of Port Angeles customer system, BPA seeks to upgrade its present facilities from Fairmount Substation (near Discovery Bay), about 27 miles east of Port Angeles, to Port Angeles Substation. The State of Washington is preparing an Environmental Impact Statement on the proposed mill expansion. Through joint planning with the State and in consultation with local landowners and affected agencies, BPA proposes to analyze feasible alternative locations and designs for an additional 230-kV transmission line between Fairmount and Port Angeles Substations, and to make necessary modifications at each. Construction is proposed to take place in time to assure reliable service to the City of Port Angeles when loads increase on its system by late 1991.

DATES: BPA solicited written and oral comments from potentially affected landowners in August 1988. Comments have also been solicited by means of scoping for the State of Washington EIS covering the proposed papermill expansion and associated transmission. BPA welcomes further written comments on the scope of the EIS; there will be no scoping meetings. Written comments will be accepted through Monday, May 1, 1989.

The draft EIS (DEIS) is scheduled to be circulated for public review and comment in June 1989. Public meetings may be held after the release of the DEIS. A decision to hold public meetings will be made after BPA participates in the State EIS meetings. The meetings would be well publicized by general

announcement as well as by written invitation to all interested parties.

ADDRESS: Send letters of comment and questions on the scope and content of the DEIS to Mr. Anthony R. Morrell, Assistant to the Administrator for Environment, Bonneville Power Administration, P.O. Box 3821-AJ, Portland, Oregon 97208.

FOR FURTHER INFORMATION CONTACT:

To have your name placed on the mailing list for this project and to receive copies of a newsletter and other information, write Mr. Don Rempe, Assistant Area Manager for Engineering, Bonneville Power Administration, 201 Queen Anne Avenue North, Suite 400, Seattle, Washington, WA 98109, or telephone him at 206-442-0951.

For additional information, contact BPA's Public Involvement office at 503-230-3478 in Portland; toll-free 800-452-8429 for Oregon outside Portland; 800-547-6048 for Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California.

SUPPLEMENTARY INFORMATION: BPA has concluded that reinforcement of the transmission system serving the City of Port Angeles and the Olympic Peninsula will be necessary by late 1991 in order to avoid overloading of the transmission system, low voltages, and potential dropping of some loads. This is based on system operations analysis of current loads and of the additional loads (average and peak) to be created by the proposed expansion of the Daishowa paper mill.

Actions. Equipment would be added at both substations, primarily within the existing fenced substation yards. Minor expansions would take place on BPA-owned property only. At Fairmount Substation, some fill would be needed in the expansion area to make it level with the existing substation site. A 230-kV line would be built between Fairmount and Port Angeles Substations.

Options. Three basic options have been identified for the transmission line. Two options would remove the existing 20-mile Fairmount-Port Angeles section of the Olympia-Port Angeles 230-kV line and replace it with a new 230-kV double-circuit line. One would use steel towers; one would use H-frame wood poles. Neither would require additional right-of-way.

A third option would build a new single-circuit wood pole H-frame 230-kV line between Fairmount and Port Angeles Substations, parallel to the existing right-of-way. Additional clearing would be required.

Scoping. Early scoping identified the following issues of concern to affected

area residents and agencies: crossing of floodplains/wetlands; expansion and clearing of the right-of-way and attendant esthetic and property/residential effects; and the potential for electric and/or magnetic effects on human health. These, together with any additional identified issues, will be examined in the EIS.

Issued in Portland, Oregon, March 20, 1989.

Jack Robertson,

Acting Administrator.

[FR Doc. 89-7564 Filed 3-29-89; 8:45 am]

BILLING CODE 8450-01-M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for four new FM stations and one new AM station:

Applicant, City and State	File No.	MM Docket No.
A. Jo Anne Yates, Long Beach, MS.	BPH-870729MF	89-86
B. John A. Watkins, Long Beach, MS.	BPH-870730MA	
C. Bayland Radio Limited Partnership, Long Beach, MS.	BPH-870730MD	
D. Long Beach Broadcast Associates, Long Beach, MS.	BPH-870730MG	
E. Beach Broadcasting Limited Partnership, Long Beach, MS.	BPH-870730ML	
F. Badean Media FM Limited Partnership, Long Beach, MS.	BPH-870730MM	
G. Manuel Lima, Long Beach, MS.	BPH-870730MP	

Issue Heading and Applicants

1. Air Hazard, C
2. Environmental, G
3. Comparative, ALL APPLICANTS
4. Ultimate, ALL APPLICANTS

Applicant, City and State	File No.	MM Docket No.
A. Boles-American Indian, A Partnership, Post, TX.	BPH-870803MC	89-80

Applicant, City and State	File No.	MM Docket No.
B. Southwest Educational Media Foundation of Texas, Inc., Post, TX.	BPED-870827MG	
C. American Indian Broadcast Group, Inc., Post, TX.	BPH-870827NF (PREVIOUSLY DISMISSED).	

Issue Heading and Applicants

1. Comparative, All
2. Ultimate, All

Applicant, City and State	File No.	MM Docket No.
A. Barbara M. Lowrey, Beverly Hills, FL.	BPH-871118MC	89-204
B. Larry Edwards, Richard D. Bishop and Lunne R. McCausland d/b/a Beverly Hills Broadcasting Co., Beverly Hills, FL.	BPH-871119MA	
C. Crown Broadcasting, Inc., Beverly Hills, FL.	BPH-871119MC	
D. New South Communications, Inc., Beverly Hills, FL.	BPH-871119MD	
E. Heart of Citrus, Inc., Beverly Hills, FL.	BPH-871119ME	
F. Female Frequency, Beverly Hills, FL.	BPH-871119MF	
G. Peppercorn Limited Partnership, Beverly Hills, FL.	BPH-871119MH	
H. Jim Johnson, Beverly Hills, FL.	BPH-871119MI	

Issue Heading and Applicants

1. Air Hazard, A
2. Comparative, A-H
3. Ultimate, A-H

Applicant, City and State	File No.	MM Docket No.
A. Majikas Enterprises, Ltd., Berwick, PA.	BPH-871110MC	89-199
B. Columbia County Broadcasting, Inc., Berwick, PA.	BPH-871110MJ	
C. Heritage Broadcasting, Inc., Berwick, PA.	BPH-871110MR	
D. Robert J. Moisey, Berwick, PA.	BPH-871110NK	

Issue Heading and Applicants

1. Comparative, A, B, C, D
2. Ultimate, A, B, C, D

Applicant, City and State	File No.	MM Docket No.
A. Pembroke State University, Pembroke, NC.	BP-860728AB	89-235
B. Contempo Communications, Inc., Laurinburg, NC.	BP-861030AJ	
C. Stephen E. Brisker, Fort Bragg, NC.	BP-861229AI	

Issue Heading and Applicants

1. 307(b)-Modification, All Applicants
2. Contingent Comparative, All Applicants
3. Ultimate, All Applicants

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 89-7546 Filed 2-29-89; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Response to a Catastrophic Earthquake, Plan Changes

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: The Plan for Federal Response to a Catastrophic Earthquake (referred to as the Plan), dated April 15, 1987, has been amended by the Subcommittee on Federal Earthquake Response Planning. The plan serves as the basis for Federal response to assist State and local governments impacted by a catastrophic earthquake, or, if appropriate, another natural catastrophic event. The Plan focuses on providing supplemental support during emergency response operations to save lives and protect property. Individual department and agency emergency authorities, as well as assignments of responsibility under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93-288, as amended) to accomplish this support, are identified in the Plan. Delivery of Federal assistance will be managed and coordinated by the Federal Coordinating Officer (FCO), as authorized by section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Plan is not meant to create enforceable rights in third parties.

A notice to initiate Federal planning was published in the *Federal Register* March 4, 1983 (48 FR 9486). The final proposed National Plan for Federal Response to a Catastrophic Earthquake was published in the *Federal Register* June 30, 1986 (51 FR 23624) as an operative plan. A notice of the publication of the final plan was published in the *Federal Register* on June 5, 1987 (52 FR 213712).

The changes contained herein are the result of the annual review of the Plan undertaken by the Subcommittee on Federal Earthquake Response Planning. This review allowed each department/agency to clarify and reassess the commitments made to carry out the Federal response to a catastrophic earthquake through its Plan assignments. The following is a summary of the most significant changes.

Summary of Major Changes to the Plan

1. References in the Plan will be changed to reflect the new title for the Disaster Relief Act of 1974. The title has been changed to the "Robert T. Stafford Disaster Relief and Emergency Assistance Act" by Pub. L. 100-707.

2. The operational support group for the Catastrophic Disaster Response Group (CDRG) known as the Emergency Staff Support Group (ESSG) has been renamed the Emergency Support Team—Earthquake (EST-EQ). The operational support group for the

Federal Coordinating Officer known as the Emergency Support Team (EST) has been renamed the Emergency Response Team—Earthquake (ERT-EQ). These changes will make the Plan compatible with the existing FEMA response organization.

3. The Scope and Policies for Emergency Support Function 6 (Mass Care) have been rewritten for purposes of clarification.

4. Emergency Support Function 10 (Hazardous Materials) has been rewritten to better delineate how hazardous material and radiological incidents will be handled under the Plan concept of operations.

DATE: The Plan for Federal Response to a Catastrophic Earthquake, as amended, is dated January 31, 1989.

FOR FURTHER INFORMATION CONTACT:

Karen Sagett or Greg Jones, Hazard Mitigation Branch, Public Assistance Division, Disaster Assistance Programs, State and Local Programs and Support, Federal Emergency Management Agency, telephone (202) 646-4648 or 646-3668 respectively.

SUPPLEMENTARY INFORMATION: FEMA has the responsibility as the lead agency for managing and coordinating the National Earthquake Hazards Reduction Program established by the Earthquake Hazards Reduction Act. A requirement of the program is to improve capability of all levels of government to respond to the effects of a catastrophic earthquake in any of the high-population, high-risk areas in such a way as to reduce the loss of life and property. In addition, FEMA is responsible for coordination and implementation of programs of assistance under the provisions of Executive Order 12148 and Public Law 93-288, as amended, 42 U.S.C. 5121 et seq.

Under the auspices of the Interagency Coordinating Committee of the National Earthquake Hazards Reduction Program, FEMA chairs the Subcommittee on Federal Earthquake Response Planning. The Subcommittee continues as the coordinating mechanism for maintaining the Plan and conducting regional response planning through all FEMA regions.

A limited supply of copies of the Plan is available, and may be obtained by writing to Federal Emergency Management Agency, P.O. Box 70274, Washington, DC 20024. Copies of the figures described in Emergency Support Function 10 are available by writing to the above address.

Plan Changes**Basic Plan**

The Disaster Relief Act of 1974, Pub. L. 93-288, has been amended. The title has been changed to the "Robert T. Stafford Disaster Relief and Emergency Assistance Act." Any references in the Plan should be changed to reflect the new title. The public law citation should read "P.L. 93-288, as amended."

The support group for the Catastrophic Disaster Response Group (CDRG) known as the Emergency Staff Support Group (ESSG) has been renamed the Emergency Support Team—EQ. The support group for the Federal Coordinating Officer (FCO) known as the Emergency Support Team (EST) has been renamed the Emergency Response Team (ERT-EQ). Any references in the Plan should be changed accordingly.

Page 9, Figure 1. Add solid line between FCO/EST and ESF boxes.

Page 10, Figure 2. Delete Note 2.

Page 11, second line—should read: . . . than one State, an FCO will be appointed for each State.

Page 14, Figure 3

ESF 7 add DOL

ESF11 add EPA

Appendix A

Page A-9, Replace III.A.1.e.(1)(b) with

Serve as the PA liaison between the CDRG and the FCO's Lead Public Affairs Officer (PAO) for coordination of headquarters level information prior to release through the Joint Information Center (JIC);

Page A-9, Re-letter III.A.1.e.(1)(c-e) in the following order

(e) will become (c)

(c) will become (d)

(d) will become (e)

Page A-10, Replace III.A.1.e.(2) with

The Director of FEMA's Office of Congressional Relations will designate a senior Congressional Relations staff person to serve as Congressional Relations Officer (CRO) and that person will be responsible for:

Page A-10, III.A.1.e.(2)(a) should read

Establish contact . . . area and ensure that experienced congressional relations (CR) personnel and support staff are dispatched to support the FCO;

Page A-10, Delete III.A.1.e.(2)(e)

Page A-13, Delete III.A.2.e.(2)

Page A-13, III.A.2.e.(4) delete "and public interest groups"

Page A-15, Add: III.A.2.j.(5)

(5) Will be staffed by a cross section of Federal, State and private organizations capable of handling a wide range of technical issues in the sciences and economics. Federal

representation that is recommended includes U.S. Geological Survey, the National Weather Service, the National Bureau of Standards, the National Academy of Sciences, and the Departments of Treasury and Commerce. The FCO will request participation from other agencies as required.

Page A-17, Amend III.C.2. First two paragraphs as such

A Congressional Liaison Program will be established to provide up-to-date . . . to support the effort. Each ESF primary agency will deploy a Congressional Affairs Representative to the JIC or other appropriate location as determined by the Lead PAO (FCO's PAO) and will report to the Deputy Congressional Liaison Officer (DCLO). Information to be released to congressional offices, and constituents will be coordinated among participating Federal departments and agencies and with State and local officials, as appropriate, prior to release.

CR personnel on scene will be headquartered in or near the DFO. The DCLO will be stationed in the primary JIC and will maintain continuing liaison with the PA personnel in the primary JIC. A CR contingent . . . legislation.

Appendix B

Page B-2, Amend III.A.1. Replace first two paragraphs with

The Subcommittee will be responsible for the review and update of the Plan and will establish a review period for the consideration of changes to the Plan.

ESF 2

Section V.B.1.b.(1) (DOD) p. 2-9: Should read:

(1) Provide assistance consistent with the NTSP and Department of Defense (D)D Directive 3025.1, including coordination of deployment of Civil Air Patrol telecommunications assets when requested;

ESF 3

Section V.B.4.c (DOI) p. 3-8: Should read:

c. Provide technical assistance and advice from individuals concerning potential continuing geological hazards which could impact ESF operations.

Section V.B.4.d. (DOI) p. 3-9: Should read:

(d.) Provide personnel and equipment to assist in damage assessment, debris clearance, demolition, and emergency restoration of facilities on DOI land and Indian land.

Section V.B.4.e. (DOI) p. 3-9: Add:

(e.) Provide engineering support to assess damage to earthen dams.

ESF 4

Section II.E. (new paragraph) Add:

(E.) For operations that occur in the State of Alaska, operational lead for fire fighting response will be the Department of Interior. The primary agency for this ESF will still be the U.S. Department of Agriculture on the national level.

ESF 5

Section V.B.7.a. (DOI) p. 5-13: Should read:

(a.) Assess and report damage to public facilities, structures, roads, dams, and utilities on DOI lands and Indian lands.

Section V.B.7.b. (DOI) p. 5-13: Should read:

(b.) Provide available personnel to participate in other damage reconnaissance as required.

ESF 6

Section I.B.(3) (Scope) p. 6-1: Should read:

(3) The operation of centers for individual assistance by bulk distribution of relief items to disaster victims.

Section II. (Policies) p. 6-1: Replace existing—should read:

(A.) Disaster Welfare Information
(1.) Disaster Welfare Information services will be provided without regard to race, creed, national origin or immigration status.

(2.) An initial moratorium, not to exceed 48 hours, may be issued to allow activation of system and determination of affected area.

(3.) The US Postal Service will provide locator cards to be distributed by ARC at shelters, bulk distribution centers and mobile feeding units. The collection and mailing of these cards will be the responsibility of the USPS.

(4.) Disaster Welfare Information will be provided for the immediate family members of those persons identified on ARC shelter lists, NDMS casualty lists and any further information made available by state EOC's, and hospitals. No effort will be made under ESF-6 to perform traditional Disaster Welfare Inquiry services except in cases of elderly or disabled victims without family in the immediate area.

(5.) Information about those injured and remaining within the affected area will be limited to that provided by local medical care units to ARC Disaster Nursing Services.

(6.) Information on casualties evacuated out to other medical facilities will be restricted to that provided to ARC by the NDMS tracking system. The ARC listing of disaster related deaths will be limited to officially confirmed fatalities.

(7.) Communications support agencies identified in ESF-2 will be tasked with transmitting information to the Disaster Information System Center. In no instance will fatality lists be transmitted via Amateur Radio or the Red Cross 47.42Mhz system.

(8.) ARC communications within the affected area will rely primarily on Amateur Radio and the ARC disaster radio system.

(9.) The category "missing" will not be used by ARC. The inquirer will be told that the person inquired about is not on any available list.

(10.) The Disaster Welfare Information operation will be discontinued as soon as is practical.

B. Mass Care

(1.) Sheltering, feeding, first aid activities will begin immediately after the earthquake's occurrence (or before, if there is advance warning).

(2.) The initial national-level Federal and American Red Cross (ARC) response will support the requests and needs of their local counterparts. If necessary, national-level Federal and ARC elements will decide to provide direct administration of the local relief and recovery effort.

(3.) Feeding, sheltering, individual assistance, and first aid services will be provided without regard to race, creed, national origin, or immigration status.

4. ARC will maintain administrative and financial control over its activities.

5. Feeding for emergency workers will be provided until commercial food facilities are made available, or alternative arrangements are established by the workers' parent organization.

6. All appropriate and available government (local, State, and Federal) and voluntary resources will be used.

7. All ARC earthquake response and relief activities will conform to the ARC Board of Governor's Disaster Service Policy Statement of July 1977, and will be performed in accordance with ARC Disaster Services Regulations and Procedures: ARC3000 Series.

Section V.B.5. (DOI) p. 6-11: Should read:

5. Provide temporary relocation shelters in existing DOI facilities.

ESF 7

Section V.B.10 *Department of Labor* p. 7-9: Add:

Provide civilian personnel resources listings which will assist in locating and recruiting in identified specialized occupations appropriate for supporting disaster response operations.

ESF 8

Section IV.B.1. (second paragraph) p. 8-5: Add:

ASMRO will develop patient tracking information, with the assistance of the American Red Cross, which will respond to inquiries about specific individuals.

Section V.A. (Primary Agency) p. 8-9: Add No. 4:

4. Provide mental health services as described and funded under Section 416, P.L. 93-288, as amended.

Section V.B.3. (ARC) p. 8-10: replace existing—should read:

a. Provide emergency first aid, supportive counseling, health care for minor illnesses and injuries to disaster victims in Mass Care Shelters, ARC disaster field office, selected disaster clean-up areas, and other sites deemed necessary within the disaster area.

b. Supplement the existing community's health system subject to the availability of staff.

c. Provide supportive counseling for the family members of the dead and injured.

d. Provide personnel to assist with the evacuation of victims, in temporary infirmaries, immunization clinics, morgues, hospitals and nursing homes.

e. Acquaint families with available health resources and services and make appropriate referrals.

f. Provide blood and blood products through regional Blood Centers at the request of the appropriate agency.

ESF 9

Section V.B.3.a. (DOI) p. 9-6: Should read:

a. Conduct USR operations on lands and waters administered by DOI and on Indian lands.

Section V.B.3.b. (DOI) p. 9-6: Should read:

b. Provide coordination for the commitment of dog search teams as necessary.

Section V.B.3.c. (DOI) p. 9-7: Add:

c. Provide specialized mining rescue equipment and personnel.

ESF 10

HAZARDOUS MATERIALS ANNEX EMERGENCY SUPPORT FUNCTION 10

I. Introduction**A. Purpose**

The purpose of this ESF is to provide Federal support to State and local governments in response to an actual or potential discharge and/or release of hazardous materials following a catastrophic earthquake.

B. Structure of Annex

Within the context of this ESF, the term "Hazardous Materials" is defined broadly to include oil, hazardous substances and/or radiological materials. However, Federal response to releases of "hazardous materials" is carried out under separate and distinct Federal Plans:

- The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300) which provides for Federal response to oil discharges and releases of hazardous substances (chemical, toxic, pollutant, contaminant); and

- The Federal Radiological Emergency Response Plan (FRERP) (FR 46542) which provides for Federal response to peacetime radiological emergencies.

While there are aspects of emergency response under this ESF that are common to both the NCP and the FRERP, there are also response components that are unique to each Plan. We have addressed those differences by dividing most sections of this ESF into one or more subsections:

- *General* discusses the response elements and/or information common to both Plans and their respective programs;

- *NCP/Oil and Hazardous Substances* which addresses the response elements and/or information pertinent to the NCP; and

- *FRERP/Radiological Materials* which discusses the response elements and/or information relevant to the FRERP.

Where a section of this ESF has not been divided into one of more of these subsections, then the material presented applies to both the NCP and the FRERP.

C. Scope**General**

This ESF provides for a coordinated response to actual or potential discharges and/or releases of hazardous materials by placing the response mechanisms of the NCP and FRERP

within a combined coordination structure to assure the most efficient and effective use of Federal resources. It includes the appropriate response actions to prevent, minimize, or mitigate a threat to public health, welfare, or the environment.

This ESF establishes the lead coordination roles, the division and specification of responsibilities among Federal agencies, and the national and on-site response organization that may be brought to bear in response actions, including description of the organizations, response personnel, and resources that are available. This ESF is applicable to all Federal departments and agencies with responsibilities and assets to support State and local response to actual or potential discharges and/or releases of hazardous materials.

NCP/Oil and Hazardous Substances

Response to oil discharges and hazardous substance releases will be in accordance with the policy and procedures contained in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The NCP effectuates the response powers and responsibilities created by the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, (CERCLA) and the authorities established by section 311 of the Clean Water Act, as amended (CWA). Under the policies established by the NCP, a pre-designated On-Scene Coordinator(s), selected from the U.S. Environmental Protection Agency (EPA), Coast Guard (USCG), Department of Defense (DOD), or Department of Energy (DOE) would undertake response actions. Appropriate response actions under the NCP include: stabilization of berms, dikes, or impoundments; capping of contaminated soils or sludges; use of chemicals and other materials to contain or retard the spread of the release or to mitigate its effects; drainage controls; fences, warning signs, or other security or site control precautions; removal of highly contaminated soils from drainage areas; removal of drums, barrels, tanks, or other bulk containers that contain hazardous substances; and other measures as deemed necessary.

FRERP/Radiological Materials

Response to actual or potential releases of radiological materials will be carried out in accordance with the Federal Radiological Emergency Response Plan (FRERP). Under the policies established in the FRERP, a Cognizant Federal Agency (CFA) will be

responsible for the technical aspects of the Federal response to a peacetime radiological emergency event. The CFA will designate a Cognizant Federal Agency Official (CFAO) to coordinate activities at the emergency site. A CFA representative will report directly to the Federal Coordinating Officer, and will coordinate FRERP response actions with this ESF.

D. Relation to Existing Response Under the NCP and the National/Regional Response Team(s)

Coordination of response actions carried out under this ESF does not conflict with the NCP duties and responsibilities of the National Response Team/Regional Response Teams.

The National Response Team (NRT), composed of 13 Federal agencies with major environmental and public health responsibilities for oil and hazardous substance releases, is the primary vehicle for coordinating Federal agency activities under the NCP. The Team carries out national planning and response coordination and is the head of a highly organized Federal oil and hazardous substance emergency response network. At the Headquarters level, activities under this ESF provide a "bridge" between the National Response Team and the Catastrophic Disaster Response Group (CDRG). The CDRG is a national level policy group representing all 25 Departments and Agencies having any responsibility for response activities following a catastrophic earthquake or other catastrophic natural event.

The Regional Response Team (RRTs) are made up of regional representatives of the Federal agencies on the NRT as well as a representative from each State within the Region. The RRTs serve as planning and preparedness bodies before a response, marshal their respective agency response resources, and provide coordination and advice to the Federal OSC(s) during response actions. At the Regional level, activities under this ESF provide a "bridge" between the on-site OSC directed NCP response with RRT support and the overall disaster response activities carried out at the Disaster Field Office which is managed by a Federal Coordinating Officer who has been specially appointed by the President.

If the National Catastrophic Earthquake Plan is invoked and there are hazardous materials releases necessitating the activation of this ESF, the NRT/RRTs would carry out their duties and responsibilities as put forth in the NCP and agency implementing procedures. Those efforts will focus

largely on specific oil and hazardous substances releases that may occur throughout the affected area. There is a need, however, for an overall coordination mechanism for the Federal hazardous materials response because:

- It is likely that there will be several releases occurring simultaneously making heavy demands on response resources. Damage information must be gathered quickly, analyzed in a central location, and response priorities established as soon as possible in order to make the best use of resources and to ensure the most efficient overall response.

- Information on response activities must be provided to the Disaster Field Office and the Federal Coordinating Officer on a continuous basis. In some cases, this information could be coming in from more than one State or even one Region. To avoid confusion, this information should flow through one source;

- Many of the NRT/RRT agencies will also be involved in responding to the earthquake or other catastrophe under other ESFs, hence there may be conflicting demands on agency resources. For example, the Department of Defense, which has provided personnel and equipment for NCP responses in the past, is also a Primary Agency for ESF 9 as well as a Support Agency to the other 10 ESFs. There may be heavy and conflicting demands upon DOD resources. Any such resource conflicts will have to be resolved through the ESFs at the DFO and CDRG level.

This ESF will provide that overall coordination for Federal response activities associated with hazardous materials releases.

II. Policies

A. NCP/FRERP

The NCP and/or the FRERP serve as the basis for planning and utilization of federal resources for responding to releases or threats of releases of, in the case of the NCP, oil or hazardous substances, and in the case of the FRERP, radiological materials. Response actions under this ESF will follow the policies, procedures, directives and guidance developed to carry out the provisions contained in the NCP and/or the FRERP.

B. Support Agencies

In accordance with the assignment of responsibilities in this annex, support agencies (see Section V.B of this ESF) will provide resources and support in response to a release or threat of a

release of oil, hazardous substances, and/or radiological materials.

To the extent possible at both the Headquarters and Regional-level, support agency representatives to this ESF should be those personnel also assigned to the National or Regional Response Team(s). The EPA Co-Chair of the Regional Response Team should also Chair the Regional ESF. Even if such dual assignments are not possible, each ESF representative is to maintain close coordination with their Agency's National/Regional Response Team representative.

C. Multiple Response Actions

When more than one Federal OSC or CFA is involved in implementing response (e.g., due to multiple response actions), the ESF will be the mechanism through which close coordination will be maintained among all agencies, OSCs, and CFAs. The EPA Regional Chairman of this ESF and the CFA will assure that response actions are properly coordinated and carried out.

III. Situation

A. Disaster Condition

A catastrophic earthquake could result in numerous situations in which hazardous materials are released into the environment. Fixed facilities (e.g., chemical plants, tank farms, laboratories, operating hazardous waste sites, Nuclear Regulatory Commission and agreement State licensees, or nuclear production facilities operated by DOE) which produce, generate, use, store, or dispose of hazardous materials could be damaged so severely that existing spill control apparatus and containment measures are not effective. Nuclear weapons in the possession of either DOE or DOD could be impaired. Hazardous materials that are transported may be involved in rail accidents, highway collisions, or waterway mishaps. Abandoned hazardous waste sites could be damaged causing further degradation of holding ponds, tanks, and drums.

B. Basic Assumptions

1. States and localities will be overwhelmed by the extent of the response effort required to assess, mitigate, monitor, cleanup, and dispose of hazardous materials released into the environment.

2. There will be numerous incidents occurring simultaneously in separate locations, both inland and along coastal waters.

3. Standard communications practices (telecommunications, radio, etc.) will be disrupted.

4. Response personnel, cleanup crews, and monitoring and response equipment will have difficulty in reaching the site of a hazardous materials release because of the damage sustained by the transportation infrastructure (roads, rails, bridges, etc.).

5. Additional response/cleanup personnel and equipment will be needed to supplement existing capabilities.

6. Even if the catastrophic earthquake does not cause situations where there are actual releases, there would be considerable concern about facilities which are located in or near the area affected by the earthquake.

7. Laboratories responsible for hazardous materials sample analysis will be damaged or destroyed.

8. Air transportation will be needed for damage reconnaissance and to transport personnel and equipment to the site of a release.

9. Emergency exemptions will be needed for disposal of contaminated material.

IV. Concept of Operations

A. Scope

General

This ESF will promote an efficient, coordinated, and effective response to discharges or releases or hazardous materials into or threatening the environment. The operational response as prescribed in the NCP and the FRERP, and any agency implementing procedures that contribute to response, will be coordinated through this ESF. In conjunction with the State, the ESF will coordinate the provision of support and the overall management to the various response sites to ensure actions are taken to mitigate, clean up, and dispose of hazardous materials and minimize the impact of the incidents. The ESF will provide for close coordination with Federal, State, and local officials to establish priorities for response support. The ESF will also provide for coordination with ESF 5 (Damage Information) to obtain and provide information on the extent of discharges or releases into or threatening the environment.

Support agency representatives to this ESF will maintain close coordination with designated representatives of their agency (or both this ESF as well as others ESFs) to obtain information on types of releases and critical response operations. ESF members will provide advice to the decision making process to ensure actions taken and response support are effective.

This ESF will coordinate efforts to identify and quantify requests for hazardous materials response

assistance, and evaluate State and local response capabilities. The ESF will provide for and maintain close coordination with the Disaster Office (DFO) and the ESFs throughout the response period. In addition, this ESF will document all activities to support after-action requirements and justify actions taken.

As designated primary agency, EPA will provide the overall leadership for the planning and implementation of this ESF.

NCP/Oil and Hazardous Substances

If the NCP is implemented in association with a catastrophic earthquake, then all NCP policies and procedures will be followed. One or more pre-designated OSCs will be dispatched to coordinate and direct oil and hazardous substances removal actions. Depending upon the location of the incident(s), the OSC(s) may be provided by either the Environmental Protection Agency, the U.S. Coast Guard, the Department of Defense, or the Department of Energy. The Regional Chairman of this ESF, in close coordination with the RRT, is responsible for assuring that the actions of all OSCs are coordinated closely in order to make the best use of response resources and to avoid gaps or overlaps in response actions.

FRERP/Radiological Materials

When there is an event in association with the catastrophic earthquake which requires implementation of various facets of the FRERP, a CFA will act in accordance with the FRERP; DOE will support the CFA in monitoring and assessing the radiological situation. The CFA will appoint a Lead Representative to this ESF on-scene. This Representative will coordinate the FRERP response with the ESF Chairman and will report the status of radiological response actions to the Federal Coordinating Officer (FCO) on behalf of the Cognizant Federal Agency Official (CFAO).

B. Organization

Figure 10.1 depicts the national and regional organizational structure for this ESF for situations in which only oil and/or hazardous substances incidents occur and the NCP is implemented. Figure 10.2 depicts the national and regional ESF organizational structure if a radiological event occurs which results in implementation of the FRERP and designation of a CFA.

1. National-Level Response Support Structure

General. a. The Hazardous Materials ESF will be implemented under the direction of the Director, Preparedness Staff, Office of Solid Waste and Emergency Response, U.S. Environmental Protection Agency (EPA) who will also serve as the Chairman for this ESF.

b. The Chairman will represent the ESF in all interactions with the Catastrophic Disaster Response Group (CDRG) and will maintain liaison with the Regional ESF Chairman.

c. The ESF operations location is in the EPA Headquarters. ESF members will have representatives available immediately by phone on a 24-hour basis during the emergency response period. The ESF Chairman will determine, following an initial situation assessment, which agencies will be required to provide representatives to the ESF on a 24-hour basis (either by phone or in person) during the emergency response period. The EPA Preparedness Staff office will provide administrative support to this ESF.

NCP/Oil and Hazardous Substances. d. All policies and procedures in the NCP will be adhered to in carrying out an oil/hazardous substance response under this ESF. The ESF Chairman will consult with the Oil and Hazardous Substance National Response Team for advice and assistance in carrying out activities under this ESF. Likewise, the Regional ESF Chairman will consult with the Regional Response Team for such advice or assistance.

FRERP/Radiological Materials. e. If a radiological event is severe enough to warrant implementation of the FRERP, each of the potential CFAs (DOE, NRC, and DOD) will follow their FRERP implementing procedures and will designate an official to participate in the implementation of this ESF.

2. Regional Level Response Structure

General. a. The EPA Regional Administrator will designate the Chairman of the regional ESF. To the extent possible, the EPA Regional Response Team Co-Chairman should also serve as the Regional Chairman of this ESF.

b. If the FRERP is implemented, an official of the CFA will be designated to keep the ESF informed of the FRERP response and to represent the CFAO.

c. The ESF Regional Chairman and/or CFA Representative will represent the ESF in its dealings with the FCO, and will maintain close coordination with support agencies, other on-scene ESFs,

the Chairman of the national ESF, the On-Scene Coordinator(s), the Regional Response Team (RRT), and State officials.

d. The regional level ESF is comprised of the regional representatives of those Federal agencies listed in section V of this ESF.

e. The regional ESF Chairman will report to the DFO for the duration of the emergency response period. Regional ESF members will have representatives immediately available to support this ESF on a 24-hour basis by phone and, if requested, in person. In conjunction with support agency representatives, the ESF Regional Chairman and/or CFA representative will determine the necessary staffing of this ESF following an initial situation assessment. It is expected that initially, as a minimum, representatives of DOD, DOE, NRC, HHS, and the USCG will be required to participate with EPA as members of the ESF.

NCP/Oil and Hazardous Substances.

f. The Regional Chairman of the ESF will be supported by predesignated Federal OSCs provided by EPA for discharges and releases into or threatening the inland zone, the U.S. Coast Guard for discharges or releases into or threatening the coastal zone, by DOD for hazardous substance releases from DOD facilities and vessels, or by DOE for hazardous substance releases from DOE facilities.

g. The OSC directs oil and hazardous substance response efforts and coordinates all other Federal efforts at the scene of a discharge or release. Specific response efforts are noted in the NCP and include actions taken as soon as possible to prevent, minimize, or mitigate a threat to public health, welfare, or the environment.

h. The OSC is supported by a Federal emergency response network that includes the NRT, Regional Response Teams (RRT) (regional representatives of the Federal agencies on the NRT, plus representatives from each State), special forces and teams (e.g., National Strike Force, Environmental Response Team, Scientific Support Coordinators) which can provide technical assistance, advice, and other services, and additional support for cleanup and disposal of released material.

i. The OSC should consult regularly with the RRT in carrying out response activities and will keep the RRT informed of response actions. To the extent possible, the RRT representative should also be their Agency's representative to this ESF.

j. The OSC efforts shall be coordinated with other appropriate Federal, State, local, or private response

agencies. All OCSs involved in implementing this ESF shall maintain close coordination with the Regional Chairman of this ESF.

FRERP/Radiological Material. k. The CFA Representatives to the ESF will support an on-scene Cognizant Federal Agency Official (CFAO) who has been designated to manage its response at the site of a radiological emergency.

1. The DOE lead official at the FRMAC will keep the DOE representative to the ESF informed of the radiological monitoring results, and will continue to report to the ESF throughout the emergency period.

c. Notification

General

1. Upon occurrence of a potentially catastrophic event, the Federal Emergency Management Agency (FEMA) will notify the Director, Preparedness Staff, Office of Solid Waste and Emergency Response, U.S. Environmental Protection Agency.

2. FEMA will notify the National Response Center (NRC) 800-424-8802, or in Washington, DC 202-267-2675. The National Response Center will notify the Headquarters and Regional Chairman of this ESF and other appropriate Federal and State personnel.

3. Upon notification, all ESF members will notify their parent agencies, remain in 24-hour phone contact, and if requested by the ESF National or Regional Chairman, report in person to the ESF location.

NCP/Oil and Hazardous Substances

4. The National Response Center will notify affected Regional offices (predesignated OSCs), and Coast Guard District Offices.

FRERP/Radiological Materials

5. Notifications and updates to other Federal agencies on the radiological situation will be done in accordance with the FRERP and agency implementing procedures. The 24-hour phone numbers for FRERP primary Agencies are:

Nuclear Regulatory Commission
(301) 951-0550
Department of Defense/National
Military Command Center
(202) 697-6340
Department of Energy
(202) 586-8100 or (8) 896-8100

D. Response Actions

1. Initial Actions

General. The National-Level ESF will become operational within 2 hours of notification. The national ESF will conduct the actions discussed below

while bringing the ESF to a fully operational status:

a. The ESF members so requested will report to the location given them by the head of this ESF. As a minimum, ESF representatives of DOD, DOE, the Nuclear Regulatory Commission, the U.S. Coast Guard, and HHS will be expected to report to EPA headquarters upon notification that the event has occurred.

b. Upon arrival at the ESF location, the ESF members will provide assistance to the head of this ESF in carrying out responsibilities under this ESF. The assistance includes technical advice and information, activating agency resources to commit to response actions, and other assistance as may be warranted.

The Regional-Level ESF will become operational upon notification from the head of the national ESF. Initial actions coordinated under the Regional ESF include:

c. Assess the situation including the nature, amount, and locations of real or potential releases of hazardous materials; pathways to human and environmental exposure; probable direction and time of travel of the materials; potential impact on human health, welfare, safety, and the environment; types, availability, and location of response resources, technical support, and cleanup services; and priorities for protecting human health, welfare, and the environment.

d. Coordinate with ESF 5 (Damage Information) to provide and obtain damage information.

NCP/Oil and Hazardous Substances

e. Upon identification of releases, or potential releases of oil and hazardous substances, the Regional Chair of this ESF will coordinate closely with the predesignated OSC(s) and the RRT (if convened) to develop a response strategy.

FRERP/Radiological Materials

f. Each of the potential CFAs in the affected region will attempt to determine the effects of the earthquake on the facilities or activities for which they have responsibility in the affected area. If it is determined that a radiological release is underway or likely, this information will be provided to all the FRERP Agencies in accordance with the FRERP procedures, the ESF #10 Regional Chairman, the FEMA Regional Office, and the FCO.

2. Continuing Actions

Upon becoming fully operational and throughout the response period, the ESF

support agency representatives (national and regional) will coordinate with their agencies to meet ESF needs and to carry out the actions summarized below:

a. Continuing on-scene response operations will be coordinated through this ESF as expressed in Section I-C including stabilization of berms, dikes, or impoundments; capping of contaminated soils or sludges; use of chemicals and other materials to contain or retard the spread of the release or to mitigate its effects; drainage controls; fences, warning signs, or other security or site control precautions; removal of highly contaminated soils from drainage or other areas; removal of drums, barrels, tanks, or other bulk containers that contain hazardous materials; and, containment and clean up of radioactive materials;

b. Because of the potential for response to numerous simultaneous events, OSCs and CFAOs will, as time permits, consult with the ESF Regional Chairman prior to taking significant actions. Significant actions are considered those that relate to competition for resources, commitment of resources, recommendations to State officials as to protective actions, or impact on other response activities or priorities.

V. Responsibilities

A. Primary Agency: Environmental Protection Agency

The primary agency is the Federal department or agency assigned primary responsibility to manage and coordinate a specific ESF. Primary agencies are designated on the basis of their having the most authorities, resources, capabilities, or expertise relative to accomplishment of the specific ESF response.

General. 1. Maintain close coordination with the affected Regional Office, the CDRG, other ESFs, and the NRT.

2. Provide damage reports and assessments to support ESF #5 of this plan.

3. Provide administrative support and personnel, facilities, and communications for the ESF.

NCP/Oil and Hazardous Substances

4. Coordinate, integrate, and manage the overall Federal effort to detect, identify, contain, clean up, or dispose of or minimize releases of oil or hazardous substances, or prevent, mitigate, or minimize the threat of potential releases.

5. Provide expertise on environmental effects of oil; discharges or releases of hazardous substances, pollutants, or

contaminants and environmental pollution control techniques.

6. Provide pre-designated OSCs for the inland zone.

FRERP/Radiological Materials

7. Maintain close coordination with the CFA if a radiological event occurs.

8. In conjunction with the FRMAC, provide resources including personnel, equipment, and laboratory support to assist DOE in monitoring radioactivity levels in the environment.

9. At the FRMAC, assess the nature and extent of the environmental radiation hazard.

10. In support of the CFA, provide guidance to Federal agencies and State and local governments with jurisdiction on acceptable emergency levels of radioactivity and radiation in the environment.

11. Assist the CFA for radiological emergencies in developing recommended measures to protect the public health and safety.

B. Support Agencies

Support agencies are those Federal departments or agencies designated to assist the primary agency (which is EPA for this ESF) with available resources, capabilities, or expertise in support of ESF response operations. Each support agency will provide representatives to support both the national and regional ESF. Each of the Federal agencies listed in this section has duties established by statute, executive order, or Presidential directive which may be relevant to Federal response action following a release of a hazardous material.

During the planning or implementation of a response, the Federal agencies listed are prepared to provide the following assistance in their respective areas of expertise. The assistance provided by each agency is consistent with its capability and legal authority:

1. Department of Agriculture (USDA)

General. a. Ensure the purity and wholesomeness of meat and meat products, poultry and poultry products, and egg products;

b. Prevent the distribution of contaminated meat and meat products, poultry and poultry products, and egg products;

NCP/Oil and Hazardous Substances

c. Provide predictions of the effects of pollutants on soil and their movements over and through soil;

FRERP/Radiological Materials

d. Assist in developing protective measures and damage assessments;

e. Provide emergency food coupon assistance;

f. Assist in providing livestock feed;

g. Assist in the disposition of livestock and poultry affected by radiation;

h. Provide for procurement of food;

i. Assist, in coordination with HHS and EPA, in the production, processing and distribution of food; and,

j. Provide information and assistance to farmers.

2. Department of Commerce/National Oceanic and Atmospheric Administration

General: a. Acquire and disseminate weather data and forecasts, and emergency information;

NCP/Oil and Hazardous Substances

b. Provide specific expertise on living marine resources;

c. Coordinate scientific support for responses in coastal and marine areas including assessments of the hazards that may be involved;

d. Predict pollutant movement and dispersion through use of trajectory modeling;

e. Provide information on meteorological, hydrologic, ice, and oceanographic conditions for marine, coastal, and inland waters;

f. Provide charts and maps for coastal and territorial waters and the Great Lakes; and,

FRERP/Radiological Materials

g. Ensure that marine fishery products available to the public are not contaminated.

3. Department of Defense

NCP/Oil and Hazardous Substances

a. Direct response actions for releases of hazardous materials from its vessels and facilities;

b. Provide personnel and equipment to other Federal organizations and State and local governments, as requested, if consistent with DOD operational requirements;

FRERP/Radiological Materials

c. Ensure safe handling, storage, maintenance, assembly, and transportation of radioactive materials;

d. Assess nature and extent of emergency and potential offsite effects;

e. Provide extensive array of specialized equipment and personnel as well as specialized containment, collection, and removal equipment; and,

f. Carry out CFA responsibilities if FRERP is implemented due to release from a nuclear weapon or DOD facility.

4. Department of Energy

NCP/Oil and Hazardous Substances

a. Direct response actions for releases of hazardous materials from its facilities;

b. Provide advice in identifying the source and extent of radioactive releases relevant to the NCP, and in the removal and disposal of radioactive contamination;

FRERP/Radiological Materials

c. Set up a FRMAC in close proximity to the impacted area, and coordinate off-site monitoring, assessing, evaluating, and reporting on nature and extent of emergency and potential off-site effects;

d. Maintain common set of radiological monitoring data;

e. Provide technical and medical advice concerning treatment of contamination; and

f. Carry out responsibilities as CFA if FRERP is implemented due to release from DOE-owned facility or device.

5. Department of Health and Human Services**NCP/Oil and Hazardous Substances**

a. Provide assistance on all matters related to the assessment of health hazards at a response, and protection of both response workers and the public health;

b. Determine whether illnesses, diseases or complaints may be attributable to exposure to a hazardous substance;

c. Establish disease/exposure registries and conduct appropriate testing;

d. Develop, maintain, and provide information on the health effects of toxic substances;

FRERP/Radiological Materials

e. Assist in evacuating and relocating persons from the affected area as requested;

f. Ensure the availability of health and medical care, food, emergency shelter, clothing, and other human services, especially for the aged, the poor, the infirm, the blind, and others most in need;

g. Provide guidance on the use of radioprotective substances (e.g., thyroid blocking agents), including dosages and projected radiation doses that warrant the use of such drugs;

h. Advise medical care personnel regarding proper medical treatment of people exposed to or contaminated by radioactive materials, based on information from DOE personnel;

i. Provide advice and guidance in

assessing the impact of the effects of radiological incidents on the health of persons in the affected area;

j. Provide resources to ensure that food and animal feeds are safe for consumption;

k. Assist in developing guidance and technical recommendations regarding protective measures and protective action guides for food and animal feed; and,

l. Provide guidance on disease control measures and epidemiological surveillance of exposed populations.

6. Department of the Interior**NCP/Oil and Hazardous Substances**

a. Provide assistance and expertise in fish and wildlife resources, geology and hydrology, earthquakes and other natural hazards, minerals, soils, vegetation, mining activities, identification of inorganic hazardous substances, biological and general natural resources, cultural resources, matters affecting lands administered by DOI, and matters affecting Indian lands and resources, National parks, wildlife refuges, and fish hatcheries;

FRERP/Radiological Materials

b. Provide hydrologic advice and assistance, including monitoring personnel, equipment, and laboratory support;

c. Provide advice and assistance in assessing and minimizing off-site consequences on natural resources, including fish and wildlife;

d. Provide coordination and liaison between Federal, State, and local agencies and Federally recognized Indian tribal governments; and,

e. Operate Department of the Interior water resource projects to protect municipal and agricultural water supplies in cases of radiological emergencies.

7. Department of Justice

General. Provide expert advice on complicated legal questions arising from Federal agency response.

8. Department of Labor/Occupational Safety and Health Administration**NCP/Oil and Hazardous Substances**

Provide advice and technical assistance regarding hazards to persons involved in removal or control of releases. This assistance may include review of site safety plans, review of site work practices, assistance with exposure monitoring, and other questions about compliance with OSHA standards.

9. Department of Transportation/**Research and Special Programs Administration****NCP/Oil and Hazardous Substances**

a. Provide expertise on all modes of transporting oil and hazardous substances, including information on the requirements for packaging, handling, and transporting regulated hazardous materials;

FRERP/Radiological Materials

b. Provide civil transportation assistance and support; and,

c. Coordinate Federal civil transportation response.

10. Department of Transportation/U.S. Coast Guard**NCP/Oil and Hazardous Substances**

a. Provide the predesignated Federal On-Scene Coordinators for oil and hazardous substance events occurring within its areas of jurisdiction (coastal zone);

b. Within the coastal zone, coordinate, integrate, and manage the overall Federal effort to detect, identify, contain, clean up, or dispose of or minimize releases of oil or hazardous substances; prevent, mitigate, or minimize the threat of potential releases;

c. Provide expertise on environmental effects of oil discharges or releases of hazardous substances, pollutants, or contaminants and environmental pollution control techniques;

b. Maintain the National Response Center (see Section IV.C.2 of this ESF);

e. Manage the National Strike Force which consists of two Strike Teams located on the Pacific and Atlantic/Gulf coasts to provide technical advice, assistance, and communications support for response actions;

f. Offer expertise in domestic and international port safety and security, maritime law enforcement, ship navigation, and the manning, operation, and safety of vessels and marine facilities; and,

g. Maintain continuously manned facilities which can be used for command, control, and surveillance of oil discharges and hazardous substance releases occurring in the coastal zone.

11. Department of State**NCP/Oil and Hazardous Substances**

Provide advice and assistance in coordinating an international response when a discharge or release crosses international boundaries or involves foreign flag vessels.

12. Federal Emergency Management Agency

General

a. Provide advice and assistance on emergency relocation and temporary housing; and,

b. Identify and/or obtain logistical support for Federal agencies.

13. Nuclear Regulatory Commission NCP/Oil and Hazardous Substances

a. Provide resources and support in accordance with the FRERP for a release of radiological materials, and monitor the status of nuclear materials under its jurisdiction; and,

FRERP/Radiological Materials

b. Carry out responsibilities as CFA if the FRERP is implemented as a result of a radiological emergency involving NRC licensed activities.

C. Other Agencies

Other Federal agencies may be called upon to provide advice and assistance as needed.

VI. Resource Requirements

A. Assets Critical for Initial 12 Hours

The most critical requirements during the initial 12 hours will be personnel, communications systems, sampling/monitoring/detection equipment, aerial surveillance equipment, trained field teams, and office facilities. The principal requirements will be:

1. Personnel Including

a. One or more representatives of each ESF agency in phone contact (national and regional);

b. Qualified personnel to proceed with initial actions of the ESF (national and regional);

c. Qualified technicians to establish, maintain, and operate communications systems; and,

d. Clerical and administrative personnel at each ESF level.

2. Communications Systems Including

a. Dedicated voice communications systems connecting the EPA region with EPA Headquarters, and EPA Headquarters with FEMA Headquarters. These systems may be commercial telephone service, Federal Telecommunications System (FTS), radio, or other systems; and,

b. Interregional voice communications systems connecting regional, State, and local officials involved in immediate response operations.

3. Equipment Including

Sampling/monitoring/detection equipment to undertake the initial actions of this ESF at the regional level.

4. Office Facilities Including

Office space, conference rooms, and clerical support for both the national and regional ESF for a 15-person staff on a 24-hour basis.

B. Assets Required for Continuing Operations

The assets required for the initial 12 hours also will be required for the remainder of the response period with requirements modified as follows:

NCP/Oil and Hazardous Substances

1. Personnel requirements of this ESF in the field will increase after the initial assessments of oil and hazardous substances releases are completed. Teams of technical personnel including chemists, engineers, environmental scientists, etc., will be dispatched to the scene of each oil or hazardous substance incident to sample, monitor, and oversee cleanup operations. Cleanup personnel, trained in oil and hazardous substances response, will be needed at each site. Some incidents can be stabilized quickly, while others will take much longer. Following stabilization, containment and cleanup efforts may take weeks to complete.

2. Communications requirements will increase to include voice and message systems connecting all regional ESF personnel with each other, and with Headquarters staff. This ESF will need access to communications systems such as those maintained by FEMA, DOD, or others.

3. Headquarters and Regional facility requirements for office and conference rooms may increase.

4. Field requirements will include portable command posts, and temporary storage facilities for equipment and for drums and other overpacked materials awaiting disposal.

5. Field personnel and response equipment will need to be transported quickly to the scene of an incident, but may encounter problems due to disruptions in the roadway infrastructure. Rapid transport deployment requires the use of airplanes, helicopters, fire and high-speed power boats, as well as over-land vehicles that can function where the roadway infrastructure remains intact.

6. Headquarters and field office supplies will be needed for the duration of activities under this Plan.

7. Requirements for special equipment for field use include heavy equipment such as earth moving equipment, drum

grapplers, etc.; containment equipment such as booms, berms, fences, pond liners, drum overpacks, etc.; personal protective gear such as self-contained breathing apparatus, oil and chemical resistant outer clothing, safety boots, hard hats, etc.; and response equipment including oil and chemical sampling and monitoring equipment.

FRERP/Radiological Materials

8. If there is a significant release of radioactive materials, this incident will receive major attention and will require additional assets. Most of these assets will be related to the large effort needed to monitor such a release. It would also be expected that such a situation would put more pressure on all the other support systems. It is not expected that special and unique requirements will be identified for these other functions. However, continuous communications and coordination will be necessary.

VII. References

NCP/Oil and Hazardous Substances

A. Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9601 et. seq. (more popularly known as Superfund).

B. Clean Water Act, as amended (CWA) 33 U.S.C. 1321.

C. National Oil and Hazardous Substances Pollution Contingency Plan (NCP) 40 CFR 300.

D. Executive Order 12580, Superfund Implementation.

E. Executive Order 11735, Assignment of Functions Under Section 311 of Federal Water Pollution Control Act, as amended.

F. Joint U.S./Mexico Contingency Plan for Accidental Releases of Hazardous Substances Along the Border, January 1988.

G. U.S./Mexico Marine Environment Agreement, July 1980.

H. U.S./Canada Joint Marine Pollution Contingency Plan, September 1983, revised 1986.

FRERP/Radiological Materials

I. The Federal Radiological Emergency Response Plan, November 8, 1985, and agency implementing procedures.

J. Nuclear Weapons Accident Response Procedures.

VIII. Terms and Definitions

NCP/Oil and Hazardous Substances

Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA). More popularly known as "Superfund," CERCLA was passed to provide the

needed general authority for Federal and State governments to respond directly to hazardous substances incidents:

Environmental Response Team (ERT). Established by EPA, the ERT includes expertise in biology, chemistry, hydrology, geology, and engineering. The Team provides technical advice and assistance to the OSC for both planning and response to discharges and releases of oil and hazardous substances into or threatening the environment.

National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The NCP (40 CFR 300) effectuates the response powers and capabilities of the CERCLA and section 311 of the Clean Water Act. The Plan applies to all Federal agencies and provides for efficient, coordinated, and effective response to discharges and releases of oil and hazardous substances into or threatening the environment.

National Response Center (NRC). A national communications center for activities related to oil and hazardous substance response actions. The NRC, located at U.S. Coast Guard headquarters in Washington, DC, receives and relays notices of oil and hazardous substances releases to the appropriate Federal On-Scene Coordinator. The 24-hour member is 800-424-8802, or in Washington, DC, 202-267-2675.

National Response Team (NRT). The NRT, composed of the 13 Federal agencies with major environmental and public health responsibilities, is the primary vehicle for coordinating Federal agency activities under the NCP. The Team carries out national planning and response coordination and is the head of a highly organized Federal oil and hazardous substance emergency response network. The Environmental Protection Agency serves as the NRT Chair (Director, Preparedness Staff Office), and the U.S. Coast Guard serves as Vice Chair.

National Strike Force (NSF). The NSF consists of two Strike Teams established by the US Coast Guard on the Pacific and Atlantic/Gulf coasts. The Strike Teams can provide advice and technical assistance for oil and hazardous substances removal, communications support, special equipment and services.

On-Scene Coordinator (OSC). The Federal official pre-designated to coordinate and direct hazardous substance removal actions. Depending upon the location of the incident, the OSC may be provided by either the Environmental Protection Agency, the U.S. Coast Guard, the Department of Defense, or the Department of Energy.

Regional Response Teams (RRTs). Regional counterparts to the National Response Team, the RRTs are made up of regional representatives of the Federal agencies on the NRT, and representatives of each State within the region. The RRTs serve as planning and preparedness bodies before a response, and provide coordination and advice to the Federal OSC during response actions.

Scientific Support Coordinator (SSC). Under the direction of the OSC the SSCs provide scientific support for response operational decisions and for coordinating on-scene scientific activity. Generally, SSCs are provided by the National Oceanic and Atmospheric Administration (NOAA) in coastal and marine areas, and by EPA in inland regions.

FRERP/Radiological Materials

Cognizant Federal Agency (CFA). The Federal agency that owns, authorizes, regulates, or is otherwise deemed responsible for the radiological activity causing the emergency and that has the authority to take action on site.

Cognizant Federal Agency Official (CFAO). The lead official designated by the CFA to manage its response at the site of a radiological emergency.

Federal Radiological Emergency Response Plan (FRERP). The FRERP (FR 46542), developed in response to Executive Order 12241, provides for Federal agencies to undertake their responsibilities during a wide range of peacetime radiological emergencies.

Federal Radiological Monitoring and Assessment Center (FRMAC). A center usually established at an airport near the scene of a radiological emergency from which the DOE Offsite Technical Director conducts the FRMAP response. This center generally need not be located near the onsite or Disaster Field Office or Federal operating locations as long as its operations can be coordinated with responsible officials.

Federal Radiological Monitoring and Assessment Plan (FRMAP). A plan to provide coordinate radiological monitoring and assessment assistance to the State and local governments in response to radiological emergencies. This plan, authorized by 44 CFR Part 351, is a revised version of the Interagency Radiological Assistance Plan.

ESF11

Section V.B.6. *Environmental Protection Agency P. 11-8 Add:*

Assist in determining the suitability of water resources for human consumption and identify potential hazardous

material impacts on the drinking water supply.

Date: March 22, 1989.

Grant C. Peterson,
Associate Director, State and Local Programs
and Support.

[FR Doc. 89-7537 Filed 3-29-89; 8:45 am]

BILLING CODE 6716-03-M

[FEMA-821-DR]

Kentucky; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Kentucky (FEMA-821-DR), dated February 24, 1989, and related determinations.

DATE: March 23, 1989.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the Commonwealth of Kentucky, dated February 24, 1989, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 24, 1989:

The counties of Grayson, Johnson, and Rockcastle for Individual Assistance and Public Assistance.

Grant C. Peterson,

Associate Director, State and Local Programs
and Support, Federal Emergency
Management Agency.

(Catalog of Federal Domestic Assistance
No. 83.516, Disaster Assistance)

[FR Doc. 89-7535 Filed 3-29-89; 8:45 am]

BILLING CODE 6716-21-M

FEDERAL RESERVE SYSTEM

Caisse National De Credit Agricole S.A., et al.; Application 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 21, 1989.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Caisse National de Credit Agricole, S.A.*, Paris, France; to engage *de novo* through its subsidiary, Bertrand Michel Securities, Inc., in securities brokerage activities pursuant to section 225.25(b)(15); and providing investment and financial advice pursuant to section 225.25(b)(14) of the Board's Regulation Y.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Chambers Bancshares, Inc.*, Danville, Arkansas; to engage *de novo* through its subsidiary, Arkansas Farm Mortgage Corporation, Dardanelle, Arkansas, in originating residential 1-4 family mortgage loans for sale to secondary market sources pursuant to section 225.25(b)(1) of the Board's Regulation Y. These mortgage loans will be FHA insured, VA guaranteed and conventional loans underwritten to FNMA/FHLMC underwriting guidelines. In addition, the corporation will be an

originator of "FarmerMac" loans when the program gets under way. The corporation does not expect to retain any loans in portfolio but anticipates keeping the servicing. These activities will be conducted in the State of Arkansas.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Kandiyohi Bancshares, Inc.*, Kandiyohi, Minnesota; to engage *de novo* in making or purchasing loans as an investment pursuant to sections 225.25(b)(1)(i), (iii), and (iv) of the Board's Regulation Y. These activities will be conducted in the State of Minnesota.

Board of Governors of the Federal Reserve System, March 24, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-7495 Filed 3-29-89; 8:45 am]

BILLING CODE 6210-01-M

FNC Acquisition Co. 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 21, 1989.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *FNC Acquisition Company*, Pikeville, Kentucky, an organizing subsidiary of Key Centurion Bancshares,

Inc., Charleston, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of First National Company, Pikeville, Kentucky, and thereby indirectly acquire The First National Bank of Pikeville, Pikeville, Kentucky.

2. *Key Centurion Bancshares, Inc.*, Charleston, West Virginia; to acquire 100 percent of the voting shares of First National Company, Pikeville, Kentucky, and thereby indirectly acquire The First National Bank of Pikeville, Pikeville, Kentucky.

Board of Governors of the Federal Reserve System, March 24, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-7496 Filed 3-29-89; 8:45 am]

BILLING CODE 6210-01-M

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Eric A. Gillett, 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 April 13, 1989.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Eric A. Gillett*, Attica, Ohio; to acquire an additional 6.25 percent of the voting shares of Sutton Bancshares, Inc., Attica, Ohio, for a total of 12.50 percent, and thereby indirectly acquire The Sutton State Bank, Attica, Ohio.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Emmett D. Paul, Jr.*, Pittsburg, Texas; to acquire an additional 17.0 percent of the voting shares of Bank of Van Zandt, Canton, Texas, for a total of 17.35 percent.

Board of Governors of the Federal Reserve System, March 24, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-7497 Filed 3-29-89; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 89N-0068]

San Juan Plasma, Inc.; Revocation of U.S. License No. 1012

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation of the establishment license (U.S. License No. 1012) and the product license issued to San Juan Plasma, Inc., for the manufacture of Source Plasma. In a letter dated November 12, 1988, the firm requested that its establishment and product licenses be revoked and waived an opportunity for a hearing.

DATE: The revocation of the establishment and product licenses was effective on January 18, 1989.

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, Center for Biologics Evaluation and Research (HFB-130), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20892, 301-295-8188.

SUPPLEMENTARY INFORMATION: FDA has revoked the establishment license (U.S. License No. 1012) and product license issued to San Juan Plasma, Inc., for the manufacture of Source Plasma. San Juan Plasma, Inc. was located at 309 West Animas, Farmington, NM 87401.

On June 28 through July 12, 1988, FDA inspected San Juan Plasma, Inc. This inspection revealed serious deviations from the applicable biologics regulations and the firm's standard operating procedures. These deviations included, but were not limited to: (1) Tests for serum protein determination and immunoglobulin composition were not always performed on donors every 4 months, as required by Federal regulations and the firm's standard operating procedures (21 CFR 640.65(b)(1)(i) and 606.100(b)(1)); (2) pooled Source Plasma from two donors was labeled to indicate that the plasma was collected from one donor only (21 CFR 640.69(a)(1) and 640.70(a)(5)); (3) medical history questions to determine donor suitability were abbreviated (21 CFR 640.63(a)); (4) lymph node examinations were performed

incorrectly (21 CFR 640.63 (a) and (b)); (5) annual physical examinations were abbreviated (21 CFR 640.63(b)(1)); and (6) previously identified unsuitable donors who had tested positive for antibody to human immunodeficiency virus or hepatitis B surface antigen were not included in the donor deferral file (21 CFR 640.63(c) (9) and (11)).

FDA's concurrent investigation revealed that San Juan Plasma, Inc., was operating in significant noncompliance with the Federal regulations. Among the violations were inadequate donor suitability determinations, overbleeding of donors, inadequate cleansing of the arms of donors prior to venipuncture, reinfusion of blood back into the donor to conceal overbleeds, and intentionally maintaining inaccurate records of whole blood weights to conceal the collection of whole blood units which exceeded the maximum amount of blood allowed to be withdrawn.

Because these deviations represented a significant danger to health, FDA suspended the establishment license (U.S. License No. 1012) on July 29, 1988. In a letter dated August 10, 1988, the firm proposed corrective actions. Based on the willful nature of the violations discovered during the FDA inspection and investigation, FDA considered the firm's proposed actions to be unacceptable. As provided in 21 CFR 601.5(b), FDA issued a letter to revoke U.S. License No. 1012, setting forth grounds for the revocation, and offering an opportunity for a hearing on the proposed revocation.

In a letter dated November 12, 1988, San Juan Plasma, Inc., requested that its establishment and product licenses be revoked and waived an opportunity for a hearing. The agency granted the licensee's request by a letter to the firm dated January 18, 1989, issued under 21 CFR 601.5(a), which revoked the establishment license (U.S. License No. 1012) and product license for the manufacture of Source Plasma issued to San Juan Plasma, Inc.

FDA has placed copies of the letters dated July 29, 1988, August 10, 1988, October 13, 1988, November 12, 1988, and January 18, 1989, filed under the docket number found in brackets in the heading of this notice, with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

Accordingly, under 21 CFR 12.38 and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended, (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and under authority delegated by 21 CFR 5.68, the establishment license (U.S. License No. 1012) and

product license issued to San Juan Plasma, Inc., for the manufacture of Source Plasma were revoked, effective January 18, 1989.

This notice is issued and published under 21 CFR 601.8 and the redelegation at 21 CFR 5.67.

Dated: March 18, 1989.

Gerald V. Quinlan, Jr.,

Deputy Director, Center for Biologics Evaluation and Research.

[FR Doc. 89-7498 Filed 3-29-89; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

[BDM-044-N]

Medicare Program; Data Users Conference Notification

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces the Data Users Conference of the Bureau of Data Management and Strategy, HCFA. The public is invited to participate in the discussion.

DATE: The conference will be held at the Baltimore-Washington International Airport Holiday Inn from June 13 through 15, 1989.

FOR FURTHER INFORMATION CONTACT: Dave Smith, (301) 966-8093.

SUPPLEMENTARY INFORMATION: The purpose of the conference is to discuss the availability, uses, and limitations of HCFA data. Presentations and panel discussions on these topics will be conducted by HCFA staff, extramural researchers, and other users of HCFA data.

Attendance at the conference will be limited to 350 people. Therefore, anyone wishing to attend must contact us for registration procedures by April 8, 1989 at the following address: RMS Technologies, Inc., 21 Governors Court, 2N, Baltimore, Maryland 21207, (301) 597-2144.D

Additional details concerning conference topics and presenters may be obtained by sending a request to the above address in time for us to receive it by April 8, 1989.

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance; 13.774, Medicare—Supplementary Medical Insurance)

Dated: March 21, 1989.

Louis B. Hays,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 89-7519 Filed 3-29-89; 8:45 am]

BILLING CODE 4120-01-M

Office of Human Development Services

Child Abuse and Neglect Prevention Activities

AGENCY: Administration for Children, Youth and Families (ACYF), Office of Human Development Services (OHDS).

ACTION: Notice of the availability of Federal funds to support child abuse and neglect prevention activities.

SUMMARY: FY 1989 Federal funds ("challenge grants") are now available to those States that in the previous State of Federal fiscal year (FY 1988) had established or maintained trust funds or other funding mechanisms (including appropriations) available only for child abuse and neglect prevention activities. "States" are defined as the several States, the District of Columbia, and the Commonwealth of Puerto Rico. This notice sets forth the application and other requirements for these grants.

DATES: A signed original and two copies of the application must be received by May 30, 1989.

ADDRESS: Address applications to: Challenge Grants, National Center of Child Abuse and Neglect, Attention: Emily Cooke, P.O. Box 1182, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Emily Cooke, (202) 245-0696.

SUPPLEMENTARY INFORMATION:

A. Background

On October 12, 1984, Pub. L. 98-473, the continuing appropriations bill for FY 1985, was enacted. In enacting this legislation the Congress found that since 1980 some States began to recognize the critical need for prevention efforts and collected funds through an established trust fund or had established significant funds through direct appropriations to support child abuse and neglect prevention activities. (section 402(a)(5) and (6)). The purpose as described in sections 402 through 409 of that bill is, by providing Federal "challenge grants", to encourage States to establish and maintain trust funds or other funding mechanisms including appropriations to support child abuse and neglect prevention activities.

The Congress also noted that, since 1980, some States have begun to recognize the critical need for prevention efforts and have established funding mechanisms to pay for child abuse and neglect prevention activities, either through trust funds (generated by surcharges on marriage licenses, birth certificates of divorce actions, or by special checkoffs on income tax

returns), or through direct appropriations (sections 402(a)(5) and (6)).

As stated in section 402(b), the purpose of the legislation is to provide Federal "challenge grants" to encourage States to establish and maintain trust funds or other funding mechanisms, including appropriations, to support child abuse and neglect prevention activities.

Child abuse and neglect prevention activities include the activities specified in section 405:

- (1) Providing Statewide educational and public informational seminars for the purpose of developing appropriate public awareness regarding the problems of child abuse and neglect;
- (2) Encouraging professional persons and groups to recognize and deal with the problems of child abuse and neglect;
- (3) Making information about the problems of child abuse and neglect available to the public and to organizations and agencies which deal with problems of child abuse and neglect; and
- (4) Encouraging the development of community prevention programs including:

(A) Community-based educational programs on parenting, prenatal care, perinatal bonding, child development, basic child care, care of children with special needs, coping with family stress, personal safety and sexual abuse prevention training for children, and self-care training for latchkey children; and

(B) Community-based programs relating to crisis care, aid to parents, child abuse counseling, peer support groups for abusive or potentially abusive parents and their children, lay health visitors, respite or crisis child care, and early identification of families where the potential for child abuse and neglect exists.

The number of States receiving child abuse prevention funding under the Challenge Grant program increased from 33 States in FY 1986 to 44 States in FY 1987. Forty-two States were awarded grants totaling \$4.787 million from the FY 1988 appropriation.

B. Eligibility

States are eligible to apply for a FY 1989 grant under this announcement if the State had established and maintained in the previous State or Federal fiscal year (FY 1988) a trust fund or other funding mechanism, including appropriations, available only for child abuse and neglect prevention activities. The term "State" as defined in section 402(2) means each of the several States, the District of Columbia, and the

Commonwealth of Puerto Rico. As indicated in section 405, which refers to State activities "in the previous fiscal year," eligibility for these FY 1989 funds can be based only on FY 1988 prevention activities.

C. Funds Available and Fiscal Requirements

In FY 1989, \$4,834,000 is available for these grants. Section 406(a)(1) of Pub. L. 98-473 provides that any grant to an eligible State shall be the lesser of two amounts:

(1) Twenty-five percent of the total amount made available by such State for child abuse and neglect prevention activities and collected in the previous State of Federal fiscal year (1988) in a trust fund or other funding mechanism. This amount can include appropriations, but cannot include interest income from the principal of such a fund of funding mechanism.

or

(2) An amount equal to 50 cents times the number of children residing in the State according to the most current data available to the Secretary. (section 406(a)(2) defines "children" as individuals who have not attained the State's age of majority.)

In computing a State's allocation, we will use the Bureau of the Census population statistics contained in its publication "Current Population Reports" (Series P-25, No. 1024, issued May, 1988), which is the most recent satisfactory data available from the Department of Commerce.

If the amount appropriated is insufficient to fund each State in full, the grants awarded to eligible States will be reduced proportionately.

The FY 1989 grant funds awarded under this program announcement must be obligated by September 30, 1990 and expended by September 30, 1991.

D. Application Requirements

The application requirements for these grants do not go beyond the requirements of the statute but do require minimum documentation in order to assure compliance. We have cited each application requirement to the specific section of the law and suggest that this announcement be read in conjunction with the statute. No application forms or other materials will be needed in order to prepare an application. A State may submit its application in any format it chooses.

The Secretary will approve any application that meets the requirements of section 406(b) and will not disapprove an application unless the State has been given an opportunity to correct any

deficiencies (section 406(b)(2)). Any additional materials required to satisfy the requirements of section 406(b) must be submitted within 10 days of the date when the State is notified by telephone of the deficiency.

An application can be based on the total amount of FY 1988 funds made available (only for child abuse and neglect prevention activities) in either a trust fund or other funding mechanism, including appropriations. In some States, not all funds collected in a trust fund are available for prevention activities because of statutory or administrative limitations. This statutory or administrative limitation must be applied by the State when claiming funds to be considered for Federal "challenge grants" match.

Section 406(b)(1)(A) provides that either the trust fund advisory board or, in States without a trust fund mechanism, the State liaison agency to the National Center on Child Abuse and Neglect will be responsible for administering these funds.

A State submitting an application based on a combination of funds collected in both a trust fund and other funding mechanism must coordinate the development of its application between the trust fund advisory board and the State liaison agency and must include the name and address of a contact person. It is up to the State to determine the basis of its application, develop and submit one application from each State, and designate the agency responsible for administering this program. *Only one application per State will be considered.*

Except for States submitting applications based on a combination of funds, the application must be prepared by the agency specified in paragraph one below. The application must be signed by the individual authorized to act for the State in administering these funds, and must contain the following information and assurances:

1. The name and address of the trust fund advisory board responsible for administering and awarding these grants to eligible recipients within the State to carry out child abuse and neglect prevention activities, and the name and address of a contact person (section 406(b)(1)(A)),

or

In States that do not have trust funds, the name and address of the State liaison agency to the National Center on Child Abuse and Neglect (established by section 2 of the Child Abuse Prevention and Treatment Act) and the name and address of a contact person (section 406(b)(1)(A)).

2. A copy of the State law or legal authority:

(a) Establishing the trust fund or other funding mechanism (section 405);

(b) Documenting that the proceeds of the trust fund or other funding mechanism are used only for child abuse and neglect prevention activities (section 405);

Clarification: Some States have established trust funds for both child abuse and neglect and domestic violence prevention activities. In such cases, Federal funds under this program are available based only on the funds available for the child abuse and neglect prevention activities; and

(c) Defining the State's age of majority (section 406(a)(2) and (b)(1)), if the State's age of majority is other than 18 years.

Clarification: Some States, under various circumstances, define the legal age of majority to be other than eighteen. Where a State has more than one legally supportable age of majority, we will apply the age that we determine is more closely related to the goals of the Challenge Grant program.

3. Documentation that the trust fund (or other funding mechanism) was in operation during FY 1988 (section 405).

Clarification: Applications may be based on either the Federal fiscal year 1988, October 1, 1987 through September 30, 1988, or the State fiscal year 1988. Applications based on the State's fiscal year must specify the months and years encompassed.

4. Documentation of the total amount of funds collected or allotted for child abuse and neglect prevention activities and made available in fiscal year 1988 in the trust fund or other funding mechanism, including appropriations. This total may not include interest income from the principal of such fund or other funding mechanism (section 406(a)(1)(A)).

Clarification: Documentation of the total amount of funds collected and made available must be based only on those funds collected and made available during FY 1988. In some States not all funds collected in a trust fund are available for expenditures because of statutory or administrative limitations. In addition, unexpended funds collected in prior years may not be used as the basis of a State's application. In determining the total amount of funds, a State may not include any Federal funds it may have received (e.g., Federal funds received under the Federal Challenge Grant, Title IV-B, or Title XX programs), even though those funds may have been made available only for child abuse and neglect prevention activities. Finally, a State may not include any funds it has designated as the State's matching funds for other Federal programs.

Documentation submitted must be sufficient to show that a clearly identifiable amount of funds from a new or an established trust fund, or other funding mechanism, was collected and made available only for child abuse and neglect prevention activities in FY 1988. Documentation must be labeled as to its source, signed by a duly authorized individual, and dated. Documentation that merely provides a retrospective review of FY 1988 activities will not be acceptable. Documentation will be reviewed in accordance with standard audit procedures acceptable under generally approved accounting practices.

5. An assurance that any funds received under this statutory authority will not be used to meet the non-Federal matching requirement of any other Federal law (section 406(b)(1)(B)).

6. An assurance that the State will comply with Departmental recordkeeping and reporting requirements and general requirements for the administration of grants under 45 CFR Part 92, and that the Comptroller General of the United States and his authorized representatives will have access to these records for purposes of audit and examination (section 406(b)(1)(C) and section 408).

7. An assurance that the State will submit a final Program Performance Report to the Director, National Center on Child Abuse and Neglect, on the purposes for which the funds were spent, including a description of the specific programs, projects, and activities funded (section 406(b)(1)(C) and section 409).

8. The Employer Identification Number (EIN) of the applicant organization as assigned by the Internal Revenue Service.

9. A brief description of the intended use of these funds (section 406(b)(1)).

E. Notification Under Executive Order 12372

The "challenge grant" program has been excluded from the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs" and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities" (52 FR 161).

F. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (P.L. 96-511), the application requirements in this Notice have been approved through April 30, 1989 by the Office of Management and

Budget under OMB Control No. 0980-0181.

(Catalog of Federal Domestic Assistance Program Number 13.672, Child Abuse and Neglect Prevention Activities.)

Dated: March 23, 1989.

Dodie Truman Borup,

Commissioner, Administration for Children, Youth and Families.

Approved: March 24, 1989.

Sydney Olson,

Assistant Secretary for Human Development Services.

[FR Doc. 89-7551 Filed 3-29-89; 8:45 am]

BILLING CODE 4130-01-M

[Program Announcement No. 13632-89-1]

Developmental Disabilities: Availability of Financial Assistance for the University Affiliated Program

AGENCY: Administration on Developmental Disabilities (ADD), Office of Human Development Services (OHDS).

ACTION: Announcement of Availability of Financial Assistance for the University Affiliated Program.

SUMMARY: The Administration on Developmental Disabilities announces that applications are being accepted in Fiscal Year 1989 from universities in eligible States, Territories and Insular Areas for the purpose of establishing new university affiliated programs or satellite centers, or for conducting feasibility studies leading to the establishment of university affiliated programs or satellite centers. Up to four grants for new programs will be awarded to increase and improve services and programs for persons with developmental disabilities who live in geographical areas not now benefiting from professional interdisciplinary and community-based training and services designed specifically to meet their special needs.

DATE: Closing date for receipt of applications is: May 30, 1989.

ADDRESSES: Applications should be sent to: Office of Human Development Services, Acquisition and Assistance Management Branch, 200 Independence Avenue SW., HHH Building, Room 349-F, Washington, DC 20201. Attention: Joel B. Anthony.

FOR FURTHER INFORMATION CONTACT: Judy Moore, UAP Coordinator, Program Development Division, ADD. (202) 245-7719.

SUPPLEMENTARY INFORMATION: Part I. General Information

A. Background

The Developmental Disabilities program was established by the Developmental Disabilities Services and Facilities Construction Act, Pub. L. 91-517, as amended. This Act makes funds available to assist States to assure that persons with developmental disabilities receive appropriate care, treatment, rehabilitation and support services. Programs funded under the Act are:

- Basic State formula grants;
- Systems for protection and advocacy of individual rights;
- Grants to University Affiliated Programs for interdisciplinary training, exemplary services/technical assistance and information dissemination;
- Grants for Projects of National Significance.

B. Description of University Affiliated Programs

Under Part D of the Developmental Disabilities Assistance and Bill of Rights Act (the Act), 42 U.S.C. 6000, *et seq.*, grants are awarded to support a national network of university affiliated programs (UAPs) and satellite centers. These programs provide interdisciplinary training, exemplary services, technical assistance and information dissemination for allied health professionals, physicians and parents who provide services to or care for persons with developmental disabilities.

The purpose of these grants is to ensure that there is a professional and paraprofessional work force prepared to meet the service needs of persons with developmental disabilities and their families. Pub. L. 100-146 amended the Act to require the Administration on Developmental Disabilities (ADD) to consider four UAP or satellite center applicants each fiscal year beginning in 1988 through 1990. Prior to passage of Pub. L. 100-146, solicitation of new UAP and satellite center applications was done at the discretion of ADD.

This announcement solicits applications from universities to establish new university affiliated programs or satellite centers, or to conduct feasibility studies leading to the establishment of new UAPs or satellite centers in eligible States, Territories and Insular Areas.

The term "university affiliated program," as defined by section 102(18) of the Act, means a program operated by a public or nonprofit private entity which is associated with, or is an integral part of, a college or university and which must carry out the following activities:

- **Training.** The UAP or satellite center must provide interdisciplinary training for personnel concerned with developmental disabilities, including parents of persons with developmental disabilities, professionals, paraprofessionals, students and volunteers. Training may be conducted at the facility and through outreach activities.

- **Service Demonstration.** The UAP or satellite center must provide a demonstration program of exemplary services relating to persons with developmental disabilities in settings which are integrated in the community.

- **Technical Assistance.** The UAP or satellite center must provide technical assistance to generic and specialized agencies. The purpose of the technical assistance is to assist the agencies to provide services to increase the independence, productivity, and integration into the community of persons with developmental disabilities, such as the development and improvement of quality assurance mechanisms.

- **Dissemination Activities.** The UAP or satellite center must have a mechanism to disseminate findings relating to the provision of exemplary services as referenced above. They must also provide researchers and government agencies sponsoring service-related research with information on the needs for further service-related research which would provide data and information that will assist in increasing the independence, productivity, and integration into the community of persons with developmental disabilities.

A "satellite center" is defined as a public or private nonprofit entity which is affiliated with one or more university affiliated programs and which—

- Functions as a community and regional extension of such a university affiliated program or programs in the delivery of services to persons with developmental disabilities and their families who reside in geographical areas where adequate services are not otherwise available;

- May engage in interdisciplinary training, provision of exemplary services, technical assistance and information dissemination activities as described for a university affiliated program; or

- Provides for at least interdisciplinary training for personnel concerned with direct or indirect services to persons with developmental disabilities, and dissemination of findings relating to the provision of

services to persons with developmental disabilities.

A "feasibility study" is a study to determine the need for and feasibility of establishing a new university affiliated program or new satellite center.

C. Eligible Applicants

Any public or non-profit organization associated with or an integral part of a college or university which is located in a State, Territory or Insular Area not now served by an ADD-funded UAP or satellite center is eligible to apply for funding to establish a university affiliated program or a satellite center, or to conduct a feasibility study. Those States, Territories and Insular Areas which have no organized ADD-sponsored program to provide interdisciplinary training and exemplary services on behalf of persons with developmental disabilities, experience greater shortages of properly trained personnel and appropriate services and do not receive the benefits of technical assistance provided by UAPs. There are currently universities in 17 States, Territories and Insular Areas eligible to apply under this announcement:

Alaska	Texas
Delaware	Wyoming
Maine	American Samoa
New Hampshire	Guam
New Mexico	Northern Mariana Islands
Nevada	Palau
North Dakota	Puerto Rico
Oklahoma	Virgin Islands
Rhode Island	

D. Available Funds

Depending on the availability of funds, ADD expects to award up to four grants for four university affiliated programs or satellite centers. ADD anticipates a minimum of \$200,000 will be awarded for the establishment of a new UAP; a minimum of \$150,000 will be awarded for the establishment of a new satellite center; and a minimum of \$10,000 will be awarded for a grant to conduct a feasibility study.

Grants awarded to new UAPs and satellite centers will be for project periods of one to three years. Feasibility study grants will cover a six-month project period, and, upon completion of the study, the grantee must submit a feasibility study report and notify ADD in writing of its intention to apply for funds as a UAP or satellite center.

The 12-month budget period for UAPs and satellite centers begins July 1, 1989 and ends June 30, 1990. The budget period for feasibility study grants begins July 1, 1989 and ends January 31, 1990.

In FY 1988, potential grantees in 21 States, Territories and Insular Areas were eligible to apply to establish a university affiliated program or a

satellite center, or to conduct a feasibility study. Also in FY 1988, ADD awarded four grants to establish university affiliated programs, one grant to establish a satellite center and two grants to conduct feasibility studies.

Part II. Specific Responsibilities of the Grantee

A. Applicant Responsibilities

ADD is requesting applicants to prepare an application of no more than 60 double-spaced typewritten pages of text (40 pages of text for satellite centers) and 50 pages of appendices for UAPs (25 for satellite centers); and no more than 14 pages of text and 10 pages of appendices for feasibility studies.

1. UAP or Satellite Applications

Applications must include all of the items below:

(a) A description and explanation of the ways the applicant program meets the legislative mandates for university affiliated programs or satellite centers under Part D of the Act, as appropriate;

(b) A description and explanation of the ways university affiliated program and satellite center applicants meet, or plan to meet, each of the applicable program criteria for UAPs and satellite centers. (See 45 CFR Part 1388); and

(c) An assurance that the requirement to provide an opportunity for comment to the general public in the State and to the Developmental Disabilities State Planning Council in which the program will be conducted or the satellite center is located has been met. (See section 153(b)(5) of the Act.)

2. Feasibility Study Applications

Applications to conduct feasibility studies must include all of the items below:

(a) A description of the existing program and a description of the need for the establishment of a new UAP or satellite center;

(b) A description of the activities planned for determining the feasibility of implementing a program to address each of the four major areas of UAP responsibility;

(c) The responsibilities, extent of participation in the project and qualifications of faculty and staff; and

(d) An assurance of affiliation and cooperation with one or more colleges or universities.

B. Grantee Share of the Project

Applicants for university affiliated program, satellite center, and feasibility study projects must provide matching funds of at least 25 percent from a source other than the Federal

government (one dollar match for every three dollars of Federal financial assistance requested). If the Federal share is \$75,000, the required non-Federal share is \$25,000 for a total project cost of \$100,000. If, however, the university affiliated program, satellite center, or feasibility study is located in an urban or rural poverty area, the Federal share may not exceed 90 percent of the project's necessary costs.

Part III. Criteria for Review and Evaluation of Applications

In considering how the grantee will carry out the responsibilities under Part II of this announcement, competing applications will be reviewed and evaluated against the following criteria:

A. Objectives and Need for Assistance (10 points)

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for the assistance and state the principal and subordinate objectives for the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

B. Results of Benefits Expected (30 Points)

Identify results and benefits to be derived. The anticipated contribution to policy, practice, theory, and research should be indicated.

C. Approach (40 Points)

Outline a plan of action pertaining to the scope of work and detail how the proposed work will be accomplished for each project. Cite factors which might accelerate or decelerate the work and your reasons for taking this approach as opposed to others. Describe any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements. Provide for each assistance program quantitative projections of the accomplishments to be achieved, if possible. When accomplishments cannot be qualified, list the activities in chronological order to show the schedule of accomplishments and their target dates. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being

achieved. List each organization, cooperator, consultant, or other key individuals who will work on the project along with a short description of the nature of their contribution.

D. Geographic Location (20 Points)

Given the precise location of the project and area to be served by the proposed project. Maps or other graphic aids may be attached.

Part IV. The Application Process

A. Availability of Forms

All instructions and forms for submittal of applications are included in an application kit available upon request from the Administration on Developmental Disabilities. The application kit as well as additional copies of this announcement may be obtained by writing or telephoning: Judy Moore, Administration on Developmental Disabilities, Program Development Division, 330 Independence Avenue, SW., Wilbur J. Cohen Building, Room 5319, Washington, DC 20201. Telephone (202) 245-7719.

B. Application Submission

One signed original and two copies of the grant application must be mailed or hand delivered to: Office of Human Development Services, Acquisition and Assistance, Management Branch, 200 Independence Avenue, SW., HHH, Building Room 349F, Washington, DC 20201, Attn: Joel B. Anthony.

The original and the copies must be stapled in the upper left corner.

In order to be considered for a grant under this program announcement, an application must be submitted in accordance with the instructions provided in the application kit and in the manner required by this announcement. The application must be executed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award.

C. Application Consideration

Applications which are complete and conform to the requirements of this program announcement are subject to a competitive peer review and evaluation by qualified individuals. Applicants will be scored against the evaluation criteria listed above. The Commissioner, ADD, determines the final action to be taken with respect to each grant application for this program.

After the Commissioner has made the final selection, unsuccessful applicants will be notified in writing of this final decision. The successful applicants will

be notified through the issuance of a Financial Assistance Award which sets forth the amount of funds awarded, the budget period for which support is given, the non-Federal share requirements, and the total period for which project support is contemplated.

D. Closing Date for Receipt of Application

The closing date for receipt of all applications under this Program Announcement is (insert date 60 days after publication in the Federal Register).

1. *Mailed applications:* Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date at the HDS Grants Office, or

b. Sent on or before the deadline date and received by the granting agency in time for the independent review. (Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be accepted as proof of timely mailing.)

2. *Applications submitted by other means:* Applications which are not submitted in accordance with the above criteria shall be considered as meeting the deadline only if they are physically received before close of business on or before the deadline date. Hand delivered applications will be accepted at the HDS Acquisition and Assistance Management Branch Office during the normal working hours of 9:00 a.m. to 5:30 p.m., Monday through Friday.

3. *Late applications:* Applications which do not meet criteria one and two above are considered late applications and will not be considered.

4. *Extension of deadline:* The Administration on Developmental Disabilities may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is widespread disruption of the mail. However, if ADD does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

E. Paperwork Reduction Act of 1980

Under the Paperwork Reduction Act of 1980, Pub. L. 96-511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any-reporting and recordkeeping requirements in regulations including program announcements. This program announcement does not contain information collection requirements

beyond those approved for UAP grant applications by OMB.

F. Notification Under Executive Order 12372

University Affiliated Programs, Satellite Centers and the relevant feasibility study applicants are exempt from Executive Order 12372 (Form 424, Item 16).

(Catalog of Federal Domestic Assistance Program Number 13.632 Developmental Disabilities—University Affiliated Programs)

Date: March 16, 1989.

Carolyn Doppelt Gray,
Commissioner, Administration on
Developmental Disabilities.

Approved: March 24, 1989.

Sydney Olson,
Assistant Secretary for Human Development
Services.

[FR Doc. 89-7552 Filed 3-29-89; 8:45 am]

BILLING CODE 4130-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-89-894; FR-2614]

Delegation of Authority With Respect to the Fair Housing Act

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of concurrent delegation of authority.

SUMMARY: Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act) prohibits discrimination in the sale, rental, or financing of dwellings based on race, color, religion, sex or national origin. The Fair Housing Amendments Act of 1988 (Pub. L. 100-430) was enacted September 13, 1988 and will become effective on March 12, 1989. The 1988 Amendments expanded the coverage of the Fair Housing Act to prohibit discriminatory housing practices based on handicap and familial status and established an administrative enforcement mechanism for cases where discriminatory housing practices cannot be resolved informally. Final rules implementing the 1988 Amendments were published on January 23, 1989 (54 FR 3232) and will be effective March 12, 1989. This notice delegates the Secretary's power and authority under the Fair Housing Act to the Assistant Secretary for Fair Housing and Equal Opportunity and the General Deputy Assistant Secretary for Fair Housing and Equal Opportunity; the General Counsel and Deputy General

Counsel; and the Chief Administrative Law Judge.

EFFECTIVE DATE: March 21, 1989.

FOR FURTHER INFORMATION CONTACT: Harry Carey, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 755-5570. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act) prohibits discrimination in the sale, rental, or financing of dwellings based on race, color, religion, sex or national origin. The Fair Housing Amendments Act of 1988 (Pub. L. 100-430) was enacted September 13, 1988 and will become effective on March 12, 1989. The 1988 Amendments expanded the coverage of the Fair Housing Act to prohibit discriminatory housing practices based on handicap and familial status and established an administrative enforcement mechanism for cases where discriminatory housing practices cannot be resolved informally. Final rules implementing the 1988 Amendments were published on January 23, 1989 (54 FR 3232) and will be effective March 12, 1989.

This notice delegates all of the Secretary's power and authority with respect to the Fair Housing Act (except the power to sue and be sued, as described under Section B., below). This notice states the scope of the authority delegated to the Assistant Secretary for Fair Housing and Equal Opportunity and the General Deputy Assistant Secretary for Fair Housing and Equal Opportunity; the General Counsel and Deputy General Counsel; and the Chief Administrative Law Judge. The authority delegated includes the authority to redelegate to employees of the Department, except for the authority to issue rules, regulations and guidelines under the program.

Accordingly, the Secretary delegates as follows:

Section A. Authority Delegated

1. The Assistant Secretary for Fair Housing and Equal Opportunity and General Deputy Assistant Secretary for Fair Housing and Equal Opportunity are authorized individually to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the Fair Housing Act, *except* the power delegated to the General Counsel (and Deputy General Counsel) under Section A.2., below; the power delegated to the Chief Administrative Law Judge under Section A.3., below; and those powers excepted under Section B., below.

2. The General Counsel and both Deputy General Counsel are authorized individually:

(a) To exercise the power and authority of the Secretary under the following sections of the Fair Housing Act:

Section 807(b)(2)(A) (Determination whether housing provided under a State and Federal program is "housing for older persons");

Section 810(c) (Failure to comply with conciliation agreements);

Section 810(e) (Prompt judicial action);

Section 810(g) (Reasonable cause determination and effect) (The Assistant Secretary for Fair Housing and Equal Opportunity and the General Deputy Assistant Secretary for Fair Housing and Equal Opportunity, however, will retain the authority to notify complainants and respondents of the reasons for failure to make reasonable cause determinations within the time periods set forth in this section.);

Section 810(h) (Service of copies of charge);

Section 812(i) (Judicial review); and

Section 812(j) (Court enforcement of administrative order upon petition by the Secretary).

(b) To approve or disapprove the legality of subpoenas and interrogatories before their issuance by the Assistant Secretary for Fair Housing and Equal Opportunity (or the General Deputy Assistant Secretary for Fair Housing and Equal Opportunity) under section 811(a) in aid of investigations under the Fair Housing Act; and

(c) To litigate claims asserted in charges in administrative hearings conducted by the Administrative Law Judge under section 812(b) of the Fair Housing Act.

3. The Chief Administrative Law Judge is authorized individually to exercise the power and authority of the Secretary to conduct administrative hearings on the record under section 812(b) of the Fair Housing Act.

4. The authority delegated under this Section includes the authority to issue or waive rules, regulations or guidelines with regard to the respective delegations under this notice.

Section B. Authority Excepted

Except for the authority delegated to the General Counsel and the Deputy General Counsel to file petitions for review under section 812(i) of the Fair Housing Act and to maintain enforcement actions under section 812(j) of the Fair Housing Act (see section A.2.(a), above), there is excepted from the authority delegated under section A, the power to sue and be sued.

Section C. Authority to Redelegate

The Assistant Secretary for Fair Housing and Equal Opportunity and the General Deputy Assistant Secretary for Fair Housing and Equal Opportunity, the General Counsel and both Deputy General Counsel, and the Chief Administrative Law Judge are authorized, individually, to redelegate to employees of the Department any of the power and authority delegated to them under section A, and not excepted under section B of this delegation. The Assistant Secretary and the General Deputy Assistant Secretary for Fair Housing and Equal Opportunity, the General Counsel and both Deputy General Counsel, and the Chief Administrative Law Judge are not authorized to redelegate the authority to issue or waive rules, regulations or guidelines. The Assistant Secretary for Fair Housing and Equal Opportunity and the General Deputy Assistant Secretary for Fair Housing and Equal Opportunity are not authorized to redelegate the authority to make studies and publish reports under section 808(e) of the Act.

[Sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d))]

Dated: March 21, 1989.

Jack Kemp,

Secretary.

[FR Doc. 89-7185 Filed 3-29-89; 8:45 am]

BILLING CODE 4210-32-M

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. D-89-895; FR-2614]

Redelegation of Authority With Respect to the Fair Housing Act

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: The Fair Housing Amendments Act of 1988 (Pub. L. 100-430) was enacted on September 13, 1988 and was effective on March 12, 1989. The Act, among other things, expands the coverage of Title VIII of the Civil Rights Act of 1968 (now known as the Fair Housing Act) to prohibit discrimination in the sale, rental or financing of dwellings based on race, color, religion, sex, handicap, familial status or national origin. The Fair Housing Act also establishes an administrative and judicial enforcement mechanism for those discriminatory housing practices cases which cannot be resolved informally.

The Secretary of Housing and Urban Development has delegated to the Assistant Secretary for Fair Housing and Equal Opportunity all of the power and authority of the Secretary under the Fair Housing Act except for certain powers under sections 807(b)(2)(A), 810(c), (e), (g), and (h), 811(a), and 812(b), (i) and (j) of the Act which are delegated to the HUD General Counsel and Chief Administrative Law Judge. The authority delegated includes the authority to redelegate to employees of the Department, except the authority to issue rules, regulations and guidelines pursuant to the Act.

This Notice redelegates most of the Assistant Secretary's power and authority with respect to the Fair Housing Act to the HUD Regional Administrators-Regional Housing Commissioners and HUD Regional Directors of Fair Housing and Equal Opportunity and sets forth the scope of that authority which is excepted from the subject redelegation.

EFFECTIVE DATE: This notice is effective March 24, 1989.

FOR FURTHER INFORMATION CONTACT: Turner Russell, Management Analyst, Office of Management and Field Coordination, Office of Fair Housing and Equal Opportunity, Room 5124, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone: (202) 755-6117 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: As indicated in the summary, the Fair Housing Amendments Act of 1988 (Pub. L. 100-430) which amends and expands the coverage of Title VIII of the Civil Rights Act of 1968 and establishes administrative and judicial enforcement mechanisms for unresolved discriminatory housing practices cases was enacted on September 13, 1988 and was effective on March 12, 1989. Final rules implementing the Fair Housing Amendments Act of 1988 were published in the *Federal Register* on January 23, 1989 (54 FR 3232) and were effective on March 12, 1989.

Redelegation of Authority

Each Regional Administrator-Regional Housing Commissioner and Regional Director of Fair Housing and Equal Opportunity of the Department of Housing and Urban Development is hereby authorized to exercise the power and authority of the Assistant Secretary for Fair Housing and Equal Opportunity under the Fair Housing Act (the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988)

except the authority to (1) make studies and publish reports under section 808 of the Act; (2) issue rules, regulations and guidelines pursuant to the Act; (3) file a complaint or initiate an investigation regarding Secretary-initiated complaints under section 810(a) of the Act; (4) issue Notices to aggrieved persons and respondents respecting reasonable cause determinations under section 810(g) of the Act; and (5) make determinations (including determinations relating to interim referrals) as to State and local agency certifications under section 810(f) of the Act, and 24 CFR Part 115.

Authority: Concurrent Delegation of Authority with Respect to the Fair Housing Act published elsewhere in this issue.

Dated: March 24, 1989.

Thomas D. Casey,

Acting General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 89-7566 Filed 3-29-89; 8:45 am]

BILLING CODE 4210-26-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-020-09-4050-90]

California; Susanville District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior, Susanville District Advisory Council, Susanville, CA.

ACTION: Notice of meeting change.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94-579 (FLPMA), that the Susanville District Advisory Council meeting originally scheduled for Friday, April 14, 1989, has been changed to Tuesday and Wednesday, May 2 and 3, 1989. The meeting will include a joint session with the Susanville District Grazing Advisory Board. The meeting will begin at noon on Tuesday, May 2 and adjourn at 2 p.m. on Wednesday, May 3. The meeting will be held at the Susanville District Office, 705 Hall Street, Susanville, CA 96130. The agenda will include discussion of Malacha Power Project. Items to be discussed in the joint session include the Silver State Water Project, the East Lassen Deer Herd, and adoptability improvement plans for the wild horse and burro herds. The meeting is open to the public and interested persons may make oral statements to the council or file a written statement for the councils' consideration.

Anyone wishing to make an oral statement must notify the District

Manager, Bureau of Land Management, 705 Hall Street, Susanville, CA 96130, by Tuesday, April 25, 1989. Depending on the number of persons wishing to make oral statements, a per-person limit may be established.

FOR FURTHER INFORMATION CONTACT: Jeff Fontana at 916-257-5381.

C. Rex Cleary,
District Manager.

[FR Doc. 89-7526 Filed 3-29-89; 8:45 am]

BILLING CODE 4310-40-M

[MT-920-08-4111-12; MTM 54923]

Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Pub. L. 97-451, a petition for reinstatement of oil and gas lease MTM 54923, Richland County, Montana, was timely filed and accompanied by the required rental accruing from the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of \$5 per acre and 16% respectively. Payment of a \$500 administration fee has been made.

Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective as of the date of termination, subject to the original terms and conditions of the lease, the increased rental and royalty rates cited above, and reimbursement for cost of publication of this Notice.

Dated: March 21, 1989.

June A. Bailey,
Chief, Leasing Unit.

[FR Doc. 89-7520 Filed 3-29-89; 8:45 am]

BILLING CODE 4310-DN-M

[NV-930-09-4212-11; N-49747]

Realty Action: Lease/Purchase for Recreation and Public Purposes; Clark County, NV

The following described public land in North Las Vegas, Clark County, Nevada has been identified and examined and will be classified as suitable for lease/purchase under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The lands will not be offered for lease/purchase until at least 60 days after the date of publication of this notice in the *Federal Register*.

Mount Diablo Meridian, Nevada

T. 19 S., R. 61 E.,

Sec. 7, Lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Aggregating 160 acres (gross).

The City of North Las Vegas intends to use the land for a model airplane airport, xeriscape demonstration project and nature park. The lease and/or patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe, and will be subject to:

1. An easement for streets, roads and public utilities in accordance with the transportation plan for the City of North Las Vegas.

The land is not required for any federal purpose. The lease/purchase is consistent with the Bureau's planning for this area.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the Federal Register, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for recreation and public purposes and leasing under the mineral leasing laws.

For a period of 45 days from the date of publication of this notice in the Federal Register, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the lands described in this notice will become effective 60 days from the date of publication in the Federal Register.

Date: March 21, 1989.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 89-7521 Filed 3-29-89; 8:45 am]

BILLING CODE 4310-HC-M

[ES-940-09-4520-13 and ES-039057, Group 544]

Minnesota; Cancellation of Plat of Survey

March 23, 1989.

1. The plat accepted September 8, 1988, and officially filed on October 30, 1988, has been cancelled effective February 23, 1989.

Corwyn J. Rodine,

Acting Deputy State Director for Cadastral Survey and Support Services.

[FR Doc. 89-7525 Filed 3-29-89; 8:45 am]

BILLING CODE 4310-GJ-M

[ES-940-09-4520-13 and ES-040633, Group 544]

Minnesota; Notice of Filing of Plat of Survey of Seven Islands

March 22, 1989.

1. The plat, in four sheets, of the survey of seven islands in the St. Louis River, Township 48 North, Range 16 West, Fourth Principal Meridian, Minnesota, will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m., on May 8, 1989.

2. The survey was made upon request submitted by the Manager of the Milwaukee District Office.

3. All inquiries or protests concerning the technical aspects of the survey must be sent to the Deputy State Director for Cadastral Survey and Support Services, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, prior to 7:30 a.m., May 8, 1989.

4. All inquiries concerning color-of-title claims should be filed with the Deputy State Director for Lands and Renewable Resources, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, after May 8, 1989.

5. Copies of the plat will be made available upon request and prepayment of the reproduction fee of \$4.00 per copy.

Corwyn J. Rodine,

Acting Deputy State Director for Cadastral Survey and Support Services.

[FR Doc. 89-7524 Filed 3-29-89; 8:45 am]

BILLING CODE 4310-GJ-M

[NV-930-09-4214-10; N-50818]

Proposed Withdrawal and Opportunity for Public Meeting; Nevada

March 21, 1989.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, has filed an application to withdraw 30 acres of National Forest System lands for a new administrative site at Austin, Nevada. This notice closes the lands for up to 2 years from location and entry under the United States mining laws. The lands will remain open to all other uses of national forest land.

DATE: Comments and requests for meeting should be received on or before June 28, 1989.

ADDRESS: Comments and meeting requests should be sent to the Nevada State Director, BLM, P.O. Box 12000, Reno, Nevada, 89520.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, BLM Nevada State Office, 702-328-6326.

SUPPLEMENTARY INFORMATION: On March 6, 1989, the U.S. Department of Agriculture filed an application to withdraw the following described National Forest System lands from location and entry under the United States Mining laws, subject to valid existing rights:

Mount Diablo Meridian, Toiyabe National Forest

T. 19 N., R. 44 E.,

Sec. 18, lots 3 and 4, that portion west of Forest Road No. 184.

The area described contains approximately 30 acres in Lander County.

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 an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of 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 2300.

For a period of 2 years from the date of publication of this notice in the Federal Register, the lands will be segregated as specified above unless the

application is denied or cancelled or the withdrawal is approved prior to that date.

The temporary segregation of the lands in connection with this withdrawal application shall not affect the administrative jurisdiction over the lands.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 89-7577 Filed 3-29-89; 8:45 am]

BILLING CODE 4310-HC-M

Minerals Management Service

Alaska OCS Region; Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Group Meeting

AGENCY: Minerals Management Service, Alaska OCS Region, Interior.

ACTION: Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Group Committee; Meeting.

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463.

The Alaska Regional Technical Working Group (RTWG) committee of the Outer Continental Shelf (OCS) Advisory Board is scheduled to meet from 9:00 a.m. to 3:30 p.m., April 26, 1989, in room 601 of the Minerals Management Service (MMS), Alaska OCS Region offices at 949 East 36th Avenue, Anchorage, Alaska. The Alaska RTWG is one of six such committees of the OCS Advisory Board that provides advice to the Director of MMS about technical matters of regional concern regarding OCS prelease and postlease sale activities.

Topics which may be addressed at the meeting are:

- (a) Alaska OCS Region issues and activities.
- (b) Results/highlights of MMS, Alaska OCS Region, information meetings (mercury workshop, information update meeting, and causeway synthesis meeting).
- (c) Arctic Oil-Spill Research Plan.
- (d) Reports on MMS Involvement in U.S./USSR scientific exchange and in evaluating an oil spill that occurred off the coast of Panama.
- (e) Report on MMS-sponsored study, "Village Economics in Rural Alaska."
- (f) Summary of 1987 and 1988 MMS bowhead whale survey work.

The Alaska RTWG meeting will be open to the public, although seating may be limited. Interested persons may make oral or written presentations to the committee. A request to make a presentation should be made no later

than April 17, 1989, to Alan D. Powers, Regional Director, Alaska OCS Region, 949 East 36th Avenue, Room 110, Anchorage, Alaska 99508-4302, and should be accompanied by a written summary of the presentation.

Minutes of the meeting will be available 70 days after the meeting for public inspection and copying at the Alaska OCS Region Library, 949 East 36th Avenue, Anchorage, Alaska, and at the Office of OCS Advisory Board Support, MMS, Department of the Interior, 18th and C Streets, NW., Washington, DC.

Dated: March 24, 1989.

Alan D. Powers,

Regional Director, Alaska OCS Region.

[FR Doc. 89-7484 Filed 3-29-89; 8:45 am]

BILLING CODE 4310-MR-M

Central and Field Organization

AGENCY: Minerals Management Service, Interior.

ACTION: Notice.

SUMMARY: Pursuant to 5 U.S.C. 552(a)(1)(A), notice is hereby given that the following changes have been made to the Minerals Management Service section of the Department of the Interior, Central and Field Organization, published in the *Federal Register* on December 17, 1985 (50 FR 51455), at column 3; changes published on November 19, 1986 (51 FR 41839), at column 2; and changes published on May 4, 1987 (52 FR 16321), at column 1.

The Reston, Herndon, and Vienna headquarters offices of the Minerals Management Service; the Atlantic OCS Region located in Vienna, Virginia; and the Offshore Operations and Administration Analysis Branch, Office of Program Review, from Main Interior, will be collocated at the following address: Parkway Atrium Building, 381 Elden Street, Herndon, Virginia 22070-4817, Telephone: (703) 787-1000. (FTS) 393-1000.

The moves will be accomplished in phases. Both U.S. Mail and Special Deliveries are to be sent to the Elden Street address effective on the dates listed below:

Phase I—April 7, 1989

—Atlantic OCS Region; Offshore Operations and Administration Analysis Branch, Office of Program Review; and the Office of OCS Information and Publication, Offshore Minerals Management.

Phase II—April 21, 1989

—Office of Administration (Personnel, Procurement, Finance and ADP);

Appeals Division, Office of Program Review; Office of Strategic and International Minerals, Offshore Minerals Management; and Equal Employment Opportunity.

Phase III—May 19, 1989

—Offshore Minerals Management's Reston offices and the Graphics Staff located in Vienna, Virginia.

FOR FURTHER INFORMATION CONTACT:

Faye Quesenberry at 703-435-6179 or FTS 933-6179 through April 21, 1989. After April 21, at 703-787-1228 or FTS 393-1228.

Date: March 27, 1989.

Jean W. Baines,

Acting Assistant Director for Administration.

[FR Doc. 89-7568 Filed 3-29-89; 8:45 am]

BILLING CODE 4310-MR-M

DEPARTMENT OF JUSTICE

Lodging of a Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 17, 1989, a proposed consent decree in *United States v. Buffalo Board of Education and City of Buffalo, New York*, Civil Action No. 87-1190-C, was lodged with the United States District Court for the Western District of New York. The decree resolves claims of the United States against the defendants for violations of the New York State Implementation Plan ("SIP") for particulate and smoke emissions, 6 N.Y.C.R.R. section 227.4(a), promulgated pursuant to the Clean Air Act, 42 U.S.C. 7401, et seq. The violations occurred in the course of operation of coal-fired boilers in three schools operated by the defendants in Buffalo, New York.

In the proposed consent decree, the defendants agree to pay the United States a civil penalty in the amount of \$10,000. In addition, the defendants agree to implement a specified plan to ensure future compliance with the SIP at the three schools.

The proposed decree may be examined at the office of the United States Attorney for the Western District of New York, 502 U.S. Courthouse, Buffalo, New York 14202; at the Region II Office of Regional Counsel, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278, contact: Lisa M. Burianek, Esq.; and at the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice, Room 1515, 10th and Pennsylvania Avenue, NW.,

Washington, DC 20530. In requesting copies, please enclose a check in the amount of \$1.40 (10 cents per page reproduction charge) payable to the Treasurer of the United States. The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Buffalo Board of Education and City of Buffalo, New York*, Civil Action No. 87-1190-C (W.D.N.Y.), D.J. Reference No. 90-5-2-1-1050.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-7522 Filed 3-29-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on March 9, 1989, a proposed Consent Decree in *United States v. P.W. Stephens, Inc.*, Civil No. CV-87-4813-JGD (C.D. Cal. 1989), was lodged with the United States District Court for the Central District of California. The Complaint sought civil penalties and injunctive relief against P.W. Stephens, Incorporated, pursuant to Sections 113 (b)(1), (b)(3) and (b)(4) of the Clean Water Act (the "Act"), 42 U.S.C. 7413 (b)(1), (b)(3), and (b)(4), for alleged violations of sections 112(c), 113(a) and 114 of the Act, 42 U.S.C. 7412(c), 7423(a), and 7414, the written notification requirements of the National Emission Standards for Hazardous Air Pollutants ("NESHAP") for asbestos, and of an Administrative Order issued to the defendant by the United States Environmental Protection Agency ("EPA"), pursuant to section 113(a)(3) of the Act, 42 U.S.C. 7413(a)(3). The defendant's violations included failing to notify the EPA in writing within three days of scheduled demolition of facilities containing friable asbestos material and failing to notify EPA in writing as soon as possible before scheduled renovation of facilities containing asbestos materials.

The proposed Consent Decree imposes a civil penalty on the defendant in the amount of \$125,000.00 and an injunction against future violations of the asbestos NESHAP notification provisions for a period of 21 months. The decree also requires the defendant to provide written notification to EPA,

postmarked within three days prior to commencement, of scheduled demolition and renovation of facilities containing asbestos materials.

The United States Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, United States Department of Justice, Post Office Box 7611, Washington, DC 20044. Comments should refer to *United States v. P.W. Stephens Contractors, Inc.*, D.J. Ref. No. 90-5-2-1-1104.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Central District of California, 1100 United States Courthouse, 312 North Spring Street, Los Angeles, California, 90012, and at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1732(R), Ninth Street and Pennsylvania Avenue, NW., Washington, DC, 20044. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, at the address provided above.

When you request a copy of the Consent Decree, please enclose a check made payable to the "Treasurer of the United States" in the amount of \$1.40 (for the cost of reproduction, 10 cents per page).

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division, United States Department of Justice.

[FR Doc. 89-7523 Filed 3-29-89; 8:45 am]

BILLING CODE 4410-01-M

LOWER MISSISSIPPI DELTA DEVELOPMENT COMMISSION

Meeting

Background

The Lower Mississippi Delta Development Commission was created by Pub. L. 100-460, signed on October 1, 1988. The purpose of the Commission is to identify and study the economic development, infrastructure, employment, transportation, resource development, education, health care, housing, and recreation needs of the Lower Mississippi Delta region by seeking and encouraging the participation of interested citizens, public officials, groups, agencies, and

others in developing a 10-year plan that makes recommendations and establishes priorities to alleviate the needs identified. The Commission will make its report to Congress, the President, and the Governors of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, no later than May 14, 1990.

This notice announces a meeting of the Commission.

Time: 9 a.m.-1 p.m., April 12, 1989.

Place: Memphis Cook Convention Center, 255 North Main Street, Memphis, TN 38103-0016.

Status: Open meeting except for initial sixty minutes which will be closed to discuss matters exempted from public disclosure pursuant to subsection (c) of section 552b of title 5, United States Code.

Contact: Ann Sartwell, Telephone (901) 753-1400.

Wilbur F. Hawkins,
Executive Director.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) Propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303a(a).

DATE: Requests for copies must be received in writing on or before May 15, 1989. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESS: Address requests for single copies of schedules identified in this

notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other values.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of the Army, Corps of Engineers (N1-AU-86-26; -28-31; -35-37; -40; -45; and -49. Mapping files from offices which do not have Armywide responsibility. (Records created by offices with Armywide responsibility are proposed for permanent retention).

2. Department of Energy, Bonneville Power Administration (N1-305-88-1). Comprehensive records disposition schedule.

3. General Services Administration, Federal Supply Service (N1-137-89-1). Routine training films.

4. Department of Housing and Urban Development (N1-196-89-1). Disposition dockets and other records created by the Public Housing Administration.

5. United States Information Agency, Voice of America (N1-306-89-1). Working documents and routine administrative records of Radio Marti. Policy and program records are scheduled for permanent retention.

6. Department of Labor, Bureau of International Labor Affairs (N1-174-89-2). Routine administrative records of the Deputy Under Secretary for the Bureau of International Labor Affairs, Office of Foreign Relations, and Office of International Economic Affairs.

7. Department of Justice, Executive Secretariat, Information Management Staff (N1-60-89-1). Reference material relating to the work of the National Advisory Commission for Criminal Justice Standards and Goals and the development of budget proposals for the Office of the Deputy Attorney General, 1969-72.

8. Department of Justice, Criminal Division (N1-60-89-2). Copies of the *Daily Worker*, 1922-55.

9. Department of Justice, Federal Bureau of Prisons (N1-129-89-5). Facilitative training records of the National Academy of Corrections.

10. National Security Agency (N1-457-89-7), -8, and -9). These NSA schedules are classified in the interest of national security pursuant to Executive Order 12356 and are further exempt from public disclosure pursuant to the National Security Act of 1947, 50 U.S.C. 403(d)(3), and Pub. L. 86-36.

11. Department of State, Comptroller (N1-84-89-2). Routine financial records created by overseas Financial Management Centers.

Dated: March 24, 1989.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 89-7483 Filed 3-29-89; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL SCIENCE FOUNDATION

Meeting; Animal Learning and Behavior Advisory Panel

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Animal Learning and Behavior.

Date & Time: April 19, 20, and 21, 1989
8:30 a.m.—5:00 p.m.

Place: National Science Foundation, 1800 G St., NW., Washington, DC Room 1242.

Type of Meeting: Closed 4/19—8:30 a.m. to 5:00 p.m., Open 4/20—9:00 a.m. to 11:00 a.m., Closed 4/20—11:00 a.m. to 5:00 p.m., Closed 4/21—8:30 a.m. to 5:00 p.m.

Contact Person: Dr. Fred Stollnitz, Program Director for Animal Behavior, National Science Foundation, Washington, DC 20550, Room 320.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research in animal learning and behavior.

Agenda: Open—To discuss research trends and opportunities in animal learning and behavior. 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.

March 27, 1989.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89-7505 Filed 3-29-89; 8:45 am]

BILLING CODE 7555-01-M

Meeting; Archaeometry Advisory Panel

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Archaeometry.

Date & Time: April 21, 1989, 9:00 a.m.—5:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Room 523, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. John E. Yellen, Program Director Anthropology Program, Room 320, National Science Foundation, Washington, DC 20550, Telephone (202) 357-7804.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Archaeometry.

Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reasons 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 in the Sunshine Act.

March 27, 1989.

M. Rebecca Winkler,
 Committee Management Officer.
 [FR Doc. 89-7506 Filed 3-29-89; 8:45 am]
 BILLING CODE 7555-01-M

Advisory Panel for Biochemistry Meeting

The National Science Foundation announces the following meeting:
Name: Advisory Panel for Biochemistry.
Date: Monday and Tuesday, April 17-18, 1989 from 9:00 a.m. to 5:00 p.m.
Place: Kent Manor Inn, Stevensville, MD.

Type of Meeting: Closed.
Contact Person: Estella Engel, Acting Program Director, Dr. Leonard Mortenson, Program Director, Dr. Marcia Steinberg, Program Director, Dr. H. T. Huang, Program Director, Biochemistry Program, Room 325, Telephone (202) 357-7945.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for Biochemistry research proposals.

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 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 27, 1989.

M. Rebecca Winkler,
 Committee Management Officer.
 [FR Doc. 89-7501 Filed 3-29-89; 8:45 am]
 BILLING CODE 7555-01-M

Meeting; Cellular Neuroscience Advisory Panel

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Cellular Neuroscience.
Date & Time: April 17, 18, 19, 1989, 9:00 a.m.-5:00 p.m. each day.
Place: National Science Foundation, 1800 G. St. NW., Room 1243, Washington, DC.
Type of Meeting: Part Open—Closed 4/17—9:00 a.m.-5:00 p.m. Closed 4/18—9:00 a.m.-1:00 p.m. Open 4/18—1:00 p.m.-3:00 p.m. Closed 4/18—3:00 p.m.-5:00 p.m. Closed 4/19—9:00 a.m.-5:00 p.m.
Contact Person: Dr. Richard D. Broadwell, Program Director for Cellular Neuroscience, Room 320, National Science Foundation, Washington, DC 20550.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research in cellular neuroscience.

Agenda: Open—General discussion of the current trends and opportunities in cellular neuroscience. 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 in the Sunshine Act.

March 27, 1989.

M. Rebecca Winkler,
 Committee Management Officer.
 [FR Doc. 89-7502 Filed 3-29-89; 8:45 am]
 BILLING CODE 7555-01-M

Meeting; Sensory Systems Advisory Panel

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Sensory Systems.
Date & Time: April 17, 18, & 19, 1989, 8:30 a.m. to 5:00 p.m. each day.
Place: National Science Foundation, 1800 G Street, NW., Washington, DC. Meeting is to be held in conference room 642.
Type of Meeting: Part Open—Closed 4/17—8:30 a.m. to 5:00 p.m., Closed 4/18—8:30 a.m. to 1:00 p.m., Open 4/18—1:00 p.m. to 3:00 p.m., Closed 4/18—3:00 p.m. to 5:00 p.m., Closed 4/19—8:30 a.m. to 5:00 p.m.

Contact Person: Dr. Christopher Platt, Program Director, Sensory Systems

Program, Room 320, National Science Foundation, Washington, DC 20550. Telephone (202) 357-7428.

Summary Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research in the sensory systems.

Agenda: Open—Discuss future trends in program area. Closed—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 in the Sunshine Act.

March 27, 1989.

M. Rebecca Winkler,
 Committee Management Officer.
 [FR Doc. 7503 Filed 3-29-89; 8:45 am]
 BILLING CODE 7555-01-M

Meeting; Social Psychology Advisory Panel

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Social Psychology.
Date & Time: April 19-21, 1989, 9:00 a.m. to 5:00 p.m. each day.
Place: National Science Foundation, 1800 G Street, NW., Room 1243, Washington, DC.
Type of Meeting: Part Open—Open 4/21—9:00 a.m. to 11:00 a.m., Closed 4/19—9:00 a.m. to 5:00 p.m., Closed 4/20—9:00 a.m. to 5:00 p.m., Closed 4/21—11:00 a.m. to 5:00 p.m.

Contact Person: Dr. Jean B. Interaggio, Program Director, Social Psychology, Room 320, National Science Foundation, Washington, DC 20550. Telephone (202) 357-9485.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research in the social psychology.

Agenda: OPEN—General discussion of research and opportunities in Social Psychology. 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 in the Sunshine Act.

March 27, 1989.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 7507 Filed 3-29-89; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Sociology; 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 Panel on Sociology.
Date/Time: April 17-18, 1989; 8:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC 20550, Room 1243.

Contact Person: Dr. Phyllis Moen, Program Director, NSF, Room 336. Phone (202) 357-7802.

Purpose of Advisory Panel: To provide advice and recommendations concerning research in Sociology.

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) U.S.C. 552b(c). Government in the Sunshine Act.

March 27, 1989.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89-7504 Filed 3-29-89; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-321 and 50-366]

Georgia Power Co. et al., Denial of Amendments to Facility Operating Licenses and Opportunity for Hearing

In the matter of Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia.

The United States Nuclear Regulatory Commission (the Commission) has denied a request by the licensee for amendments to Facility Operating

Licenses Nos. DPR-57 and NPF-5, issued to the Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia and City of Dalton, Georgia (the licensee) for operation of the Edwin I. Hatch Nuclear Plant, Units 1 and 2 (the facility) located in Appling County, Georgia.

The denied amendments, as proposed by the licensee, would modify the Unit 1 and Unit 2 Technical Specifications (TS) to add Limiting Conditions for Operation and surveillance requirements for the remote shutdown panel and would modify the TS for Unit 1 to add Limiting Conditions for Operation and surveillance requirements for the instrumentation that monitors components controlled from the remote shutdown panel.

The licensee's application for the amendments was published in the Federal Register on December 17, 1986 (51 FR 45200).

In response to NRC staff questions, the licensee indicated that discussions were underway between the Boiling Water Reactors (BWR) Owner's Group and the NRC staff regarding the possible removal of the remote shutdown panel from the generic BWR TS as a part of the TS Improvement Program.

In view of this generic treatment of the issue, the requests were denied. The licensee was notified of the Commission's denial of this request by letter dated January 26, 1989.

By May 1, 1989, the licensee may demand a hearing with respect to the denial described above and any person whose interest may be affected by the proceeding may file a written petition for leave to intervene.

A request for a hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street NW., Washington, DC by the above date.

A copy of any petitions should also be sent to the Office of General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and to Bruce W. Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated October 24, 1986, and (2) the Commission's letter to Georgia Power Company dated January 26, 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 31513. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects I/II.

Dated at Rockville, Maryland this 23rd of March 1989.

For the Nuclear Regulatory Commission,

Lawrence P. Crocker,

Project Manager, Project Directorate 11-3, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89-7543 Filed 3-29-89; 8:45 am]

BILLING CODE 7550-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Thermal Hydraulic Phenomena; Meeting

The ACRS Subcommittee on Thermal Hydraulic Phenomena will hold a meeting on April 17, 1989, Room P-110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Monday, April 17, 1989—1:00 p.m. until the conclusion of business

The Subcommittee will discuss: (1) The NRC-RES thermal hydraulic research program plan as documented in NUREG-1252, and (2) the status of the ongoing effort to address the implications of the core power oscillation event at LaSalle Unit 2.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Paul Boehmert (telephone 301/492-8558) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: March 24, 1989.

Gary R. Quittschreiber,
Chief, Project Review Branch No. 2.
[FR Doc. 89-7542 Filed 3-29-89; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-482]

**Wolf Creek Nuclear Operating Corp.,
Wolf Creek Generating Station;
Receipt of Petition for Director's
Decision Under 10 CFR 2.206**

Notice is hereby given that by Petition dated January 30, 1989, the Kansas Chapter of the Sierra Club sought the Nuclear Regulatory Commission (NRC or Commission) to initiate enforcement action involving the Wolf Creek Generating Station (Wolf Creek). Wolf Creek Nuclear Operating Corporation (WCNOC) holds the NRC license to operate Wolf Creek. The Petition requested that the NRC immediately suspend WCNOC's operating license for Wolf Creek and, before lifting the requested suspension, (1) reopen the Office of Investigations' (OI) Case No. 4-86-004 to provide sound technical reasons why Wolf Creek should be allowed to operate, (2) review all its information regarding quality assurance and operations at Wolf Creek developed since OI Case No. 4-86-004 was closed through 1989 to provide sound technical reasons why Wolf Creek should be allowed to operate, (3) modify WCNOC's license to operate Wolf Creek to require corrective action necessary to comply with federal regulations and revoke the license should WCNOC not satisfy such requirements, and (4) bar certain named persons and any other individuals the NRC determines have caused violations of the quality assurance regulations from participating in any activity at Wolf Creek requiring an NRC license.

The bases the Petition alleges for its request is that (1) from the inception of its quality assurance (QA) program to date, WCNOC management has ignored real safety concerns at Wolf Creek; (2) from the inception of operations to date, WCNOC management has failed to safeguard the integrity of its QA program and has failed to demonstrate management competence to address and resolve real safety concerns; and (3) the NRC's actions to date do not ensure that safety problems at Wolf Creek have been resolved or will be resolved within a reasonable period of time. To substantiate its statements, the Petition relies on the NRC's Office of Investigations (OI) investigation into the WCNOC Quality First Program (Q1) at Wolf Creek in OI Case No. 4-86-004. Specifically, the Petition relies on the OI investigation into allegations that Q1 personnel shredded documents and blackballed employees, improper reorganization of Q1 management, pressure on Q1 investigators to close out cases, confiscation of Q1 tape recorders, Q1 supervisors imposing improper limits on Q1 investigations, Q1 mishandling allegations concerning falsified documents, muzzling of Q1 investigators, Q1 ignoring wrongdoing, Q1 supervisors improperly changing Q1 investigators' conclusions, WCNOC improperly firing Q1 investigators, conflicts of interest within Q1, and Q1's failure to deal with drug allegations. The Petition also relies on Notices of Violation that the NRC issued to WCNOC for its activities at Wolf Creek.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request for immediate suspension of WCNOC's license to operate Wolf Creek is denied. The NRC will take any other appropriate action on the Petition's request within a reasonable time.

A copy of the Petition is available for inspection in the Commission's Public Document Room, 2120 L Street, NW., Washington, DC., and in the Local Public Document Room for the Wolf Creek facility.

Dated at Rockville, Maryland this 23rd day of March 1989.

For the Nuclear Regulatory Commission,
Thomas E. Murley,
Director, Office of Nuclear Reactor
Regulation.

[FR Doc. 89-7544 Filed 3-29-89; 8:45 am]
BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

[Docket No. 45959]

**United States-Mexico All-Cargo
Service Proceeding; Hearing**

Served March 27, 1989.

Notice is given that the hearing in this proceeding will commence on April 25, 1989 at 10:00 a.m. and will run for the necessary consecutive weekdays. Starting time each day will be at 10:00 a.m. unless changed at the hearing. The site for the entire hearing will be in Room 5332 at the U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

Dated at Washington, DC, March 27, 1989.

Burton S. Kolko,
Administrative Law Judge.
[FR Doc. 89-7564 Filed 3-29-89; 8:45 am]
BILLING CODE 4910-62-M

**Applications for Certificates of Public
Convenience and Necessity and
Foreign Air Carrier Permits Filed Under
Subpart Q During the Week Ended
March 24, 1989**

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 46195

Date Filed: March 21, 1989.

Due Date for Answers, Conforming
Applications, or Motion To Modify
Scope: April 13, 1989.

Description: Application of American Airlines, Inc. pursuant to section 401 of the Act, and Subpart Q of the Regulations applies for an amendment of its certificate of public convenience and necessity for Route 137 so as to authorize foreign air transportation of persons, property and mail between a point or points in the United States, on the one hand, and Barranquilla, Bogota, Cali, and Cartagena, Colombia, on the other hand.

Docket No. 46197

Filed Date: March 21, 1989.

Due Date for Answers, Conforming Applications, or Motion To Modify Scope: April 18, 1989.

Description: Application of American Airlines, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations applies for amendment of segment 8 of its certificate of public convenience and necessity for Route 137 so as to remove the restriction against serving Costa Rica from Miami and New Orleans.

Docket No. 46199

Date Filed: March 21, 1989.

Due Date for Answers, Conforming Applications, or Motion To Modify Scope: April 18, 1989.

Description: Application of American Airlines, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations applies for amendment of segment 1 of its certificate of public convenience and necessity for Route 137 so as to add the Cayman Island as a named foreign point.

Docket No. 46204

Date Filed: March 23, 1989.

Due Date for Answers, Conforming Applications, or Motion To Modify Scope: April 20, 1989.

Description: Application of Tempus Air Ltd. pursuant to section 402 of the Act and Subpart Q of Regulations applies for the issuance of a foreign air carrier permit to engage in the nonscheduled air carriage of persons, property and mail between any point or points in Canada and any point or points in the United States.

Docket No. 46208

Date Filed: March 24, 1989.

Due Date for Answers, Conforming Applications, or Motion To Modify Scope: April 21, 1989.

Description: Application of United Parcel Service Co. pursuant to section 401 of the Act and Subpart Q of the Regulations requesting the issuance of a certificate of public convenience and necessity authorizing UPS to engage in the foreign air transportation of property and mail between a point or points in the United States, on the one hand, and a point or points in Canada, on the other hand.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 89-7585 Filed 3-29-89; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration**Interim Airworthiness Criteria; Powered-Lift Normal Category Aircraft**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Information notice; request for comments.

SUMMARY: Interim airworthiness criteria for powered-lift transport category aircraft were released in July 1988 for use by interested parties. These criteria were developed using technical issues panels consisting of specialists from the FAA, the U.S. military, manufacturers (domestic and foreign), airworthiness authorities of other countries, and other entities. After issuance of the interim airworthiness criteria for transport category powered-lift aircraft, applications were received for type certification of powered-lift aircraft with passenger capacity and maximum weights for less than those presently established for transport category airplanes and rotorcraft. These applications necessitate the development of airworthiness criteria for small powered-lift aircraft similar to the requirements for normal category airplanes and rotorcraft. The FAA now seeks information from the public to determine the technical acceptability of relevant factors before airworthiness criteria for normal category aircraft are developed. As is the case with powered-lift transport category aircraft, these criteria would not be mandatory but would represent a means, but not necessarily the only means, of acceptable type certification compliance.

DATES: Comments relating to the proposed basic guidelines for interim airworthiness criteria for powered-lift normal category aircraft should be submitted on or before June 28, 1989.

ADDRESSES: Comments should be mailed to FAA, Rotorcraft Standards Staff, Regulations Group, ASW-111, Fort Worth, Texas 76193-0111, or delivered to the FAA, Southwest Regional Office, Rotorcraft Standards Staff, Building 3B, Room 166, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Jim S. Honaker, Regulations Group, ASW-111, Rotorcraft Standards Staff, Aircraft Certification Service, Fort Worth, Texas 76193-0111, telephone (817) 624-5109 or FTS 734-5109.

SUPPLEMENTARY INFORMATION:**Powered-Lift Aircraft**

Examples of powered-lift aircraft are: tiltrotor; tiltwing; fan-in-wing; direct lift;

and upper/under (wing) surface blowing. The powered-lift aircraft design objective is to combine the very slow speed or hover capability of rotorcraft with the high-speed efficiency of a fixed-wing airplane.

Current Small Aircraft Activity

Several powered-lift aircraft designs which are in the range of sizes of traditional normal category aircraft rather than transport category aircraft are being considered by industry groups. Applications for civil certification have been received for some of these designs.

Background for Available Transport Category Criteria

Interim airworthiness criteria for powered-lift transport category aircraft were drafted by the FAA beginning in 1982. Preliminary copies of the draft transport category criteria were sent to interested parties for comment in May 1983. To permit the public to participate in establishing the interim criteria, public notice of availability of the draft and of a public conference was given on February 2, 1987 (52 FR 3192) and March 30, 1987 (52 FR 10182). A conference was held in Fort Worth, Texas, on June 23-26, 1987, and was attended by over 100 participants. Technical Issues Panels (TIP) were established at the conference with representatives from the U.S. and European civil and military governmental organizations as well as private organizations. After a year of meetings and work by the TIP's, complete interim airworthiness criteria for powered-lift transport category aircraft were issued by the FAA in July 1988. These criteria are available for use in transport category certification projects. They are not mandatory and represent only one means of type certification compliance.

Need for Normal Category Criteria

A review of the design features of certain small powered-lift aircraft for which application for civil certification has been received indicates a need for the development of normal category criteria for powered-lift aircraft. Accordingly, an FAA review of the current applications for type certification, other known development projects of small powered-lift aircraft, and FAA policy and requirements was conducted in 1988. The following proposed factors are being considered as critical in establishing the applicability of airworthiness criteria for powered-lift normal category aircraft:

- a. Nine or less passenger seats.
- b. Twenty thousand-pound maximum gross weight limit.

c. Performance requirements to permit certification of single-engine aircraft but one-engine-inoperative en route climb capability will be required of multiengine aircraft.

While these proposed factors are in general agreement with established airplane and rotorcraft requirements, the FAA wishes to obtain comments from all interested persons concerning the use of these proposed factors before initiating more detailed actions. Accordingly, interested persons are invited to participate in the making of interim airworthiness criteria for powered-lift normal category aircraft by submitting such written data, views, or arguments as they may desire. All communications received on or before the closing date for comments will be considered by the FAA before initiating action to generate detailed sections for the interim criteria for powered-lift normal category aircraft. The proposed factors may be changed in light of the comments received.

Issued in Fort Worth, Texas, on March 16, 1989.

John J. Shapley,

Acting Manager, Rotorcraft Directorate,
Aircraft Certification Service.

[FR Doc. 89-7486 Filed 3-29-89; 8:45 am]

BILLING CODE 4910-13-M

Approval of Noise Compatibility Program, Naples Municipal Airport, Naples, FL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Naples Airport Authority, under the provisions of Title I of the Aviation Safety and Noise Abatement Act (ASNA) of 1979 (Public Law 96-193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and non-Federal responsibilities in Senate Report No. 96-52 (1980). On August 22, 1988, the FAA determined that the noise exposure maps submitted by the Naples Airport Authority, under Part 150 were in compliance with applicable requirements. On February 17, 1989, the Administrator approved the Naples Municipal Airport noise compatibility program. Thirteen (13) of the fifteen (15) recommendations of the program were approved in full.

EFFECTIVE DATE: The effective date of the FAA's approval of the Naples Municipal Airport noise compatibility program is February 17, 1989.

FOR FURTHER INFORMATION CONTACT: Pablo G. Auffant, Airports Planning and Development Specialist, Federal Aviation Administration, Orlando Airports District Office, 4100 Tradecenter Street, Orlando, Florida 32827-5096, (407) 648-6583. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Naples Municipal Airport, effective February 17, 1989.

Under section 104(a) the Aviation Safety and Noise Abatement Act (ASNA) of 1979, (hereinafter referred to as "the Act") an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such program to be developed in consultation with interested and affected parties, including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgement for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against type or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government.

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating

safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitation with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, §150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office, Orlando, Florida.

The Naples Airport Authority submitted to the FAA on May 19, 1988, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from June 12, 1986, through April 13, 1987. The Naples Municipal Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on August 22, 1988. Notice of this determination was published in the Federal Register on September 16, 1988.

The Naples Municipal Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to/or beyond the year 1992. It was requested that FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on August 22, 1988, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained fifteen (15) proposed actions for noise mitigation on and off the airport. The FAA completed its review and

determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. Thirteen (13) of the fifteen (15) proposed actions were approved in full by the Administrator effective February 17, 1989.

Outright approval was granted for all of the specific program elements. The approval action was for the following program elements:

Measure No. operational recommendations	Description	FAA action
1	Preferential Flight Tracks.	Approved.
2	Preferential Runway Use.	Approved.
3	Noise Abatement Profiles.	Approved.
4	Run-up Procedure.	Approved.
5	Night-time Restrictions.	Disapproved pending additional information.
6	ATC Tower Orders and Agreements.	Approved.
7	Publish Charts and Notices.	Approved.
8	Automated Terminal Information Services (ATIS).	Approved.
9	Coordination with Airport Groups.	Approved.
10a	Oversight and Compliance.	Approved.
10b	Hire a Noise Control Officer.	Approved.
10c	Rental or Purchase of Noise Monitoring Equipment.	Approved.
10d	Sanctions.	Disapproved pending additional information.
Land Use Recommendations		
1	Encourage Existing Favorable Trends.	Approved.
2	Comprehensive Planning.	Approved.
3	Land Acquisition.	Approved.
4	School Soundproofing.	Approved.
5	Easement.	Partially Approved.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on February 17, 1989. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Naples Airport Authority.

Issued in Orlando, Florida on March 14, 1989.

James E. Sheppard,
Manager, Orlando Airports District Office.
[FR Doc. 89-7494 Filed 3-29-89; 8:45 am]
BILLING CODE 4910-13-M

Noise Exposure Map Notice; San Diego International Airport, San Diego, CA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the San Diego Unified Port District, San Diego, California under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150 are in compliance with applicable requirements.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps is January 30, 1989.

FOR FURTHER INFORMATION CONTACT: Howard S. Yoshioka, Supervisor, Planning Section, AWP-611, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California, 90009, (213) 297-1250.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for the San Diego International Airport, San Diego, California, are in compliance with applicable requirements of FAR Part 150, effective January 30, 1989.

Under section 103 of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA, noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of FAR Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposed for the reduction of existing noncompatible uses and for the

prevention of the introduction of additional noncompatible use.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the San Diego Unified Port District on November 7, 1986 and December 11, 1987. The FAA has determined that the noise exposure maps for the San Diego International Airport are in compliance with applicable requirements. This determination is effective on January 30, 1989. FAA's determination on an airport operator's noise exposure is limited to finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicants data, information or plans, nor is it a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provision of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under FAR Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator who submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

Copies of the noise exposure maps and the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617, Washington, DC 20591.

Federal Aviation Administration, Western-Pacific Region, Airports Division, 15000 S. Aviation Boulevard,

Room 6E25, Hawthorne, California
90261.

Mr. Manuel Aceves, San Diego Unified
Port District, 3165 Pacific Highway,
San Diego, California 92212.

Issued in Hawthorne, California, on
January 30, 1989.

Herman C. Bliss,
Manager, Airports Division, Western-Pacific
Region.

[FR Doc. 89-7488 Filed 3-29-89; 8:45 am]

BILLING CODE 4910-13-M

Receipt of Noise Compatibility Program and Request for Review; Nashville International Airport, Nashville, TN

AGENCY: Federal Aviation
Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for Nashville International Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) (hereinafter referred to as "the Act"), and 14 CFR Part 150 by Nashville Metropolitan Airport Authority. This program was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR Part 150 for Nashville International Airport were in compliance with applicable requirements effective November 14, 1988. The proposed noise compatibility program will be approved or disapproved on or before August 30, 1989.

EFFECTIVE DATE: The effective date of the start of FAA's review of the noise compatibility program is March 2, 1989. The public comment period ends May 1, 1989.

FOR FURTHER INFORMATION CONTACT: Otis T. Welch, Principal Planner/Programmer, Airports District Office; 3973 Knight Arnold Road, Suite 105; Memphis, Tennessee 38118-3004; telephone number 901/521-3495. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed noise compatibility program for Nashville International Airport which will be approved or disapproved on or before August 30, 1989. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the noise compatibility program for Nashville International Airport effective on March 2, 1989. It was requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before August 30, 1989.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800
Independence Avenue, SW.; Room
617, Washington, DC 20591.

Federal Aviation Administration,
Airports District Office, 3973 Knight
Arnold Rd; Suite 105, Memphis, TN
38118-3004.

Metropolitan Nashville Airport
Authority; Communication Division,
4th Floor, One Terminal Drive; Suite
501, Nashville, TN 37214, 615/275-
1610.

Questions may be directed to the individual named above under the heading "FOR FURTHER INFORMATION CONTACT."

Issued in Memphis, Tennessee, March 2, 1989.

John M. Dempsey,
Manager, Memphis Airports District Office.

[FR Doc. 89-7489 Filed 3-29-89; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-89-13]

Petition for Exemption, Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of petitions for
exemption received and of dispositions
of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: April 20, 1989.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on March 24, 1989.

Deborah Swank,
Acting Manager, Program Management Staff
Office of the Chief Counsel.

Petitions for Exemption

Docket No.: 25807

Petitioner: Joseph R. Hlavach

Regulations Affected: 14 CFR
121.411(a)(6)

Description of Relief Sought: To allow petitioner to serve as a simulator flight engineer check airman without holding a third class medical certificate.

Docket No.: 25788

Petitioner: Source Air Corporation
Sections of the FAR Affected: 14 CFR
135.189

Description of Relief Sought: To allow petitioner to operate certain Cessna Citation III aircraft to perform proving and demonstration flights and for compensation even though the aircraft do not meet the fire blocking requirements of § 25.853(c)

Docket No.: 23147

Petitioner: Boeing Commercial Airplane Company

Regulations Affected: 14 CFR
91.195(a)(1)

Description of Relief Sought:

Disposition: To extend Exemption No. 4783 that allows petitioner to permit noise measurement tests, Ground Proximity Warning System research and development, and FAA certification flight tests at altitudes lower than 1,000 feet above the surface.

GRANT, March 17, 1989, Exemption No. 4783A

Docket No.: 24093

Petitioner: Albuquerque International Balloon Fiesta, Inc.

Sections of the FAR Affected: 14 CFR
61.3(b) and 91.27

Description of Relief Sought:

Disposition: To extend permanently Exemption No. 4841 that allows petitioner to permit foreign balloon pilots and foreign balloons to participate in the annual Albuquerque International Balloon Fiesta without those pilots and balloons having to comply with the FAA's pilot certification and airworthiness requirements of the FAR.

PARTIAL GRANT, March 21, 1989, Exemption No. 5034

Docket No.: 25628

Petitioner: Moody Aviation

Sections of the FAR Affected: 14 CFR
Part 141, Appendix A, paragraph 3(c)(9)

Description of Relief Sought:

Disposition: To allow petitioner to

omit the night flying requirement from the curriculum of its Pilot Certification Course.

GRANT, March 17, 1989, Exemption No. 5032

Docket No.: 017NM

Petitioner: Falcon Jet Corporation

Sections of the FAR Affected: 14 CFR
25.813(e)

Description of Relief Sought:

Disposition: To allow petitioner to install a latchable sliding door that can be stored in a cabin partition during takeoffs, landings, and emergency conditions.

DENIAL, March 15, 1989, Exemption No. 5029

[FR Doc. 89-7487 Filed 3-29-89; 8:45 am]

BILLING CODE 4810-13-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: March 24, 1989.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0239.

Form Number: 5754.

Type of Review: Extension.

Title: Statement by Person(s)

Receiving Gambling Winnings.

Description: Section 3402(q)(6) of the Internal Revenue Code requires a statement by the person receiving certain gambling winnings when that person is not the winner, or is one of a group entitled to a share of the winnings. It enables the payer to properly apportion the winnings and withheld tax on Form W-2G. We use the information to ensure that recipients are properly reporting their income.

Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents:
306,000.

Estimated Burden Hours Per Response: 12 minutes.

Frequency of Response: On occasion.
Estimated Total Reporting Burden:
60,625 hours.

OMB Number: 1545-0241.

Form Number: 6177.

Type of Review: Extension.

Title: General Assistance Program Determination.

Description: Internal Revenue Code section 51 gives employers a jobs credit for hiring certain general assistance (welfare) program recipients. Internal Revenue Code section 51(d)(6)(B) requires that the state or local general assistance program be certified as a qualified program. The information on Form 6177 is used to determine if a program is qualified.

Respondents: State or local governments.

Estimated Number of Respondents:
1,500.

Estimated Burden Hours Per Response/Recordkeeping:

Recordkeeping—2 hours, 9 minutes.

Learning about the law of the form—24 minutes.

Preparing, copying, assembling, and sending the form to IRS—27 minutes.

Frequency of Response: On occasion.

Estimated Total Recordkeeping/Reporting Burden: 4,500 hours.

OMB Number: 1545-0314.

Form Number: 6466 and 6467.

Type of Review: Extension.

Title: Transmittal of Magnetic Tape of Form W-4, Employee's Withholding Allowance Certificate; Multiple Employer Transmittal for Magnetic Tape Reporting of Form W-4.

Description: Under Regulation 31.3402(f)(2)-1(g), employers are required to submit certain withholding certificates (W-4) to the IRS. Transmittal Form 6466, and the continuation sheet Form 6467 are submitted by an authorized agent of the employer who will be reporting submissions of Form W-4 on magnetic tape. These forms ensure accuracy and completeness of the submission.

Respondents: State or local governments, Farms, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.

Estimated Number of Respondents:
100.

Estimated Burden Hours Per Response: 20 minutes.

Frequency of Response: Quarterly.

Estimated Total Reporting Burden:
133 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf
(202) 395-6880, Office of Management
and Budget, Room 3001, New Executive
Office Building, Washington, DC 20503.
Lois K. Holland,

Departmental Reports, Management Officer.
[FR Doc. 89-7510 Filed 3-29-89; 8:45 am]
BILLING CODE 4810-25-M

Customs Service

Position Statement on Relationships Between Customs Brokers

AGENCY: U.S. Customs Service,
Department of the Treasury.

ACTION: Statement of position.

SUMMARY: Notice is hereby given that relationships between Customs brokers must include responsible supervision and control by the employer-broker over the employee-brokers. Unless a bona fide employer-employee relationship exists, a licensed Customs broker cannot conduct Customs business for another licensed broker's client.

EFFECTIVE DATE: April 2, 1989.

FOR FURTHER INFORMATION CONTACT:
William G. Rosoff, Chief, Entry Rulings
Branch, U.S. Customs Service, 1301
Constitution Avenue, NW., Room 2215,
Washington, DC 20229, (202) 566-5856.

SUPPLEMENTARY INFORMATION: In order to conduct Customs business for a client in a district, a person must be a licensed Customs broker and must have a permit to operate in that district as required by 19 U.S.C. 1641(a)(1), (b)(1) and (c) and 19 CFR 111.2. In addition to those requirements, the broker also has a statutory duty to exercise responsible supervision and control over the Customs business that it conducts. This statement outlines the position of the Customs Service on the scope of responsible supervision and control.

The Customs Service is aware that some Customs brokers have claimed an employer-employee relationship with another broker in order to conduct Customs business for a client at a location where the so-called employer-broker does not have an office or in a district in which the so-called employer-broker has no permit to operate. A variation of this occurrence is when the Customs broker acts for a client and also is the consignee of the goods imported by the broker's client. That broker employs another broker to perform the Customs business because the consignee-broker lacks a proper permit, an office, or both, at that place where the transaction occurs. In each of these instances, no legal relationship is created between the first broker's client

and the broker who performs the Customs business.

Relevant Statutory and Regulatory Requirements

The Act of October 30, 1984, Title II sec. 212, Pub. L. 98-573, 98 Stat. 2978, amended 19 U.S.C. 1641. In relevant part, that Act defined Customs business, set a specific requirement that a licensed broker shall exercise responsible supervision and control over the Customs business it conducts, prohibited a broker from employing a convicted felon without written permission, required a broker to obtain a permit for each Customs district in which the broker conducts Customs business and prohibited a broker from violating any regulation issued under the Customs laws.

In order to implement the statute, certain regulations were promulgated. By virtue of 19 CFR 111.23, a broker must keep records of each transaction performed at the district where performed, unless the Customs Service permits the records to be stored in central files for a multi-district broker. Under regulation 19 CFR 111.28, a broker must furnish the names and addresses of its employees to the district director of each district where the broker has a permit. A broker may not allow any unlicensed person, other than the broker's own employee, to perform a Customs transaction (19 CFR 111.37).

Must Exercise Responsible Supervision and Control

In the regulations promulgated following the amendment of 19 U.S.C. 1641 by the Act of October 30, 1984, the Customs Service stated its position on the scope of responsible supervision and control. This regulation (19 CFR 111.11) defines "responsible supervision and control" as "the degree of supervision and control necessary to ensure that the employee provides substantially the same quality of service in handling Customs transactions" that the employing broker is required to provide. In general, this means that the employer-broker has the right to direct and control the method and manner in which the work shall be done and the result accomplished. By contrast, a person who hires an independent contractor does not enter into an employer-employee relationship; as such, an independent contractor retains the right to select the method and manner to perform the work, free from the direction and control of the person who hires the contractor in all matters, except as to the result or product of the work. There are substantial differences in the legal consequences that flow that

the two relationships, particularly in liability and tax matters.

Under 26 U.S.C. 3401(c) and (d), the terms "employee" and "employers" are defined for purposes of the Internal Revenue Code. The common law rules in determining the employer-employee relationship apply. *Marvel v. U.S.*, 719 F. 2d 1507, 1514-1516 (10th Cir. 1983); *Matter of Southwest Restaurant Systems, Inc.*, 607 F. 2d 1237 (9th Cir. 1979). Generally, by virtue of 26 U.S.C. 3402, an employer is required to deduct and withhold a tax on the wages of each employee. Under 26 U.S.C. 3403, an employer is liable for the payment of the tax imposed by section 3402. Unless an exemption is applicable, a licensed broker who claims that it is the employer of another licensed broker would be responsible for collection of the withhold tax on its employee-broker's wages.

In an employer-employee relationship, unless it can be shown that an employee was clearly outside the scope of the employment, an act of the employee binds the employer. This generally is not true in an independent contractor relationship. This distinction can be illustrated in the following situation. A homeowner who contracts with a moving company to move the homeowners furniture is in an independent contractor relationship with the moving company. The driver of the moving company truck is in an employer-employee relationship with the moving company. The homeowner is not responsible for tax withholding; the moving company is responsible for tax withholding. If the driver is negligent and causes an accident, the moving would be liable, but the homeowner would not be liable. This difference in consequences stems from the difference in authority to supervise and control the driver's actions and to pay the driver's wages. The homeowner lacks the ability to tell the driver how to drive; the moving company has authority to instruct and to supervise and control the actual driving.

Supervision and control in the employment context generally means the actual power to hire, fire and discipline. *N.L.R.B. v. Security Guard Services, Inc.*, 384 F. 2d 143, 147-249 (5th Cir. 1967). It refers to the acts of overseeing with direction or inspecting with authority. *Glenview Park Dist. v. Melhus*, 540 F. 2d 1321, 1326 (7th Cir. 1976). An employee has been defined as a person who renders service to another for wages and who in the performance of such service is entirely subject to the direction and control of the employer. *Weaver v. Weinberger*, 392 F. Supp. 721,

723, (S.D. W. Va. 1975); *Beliz v. W. H. McLeod & Sons Packing Co.*, 765 F. 2d 1317, 1327-1330 (5th Cir. 1985); and *Sandwiches, Inc. v. Wendy's Intern., Inc.*, 654 F. Supp. 1066 (E.D. Wisc. 1987).

In the Customs broker situations, if a broker claims that another broker is its employee, certain legal consequences follow. If the first broker fails to report the name and address of the so-called employee-broker or an employee of that broker, there would be a violation of 19 CFR 111.28(b). If the second broker is an employee, an error by either the employer-broker or the employee-broker could result in liability for the employee-broker under 19 U.S.C. 1592. Such liability could arise, for example, if the employer-broker negligently fails to send all of the correct information to the employee-broker so that there is a misclassification or an undervaluation on the entry, or if the employee-broker sends the correct information to the employee-broker, but the employee-broker is negligent in its use so that there is a misclassification or an undervaluation on the entry. The inability to control or supervise the so-called employee because of the actual legal relationship between the two brokers simply does not comply with the statutory requirement that a broker must exercise responsible supervision and control over the Customs business it conducts. It is the position of the Customs Service that the requisite responsible supervision and control of all Customs transactions conducted by a broker for a client can be exercised only in an employee-broker relationship— and not in an independent contractor relationship.

Other Requirements

If a employer-employee relationship is claimed between two brokers and the employee-broker knowingly employs a convicted felon without receiving written permission to do so, it would follow that the employer-broker also is in violation of 19 U.S.C. 1641(d)(1)(E), as implemented by 19 CFR 111.53(e). If an independent contractor relationship is claimed between two brokers, and the Customs transaction is performed in the

name of the hiring broker by an employee of the independent contractor who is not a licensed broker, the hiring broker is in violation of 19 CFR 111.37 and 19 U.S.C. 1641(d)(1)(C).

Unless there is a bona fide employer-employee relationship between two brokers located in two districts, when a broker uses the services of another broker in order to conduct Customs business for the first broker's client, compliance with 19 CFR 111.19 and 19 CFR 111.23 is difficult or impossible. If a broker who did not have a permit to operate in a district used the services of a broker who had the needed permit, without first establishing an employer-employee relationship, and with total retention of the client by the first broker, such arrangement would frustrate the statutory purpose of 19 U.S.C. 1641(c)(1)(A). The procedure set forth in C.S.D. 79-111 is acceptable in this situation.

Broker as Importer

Under the Act of January 12, 1983, Section 201 Pub. L. 97-448, 90 Stat. 23249, required entry documents must be filed by an owner, a purchaser, or a licensed broker appointed by the owner, purchaser, or consignee of the merchandise. This requirement does not apply to a release under the immediate delivery procedure (19 U.S.C. 1448(b) and 19 CFR 142.21-142.27), because an immediate delivery release is not an entry; however, the requirement does apply to the filing of the entry following the release under the immediate delivery procedure. In the case of temporary importations under bond (subheadings 9813.00.05-9813.00.75, HTSUS) and permanent exhibition importations (subheadings 9812.00.20 and 9812.00.40, TSUS), the person to whom the merchandise is sent is considered by the Customs Service to be the owner or purchaser of the merchandise and can file the entry documents or appoint a licensed broker to file the entry documents.

If a consignee, absent the above exceptions, appoints a broker, the entry documents must be filed by that broker, who must be shown as the importer of

record. The bond used to secure performances must be that broker's bond. That broker is the importer of record and is subject to all of the responsibilities of an importer. A broker who is the importer of record, in addition to being subject to compliance with 19 U.S.C. 1641 and 19 CFR Part 111, might not be eligible for the mitigation guidelines for Customs brokers set forth in paragraph (I) of Appendix B of 19 CFR Part 171.

When the broker is the importer of record, its bond secures all entry obligations, unless a superseding bond is filed by the actual owner of the merchandise, as permitted by law. A consignee who is not the owner lacks the authority to become the importer of record in its own right.

Position and Effective Date for Implementation

The position of the Customs Service is that unless a bona fide employer-employee relationship exists, a licensed Customs broker cannot conduct Customs business for another licensed broker's client. Alternatively, C.S.D. 79-111 can be used since the relevant broker-client relationship is between the broker who is actually performing the work for the client and the broker who is responsible for that performance.

This position, which was issued in response to the narrow question of whether one broker could file a Customs Form 3461 Alt for another broker on behalf of that second broker's client is not limited to the filing of any particular Customs form. The position applies to the conduct of all Customs business by a licensed broker.

The principles on which the Customs position is based were published in C.S.D. 79-111, in T.D. 86-161, and in various unpublished letter rulings.

For these reasons, the effective date for enforcing this position is April 2, 1989.

William von Raab,
Commissioner of Customs.

Approved: March 24, 1989.

[FR Doc. 89-7545 Filed 3-29-89; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register

Vol. 54, No. 60

Thursday, March 30, 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).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, April 7, 1989.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 89-7666 Filed 3-28-89; 3:03 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, April 14, 1989.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 89-7667 Filed 3-28-89; 3:03 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, April 21, 1989.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 89-7668 Filed 3-28-89; 3:03 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, April 28, 1989.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 89-7669 Filed 3-28-89; 3:03 pm]

BILLING CODE 6351-01-M

Federal Register

**Thursday
March 30, 1989**

Part II

Department of Commerce

**National Telecommunications and
Information Administration**

**Grants and Cooperative Agreements;
Availability; Public Telecommunications
Facilities Program; Notice**

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Grants for Planning and Construction of Public Telecommunications Facilities; Acceptance of Applications for Filing

I. New Applications and Major Amendments to Deferred Applications. Notice is hereby given that the following described applications for Federal financial assistance are accepted for filing under provisions Title III, Part IV, of the Communications Act of 1934, as amended (47 U.S.C. 399-94) and in accordance with 15 CFR Part 2301. All of the applications listed in this section were received by January 11, 1989. The effective date of acceptance of these proposals, unless otherwise indicated herein, is "Date Received". Applications are listed by their State.

The acceptance of applications for filing is a procedure designed for making preliminary determinations of eligibility and for providing the opportunity for public comment on applications. Acceptance of an application does not preclude subsequent return or disapproval of an application if it is found to be not in accordance with the provision of either the Act or 15 CFR Part 2301, or if the applicant fails to file any additional information requested by the Public Telecommunications Facilities Program (PTFP). Acceptance for filing does not ensure that an application will be funded; it merely qualifies that application to compete for funding with other applications which have also been accepted for filing.

Any interested party may file comments with the Agency supporting or opposing an application and setting forth the grounds for support or opposition. Such comments must contain a certification that a copy of the comments has been delivered to the applicant. Comments must be sent to the address listed in 15 CFR 2301.5(a).

The Agency will incorporate all comments from the public and any replies from the applicant in the applicant's official file.

Scott Mason,
Chief, Management Branch.

AK (Alaska)

File No. 89002 CTB University of Alaska, 312 Tanana Drive, Fairbanks, AK 99775-1420. Signed By: Mr. Luis Proenza, Vice Chancellor for Research. Funds Requested: \$299,670. Total Project Cost: \$399,560. To upgrade the transmission and programming capabilities of public television station

KUAC-TV, 9, Fairbanks, Alaska, by replacing an aging transmitter/STL system, video tape recorders and test equipment as well as adding still store capability to improve public television service to 80,000 residents of central Alaska.

File No. 89004 CRB University of Alaska, 312 Tanana Drive, Fairbanks, AK 99775-1420. Signed By: Mr. Luis Proenza, Vice Chancellor for Research. Funds Requested: \$37,425. Total Project Cost: \$49,900. To upgrade the programming capabilities of public radio station KUAC-FM, operating on 104.7 Mhz, Fairbanks, Alaska by replacing aging tape recorders and a routing system to better serve 80,000 residents of central Alaska.

File No. 89036 CRB Capital Cmty. Broadcasting, Inc., 224 4th Street, Juneau, AK 99801-1198. Signed By: Mr. Peter Frid, President & General Manager. Funds Requested: \$49,882. Total Project Cost: \$67,409. To improve the programming and transmission capability of public radio station KTOO-FM, operating on 104.3 MHz, Juneau, Alaska by replacing obsolete master control, production equipment and station monitoring devices to better serve 33,000 residents of the Juneau area.

File No. 89167 CRB Alaska Information Radio Reading, 633 W. 14th Ave., Anchorage, AK 99520-2545. Signed By: Ms. Louise Rude, Director. Funds Requested: \$30,000. Total Project Cost: \$107,000. To extend the service of the Alaska Information Radio Reading and Educational Services, presently operating in Anchorage, Alaska to various rural Alaskan communities by upgrading existing SCA transmission facilities, and providing a satellite distribution system for program delivery to bring specialized programming to 3,000 visually handicapped residents of Alaska.

File No. 89224 CRB Kodiak Public Broadcasting, 718 Mill Bay Road, Kodiak, AK 99615. Signed By: Mr. Alan Schmitt, President. Funds Requested: \$77,050. Total Project Cost: \$102,825. To improve the translator distribution system of public radio station KMXT-FM, operating on 100.1 MHz, Kodiak, Alaska by replacing the present long distance telephone circuit which presently feeds the stations translators with a "band-edge" satellite delivery system to improve the reliability of signal delivery and ease projected expansion to other village receivers.

File No. 89259 CRB Kuskokwim Pub. Brdcstg. Corp., Mile 389 Iditarod Trail, McGrath, AK 99627. Signed By: Mr. William Peterson, General Manager. Funds Requested: \$99,721. Total Project

Cost: \$132,962. To improve the facilities of public radio station KSKO-AM, operating on 870 KHz, McGrath, Alaska by replacing worn out STL, studio and test equipment to continue the first public radio service to the lower Yukon River and western interior of Alaska.

File No. 89276 CRB Silakkuagvik Communications Inc., 1695 Okpik Street, Box 109, Barrow, AK 99723. Signed By: Mr. Bill Maines, Station Manager. Funds Requested: \$259,900. Total Project Cost: \$346,534. To extend and improve the signal of public radio station KBRW-AM operating on 680 kHz, Barrow, Alaska by replacing the existing transmitter, tower, test equipment and STL to enhance the only public radio service to the north slope of Alaska.

AL (Alabama)

File No. 89095 CTN University of Alabama, University Blvd., Tuscaloosa, AL 35487-0104. Signed By: Dr. Robert Wells, Assistant Vice Pres., Research. Funds Requested: \$614,182. Total Project Cost: \$1,228,364. To replace basic television production equipment for University Television Services (UTS), a production center for Alabama Public Television. The equipment is needed so that UTS can continue to provide programming to the nine stations of Alabama Public Television.

File No. 89196 CRB University of Alabama, 1028 7th Ave. S., Birmingham, AL 35294. Signed By: Dr. Kenneth Pruitt, Associate Vice Pres.—Research. Funds Requested: \$9,225. Total Project Cost: \$12,300. To improve the facilities and capabilities of the WBHM-FM radio reading service by purchasing 20 SCA receivers and replacing four reel-to-reel audiotape recorders.

File No. 89280 PRB WHIL-FM, 4000 Dauphin Street, Mobile, AL 36608. Signed By: Mr. Joe Martin, General Manager. Funds Requested: \$17,000. Total Project Cost: \$20,000. To improve and extend the service area of WHIL-FM, broadcasting at 91.3 MHz, in Mobile, AL, by conducting an engineering study to relocate the tower. Because of severe multipath and interference problems, WHIL-FM's 100,000 watt signal is marginal in 50 per cent of its service area.

AR (Arkansas)

File No. 89018 CTN University of Arkansas, 2801 South University, Little Rock, AR 72204. Signed By: Mr. Samuel Covington, Director of ORSP. Funds Requested: \$2,528. Total Project Cost: \$5,056. To redesign an outmoded satellite receiving system to allow for dissemination of programs to all

buildings of the University of Arkansas campus via existing closed-circuit cable.

File No. 89188 CTB Arkansas ETV Commission, 350 South Donaghey, Conway, AR 72032. Signed By: Ms. Susan Howarth, Associate Director. Funds Requested: \$345,988. Total Project Cost: \$691,977. To improve the service of public television station KTEJ-TV, channel 19, in Jonesboro, AR, by replacing an outmoded transmitter.

AS (American Samoa)

File No. 89072 CTB American Samoa Government, Pago Pago, AS 96799. Signed By: Mr. Peter Coleman, Governor. Funds Requested: \$341,525. Total Project Cost: \$341,525. To improve the programming and transmission capabilities of public television station KVZK-TV, channel 2, Pago Pago, American Samoa by replacing obsolete apparatus needed to deliver programming to 36,000 residents of American Samoa.

AZ (Arizona)

File No. 89170 CRB Northern Arizona University, College of Creative & Comm. Arts, Flagstaff, AZ 86011. Signed By: Ms. Jeanette Baker, Contract Officer. Funds Requested: \$14,188. Total Project Cost: \$28,376. To improve the newsgathering ability of the public station KNAU-FM, 88.7 MHz, in Flagstaff by acquiring additional equipment. KNAU-FM proposes to acquire a remote pickup (RPU) system and additional origination equipment for news production purposes.

File No. 89227 CRB University of Arizona, KUAT, Modern Languages Building, Tucson, AZ 85721. Signed By: Funds Requested: \$65,996. Total Project Cost: \$87,995. To activate a new public radio station on 89.1 MHz in Tucson, AZ. Station will serve approximately 167,437 residents of Tucson and Pima County, AZ. Application seeks funding for only the dissemination equipment for the new 3 kW station. This station will eventually replace KUAT-AM which will be sold and the proceeds will be used for the proposed new FM station.

File No. 89228 CTB University of Arizona, KUAT, Modern Languages Building, Tucson, AZ 85721. Signed By: Ms. Jeanne Kleespie, Contracting Officer. Funds Requested: \$26,118. Total Project Cost: \$34,824. To activate a new TV translator, on Channel 23, in the area of Duncan, Arizona. Translator will rebroadcast the signal of KUAT-TV, Tucson, Arizona. Project will serve Duncan, Clifton, Morenci, Safford, Greenlee and Graham Counties in Arizona.

CA (California)

File No. 89039 CTB KMTF Channel 18, Inc., 733 L Street, Fresno, CA 93721. Signed By: Mr. Colin Dougherty, General Manager. Funds Requested: \$226,274. Total Project Cost: \$323,249. To extend the signal of public television station KMTF-TV 18, Fresno, California by constructing a 5 kW, microwave fed satellite station in Bakersfield, California to bring a first over the air public service to 400,000 residents and a first public television service to 34,000 other residents of Kern County.

File No. 89064 CTB N. CA Educ. TV Assoc., Inc., 603 North Market St., P.O. Box 9, Redding, CA 96099. Signed By: Mr. Victor Hogstrom, General Manager. Funds Requested: \$238,875. Total Project Cost: \$318,500. To extend and improve the signal of public television station KIXE-TV 9, Redding, California by installing 2 new translators to provide first service to 5,000 residents of Lakehead and Lewiston, to replace 4 existing translators to maintain service to the greater Redding area, and to replace worn and obsolete studio equipment to provide programming to 500,000 residents of north central California.

File No. 89109 CTB Cmty. TV of Southern California, 4401 Sunset Blvd., Los Angeles, CA 90027. Signed By: Mr. Donald Youpa, Executive Vice President. Funds Requested: \$834,876. Total Project Cost: \$1,113,169. To extend the signal of public television station KCET-TV 28 Los Angeles, by constructing a five hop microwave system to feed a 5 kW satellite station in Bakersfield, California to bring a first over the air service to 400,000 residents of Kern County and a first public television service to 34,000 residents of that area.

File No. 89116 CRB Humboldt State University, Arcata, CA 95521. Signed By: Dr. Alistair McCrone, President. Funds Requested: \$90,000. Total Project Cost: \$125,002. To improve the programming capability of public radio station KHSU-FM operating on 90.5 MHz Arcata, CA by replacing obsolete remote and studio and production equipment to provide improved programming service to 85,000 residents of Humboldt County.

File No. 89117 CRB Humboldt State University, Arcata, CA 95521. Signed By: Dr. Alistair McCrone, President. Funds Requested: \$32,741. Total Project Cost: \$43,741. To extend the signal of public radio station KHSU-FM operating on 90.5 MHz Arcata, CA by constructing three translators to provide a first public radio service to 21,000 residents of greater Humboldt County.

File No. 89147 CTN California State University, 800 N. State College Blvd., Fullerton, CA 92634. Signed By: Mr. Jack Coleman, Vice President. Funds Requested: \$555,270. Total Project Cost: \$740,360. To establish a California State, Fullerton ITFS system operating on channels B1-4, Fullerton, California, to provide instructional programming to 600,000 persons at receive sites throughout Orange County.

File No. 89162 CTB Rural CA Broadcasting Corp., 5850 Labath Ave., P.O. Box 2638, Rohnert Park, CA 94928. Signed By: Mr. Leroy Lounibos, President. Funds Requested: \$128,314. Total Project Cost: \$171,085. To improve the production and programming capability of public television station KRCB-TV, channel 22 Rohnert Park, California by replacing obsolete apparatus needed to bring programming to the residents of the Napa Valley.

File No. 89164 CRB Redwood Community Radio, 971 Redwood Drive, Garberville, CA 95440. Signed By: Mr. Jim Deerkhawk, General Manager. Funds Requested: \$13,863. Total Project Cost: \$18,485. To expand the signal of public radio station KMUD-FM operating on 91.1 MHz, Garberville, California by installing a translator in Laytonville to serve 9,000 first service public radio listeners in Laytonville, Longvale, Ft. Bragg and Leggett.

File No. 89182 PRB Radio Bilingue, Inc., 1111 Fulton Mall, Suite 700, Fresno, CA 93721. Signed By: Mr. Hugo Morales, Executive Director. Funds Requested: \$6,000. Total Project Cost: \$7,500. To plan for a system which could interconnect two bilingual public radio stations, KSJV-FM, Fresno and KUBO-FM, Calexico so that programming service could be provided to the Calexico station in the Imperial Valley of Central California.

File No. 89189 PTB California State University, 6000 J Street, Sacramento, CA 95819. Signed By: Mr. John Manns, Associate Director. Funds Requested: \$40,000. Total Project Cost: \$50,000. To identify a Very Small Aperture Terminal (VSAT) system which could provide educational resource materials to regional educational institutions in north central California.

File No. 89229 CTB KTEH TV Foundation, 100 Skyport Drive, San Jose, CA 95115. Signed By: Mr. Thomas Fanella, General Manager. Funds Requested: \$87,100. Total Project Cost: \$174,201. To improve the facilities of public television station KTEH-TV, 54, San Jose, California by replacing aging quadruplex video tape recorders needed for continued station operation.

File No. 89244 CTB University of California, La Jolla, CA 92093. Signed By: Mr. Richard Attiyeh, Dean, Grad. Studies & Research. Funds Requested: \$577,713. Total Project Cost: \$777,713. To establish a low power noncommercial television station operating on channel 35 in San Diego, California to provide instructional and informational programming to the residents of San Diego.

File No. 89258 CRB Santa Monica Cmty. College Dist., 1900 Pico Boulevard, Santa Monica, CA 90405. Signed By: Dr. Richard Moore, President. Funds Requested: \$174,824. Total Project Cost: \$233,099. To expand the facilities of public radio station KCRW-FM, operating on 89.9 MHz, Santa Monica, California by installing production and post production facilities for the creation of programming for national distribution.

File No. 89257 CRB California Human Dev. Corp., 2462 Mendocino Avenue, Santa Rosa, CA 95403. Signed By: Mr. George Ortiz, President. Funds Requested: \$87,820. Total Project Cost: \$116,830. To upgrade the programming capability of public radio station KHDC-FM, operating on 90.9 MHz, Salinas, California by providing origination and interconnection equipment needed to deliver programming to 75,000 residents of the central valley of California.

File No. 89277 CRB Rural CA Broadcasting Corp., 5850 Labath Ave., P.O. Box 2638, Rohnert Park, CA 94928. Signed By: Mr. Leroy Lounibos, President. Funds Requested: \$190,320. Total Project Cost: \$253,761. To establish a noncommercial FM radio station operating on 91.9 MHz in Santa Rosa, California to bring first English language, NPR and APR service to 35,378 residents and first public radio service to 17,324 residents of the Napa Valley.

CO (Colorado)

File No. 89028 PRB Carbondale Cmty. Access Radio, 417 Main Street, Carbondale, CO 81623. Signed By: Ms. Nancy Smith, Treasurer. Funds Requested: \$4,800. Total Project Cost: \$5,800. To plan for the extension of service of KDNK-FM, operating on 90.5 MHz, Carbondale, by conducting engineering for a power increase and relocation of the KDNK transmitter to Sunlight Peak. The proposed new coverage area would provide service to some 27,000 people in the Roaring Fork Valley, including the communities of Woody Creek, Rifle, Aspen, Basalt, Glenwood Springs, El Jebel and Silt in Pitkin, Eagle and Garfield Counties, CO.

File No. 89032 CRB Western Colorado Public Radio, 1048 Independent Avenue,

Grand Junction, CO 81505-7185. Signed By: Ms. Marsha Thomas, Grant Administrator. Funds Requested: \$50,404. Total Project Cost: \$67,206. To extend the service of KPRN-FM, operating on 89.5 MHz in Grand Junction to surrounding communities in western Colorado. First public radio service will be provided to 41,000 people by construction of the following facilities: 88.7 MHz, Rural Rio Blanco County; 91.1 MHz, Meeker; 91.1 MHz, Rangely; 88.3 MHz, Parachute; 88.3 MHz, Rifle; 91.5 MHz, Ridgeway; 91.5 MHz, Silverton; 88.5 MHz, Gunnison; 91.5 MHz, Ouray;

File No. 89058 CRB KUTE, Inc., P.O. Box 737, 277 Ouray Street, Ignacio, CO 81137. Signed By: Mr. Jack McDonald, General Manager. Funds Requested: \$50,166. Total Project Cost: \$66,889. To construct three translators to extend the service of KSUT-FM, 91.3 MHz to 35,000 people. The first translator, to operate on 88.1 MHz from Hermano Peak, near Cortez, will serve the Ute Mountain Ute Indian Reservation and adjoining areas of the Navajo Indian Reservation in Arizona and New Mexico. Two additional translators, one operating on 91.3 MHz in Pagosa Springs, the other operating on 89.9 MHz in Purgatory, will serve the Southern Ute Indian Reservation and Archuleta County, CO. KSUT is operated by the members of the Southern Ute Indian Tribe.

File No. 89101 CTB Region 10 League for Eco. Assis., 301 North Cascade, P.O. Box 849, Montrose, CO 81402. Signed By: Mr. Kenneth Williams, Chairman of the Board. Funds Requested: \$537,988. Total Project Cost: \$717,318. To establish a one kilowatt television low power station on Ch. 62 in Montrose, CO which repeats the broadcast signal of KTSC-TV, Pueblo. The facility will provide first television service to 210,000 people in twenty counties on the Colorado Western slope. The facility will have production studios in Montrose for origination of local programming and will have duplex interconnection with KTSC-TV via a six leg microwave system.

File No. 89114 CTB University of Southern Colorado, 2200 Bonforte Boulevard, Pueblo, CO 81001-4901. Signed By: Mr. Robert Shirley, President. Funds Requested: \$110,990. Total Project Cost: \$221,981. To improve the facilities of KTSC-TV, operating on Ch. 8, Pueblo with translator on Ch. 53 in Colorado Springs by replacing obsolete master control and test equipment. The project would also provide a microwave interconnection from Colorado Springs to Pueblo to enable live telecasts from that city. KTSC provides public

television service to some 750,000 residents of southern Colorado.

File No. 89134 CRB Roaring Fork Public Radio, 100 South Spring, Suite 3, Aspen, CO 81611. Signed By: Ms. Catherine McLeod, Station Manager. Funds Requested: \$116,110. Total Project Cost: \$154,814. To improve the facilities of KAJX-FM, operating on 91.7 MHz, Aspen CO by constructing a production studio for local programming and a satellite receive terminal for interconnection with national programming services. The project would also provide equipment for the relocation of the transmitter to a higher elevation, extending first public radio coverage to an additional 12,700 people. KAJX currently serves 7,000 people in Pitkin County.

File No. 89262 CRB North Fork Valley Public Radio, 213 Grand Ave., P.O. Box 538, Paonia, CO 81428. Signed By: Ms. Dottie Miller, President of the Board. Funds Requested: \$12,300. Total Project Cost: \$16,400. To extend the service of KNVF-FM, operating on 90.9 MHz, Paonia, by constructing two translators, 90.1 MHz, Ouray and 90.1 MHz, Norwood. These two translators will provide first public radio service to 4,000 people. Construction of these translators will permit the relocation of a translator serving Montrose closer to that community, thereby providing first or improved service to 6,000 residents of that community. The project will also provide for improvement of studio production facilities including turntables and CD players.

File No. 89274 CRB San Miguel Educational Fund, P.O. Box 1069, 107 W. Columbia, Telluride, CO 81435. Signed By: Mr. Robert Allen, Station Manager. Funds Requested: \$51,482. Total Project Cost: \$68,643. To improve the production facilities of KOTO-FM, operating on 91.7 MHz, Telluride, by providing for the addition of a studio for production of news programming. KOTO serves some 8,000 people in San Miguel County.

CT (Connecticut)

File No. 89201 CTB Connecticut Public Brdcstg., Inc., 240 New Britain Avenue, Hartford, CT 06106-0240. Signed By: Mr. Jerry Franklin, President. Funds Requested: \$613,849. Total Project Cost: \$1,227,698. To improve the facilities of WEDH-TV, Ch. 24, in Hartford by replacing a 17-year-old transmitter, antenna and related items. The project will also increase the antenna height above average terrain from 865 to 1033 ft. by moving to a nearby tower. WEDH-TV, the flagship station of Connecticut Public Broadcasting, Inc., serves approximately 3,100,000 persons.

DC (District of Columbia)

File No. 89258 CTN Amer. Assoc. of Cmty. & Jr. Col., One Dupont Circle, Suite 410, Washington, DC 20036. Signed By: Mr. James Gollattscheck, Executive Vice President. Funds Requested: \$903,478. Total Project Cost: \$1,806,956. To install six satellite uplink earth stations that will transmit instructional programming associated with the AACJC's newly-organized Community College Satellite Network to recipients nationwide. The Ku-band earth stations will be located at St. Louis Community College; Northern Virginia Community College; DeAnza College (Cupertino, CA); Dallas (TX) Community College District; Cuyahoga Community College (Cleveland); and Kirkwood Community College (Cedar Rapids, IA).

DE (Delaware)

File No. 89278 CTN University of Delaware, 210 Hullihen Hall, Newark, DE 19716. Signed By: Dr. Richard Murray, Provost. Funds Requested: \$109,127. Total Project Cost: \$218,215. To install a Ku-band satellite earth station uplink facility on the campus of the University of Delaware, Newark. The University would use the uplink to transmit a broad diversity of higher educational and other instructional programming to professionals and business employees at their place of work and to students at other academic institutions. The facility would allow the University to participate in the National Technological University, based in Fort Collins, CO.

FL (Florida)

File No. 89106 CTB WJCT, Inc., 100 Festival Park Avenue, Jacksonville, FL 32202. Signed By: Mr. Fred Rebman, President and CEO. Funds Requested: \$160,334. Total Project Cost: \$320,668. To improve the facilities of public television station WJCT-TV, channel 7, in Jacksonville, FL, by replacing 3 quadraplex VTRs and 1 video post-production edit switcher, a time-code generator, and 2 color monitors. Equipment is 13 years old and generally obsolete. WJCT-TV serves an estimated 1.2 million residents of the Jacksonville, northern Florida, and southern Georgia area.

File No. 89165 CTB The University of Florida, 219 Grinter Hall, Gainesville, FL 32611. Signed By: Mr. Dillard Marshall, Assistant Director of Research. Funds Requested: \$67,188. Total Project Cost: \$174,376. To improve the facilities of public television station WUFT-TV, channel 5, in Gainesville, FL, by replacing 4 studio videotape machines.

File No. 89168 CRB Florida A&M University, 314 Tucker Hall, Tallahassee, FL 32307. Signed By: Dr. Frederick Humphries, President. Funds Requested: \$94,060. Total Project Cost: \$194,460. To improve the facilities of public radio station WAMP-FM, 90.5 MHz, in Tallahassee, FL, by increasing the station's power to 1,600 watts and acquiring program production equipment. The current facility would be modified and a new tower would be erected on the Florida A&M University campus.

GA (Georgia)

File No. 89121 CTB Atlanta Board of Education, 740 Bismark Road, NE., Atlanta, GA 30324. Signed By: Mr. J. Jerome Harris, Superintendent of Schools. Funds Requested: \$1,260,957. Total Project Cost: \$1,681,276. To improve the service of public television station WPBA-TV, channel 30, in Atlanta, GA, by replacing an obsolete 16-year-old transmission system and an outdated 30-year-old lighting system. WPBA-TV serves an estimated 2.5 million residents of the Atlanta metropolitan area.

File No. 89199 CTB Georgia Public T/C Commission, 1540 Stewart Ave., SW., Atlanta, GA 30310. Signed By: Mr. Richard Ottinger, Executive Director. Funds Requested: \$628,500. Total Project Cost: \$1,257,000. To improve the service of Georgia Public Television, and in particular, television station WJSP-TV, channel 28, in Warm Springs, GA, by replacing a worn-out transmitter, antenna, transmission line, and related equipment. WJSP-TV serves as a regional station for the western central portion of Georgia.

GU (Guam)

File No. 89110 CTB Guam Educational T/C Corp., 194 Sesame St., P.O. Box 21449, G.M.F., GU 96921. Signed By: Mr. Joseph Tighe, General Manager. Funds Requested: \$55,256. Total Project Cost: \$73,875. To improve the production capability of public television station KGTF-TV, channel 12, Guam by replacing obsolete and inoperable production equipment to offer increased local programming to the residents of Guam, and other Pacific Island entities.

HI (Hawaii)

File No. 89044 CRB Hawaii Public Radio, 738 Kaheka Street, Honolulu, HI 96814-3726. Signed By: Mr. Clarence Eblen, President & General Manager. Funds Requested: \$159,862. Total Project Cost: \$213,150. To extend the signal of public radio station KHPR-FM operating on 88.1 MHz, Honolulu, Hawaii by constructing a microwave-fed satellite

station on Lihue to provide a first public radio service to 34,100 residents of Kauai County.

File No. 89045 CRB Hawaii Public Radio, 738 Kaheka Street, Honolulu, HI 96814-3726. Signed By: Mr. Clarence Eblen, President & General Manager. Funds Requested: \$133,237. Total Project Cost: \$177,650. To extend the signal of public radio station KHPR-FM, operating on 88.1 MHz, Honolulu, Hawaii by establishing a microwave-fed satellite station on Hilo to provide a first public service to 54,300 residents of that island.

IA (Iowa)

File No. 89029 CTB Iowa Public Broadcasting Board, 6450 Corporate Drive, Johnston, IA 50131. Signed By: Mr. George Carpenter, III, Executive Director. Funds Requested: \$498,000. Total Project Cost: \$1,610,650. To improve the operation of the Iowa Public Television network by replacing the transmitter of Channel 12 in Iowa City and by increasing the efficiency of six other transmitters throughout the State.

ID (Idaho)

File No. 89009 CRB Boise State University, 1910 University Drive, Boise, ID 83725. Signed By: Dr. Asa Ruyle, Vice Pres. for Finance & Admin. Funds Requested: \$20,400. Total Project Cost: \$40,800. To improve the transmission capability of KBSU-FM operating on 91.3 MHz in Boise, Idaho by replacing an on-air console, audio tape recorders and associated amplifiers to deliver improved radio service to the residents of Idaho.

IL (Illinois)

File No. 89048 CTB Black Hawk College, 6600—34th Avenue, Moline, IL 61265. Signed By: Mr. Charles Laws, Exec. Vice Chancellor. Funds Requested: \$225,333. Total Project Cost: \$305,445. To extend the signal of WQPT-TV, channel 24 in Moline, by constructing two 1000 watt translators in Sterling and Rock Island that will provide a first service to 200,000 northern Illinois residents and will improve the signal received within the existing grade B of WQPT. In addition to translators, production equipment is requested that includes an audio console and a still store.

File No. 89049 CTB University of Illinois, 506 South Wright Street, Urbana, IL 61801. Signed By: Mr. H. J. Stapleton, Secretary Campus Research. Funds Requested: \$139,487. Total Project Cost: \$278,974. To improve production capability of WILL-TV, channel 12 in Urbana, by acquiring additional

production equipment. Request includes additional minicams, edit room equipment, production switcher, still store and other production equipment.

File No. 89063 PTN College of Lake County, 19351 W. Washington Street, Grayslake, IL 60030. Signed By: Dr. Daniel LaVista, President. Funds Requested: \$18,868. Total Project Cost: \$31,335. To plan for the activation of an ITFS system which would provide instructional services to a variety of organizations in Lake County, IL. The project will include preparation of FAA and FCC applications.

File No. 89074 CTB Chicago Educational Television, 5400 North St. Louis Avenue, Chicago, IL 60625. Signed By: Mr. John Rahmann, Executive Vice President. Funds Requested: \$425,000. Total Project Cost: \$850,000. To replace obsolete and worn out production equipment at WTTW-TV, channel 11, in Chicago. Request includes production switcher, production audio console and a videotape cartridge player-recorder.

File No. 89082 CRB University of Illinois, 506 South Wright Street, Urbana, IL 61801. Signed By: Mr. H. J. Stapleton, Secretary Campus Research. Funds Requested: \$35,745. Total Project Cost: \$71,489. To replace obsolete transmitter of WILL-AM in Urbana. Request includes transmitter and associated equipment.

File No. 89142 CTB Southern Illinois University, 1048 Communications Bldg., SIU-C, Carbondale, IL 62901. Signed By: Mr. John Guyon, President. Funds Requested: \$185,130. Total Project Cost: \$370,280. To improve WSIU-TV, channel 8 serving Carbondale, by replacing obsolete studio and field cameras and field video tape recorders.

File No. 89144 CRB Southern Illinois University, 1048 Communications Bldg., SIU-C, Carbondale, IL 62901. Signed By: Mr. John Guyon, President. Funds Requested: \$58,000. Total Project Cost: \$116,000. To improve the quality of program production by WSIU-FM, 91.9 Carbondale, by replacing essential but malfunctioning and obsolete audio consoles, tape recorders and other production equipment.

File No. 89171 CRB Quincy College Corporation, 1800 College Avenue, Quincy, IL 228-5409. Signed By: Mr. Thomas Brown, Vice President. Funds Requested: \$90,000. Total Project Cost: \$130,901. To increase the power of WWQC-FM, 90.3 in Quincy, from 110 w to 1 kw. Equipment requested includes transmitter package.

IN (Indiana)

File No. 89067 CTB Indiana University, Bryan 215E, Bloomington, IN 47405. Signed By: Mr. William Farquhar,

Director of Contracts. Funds Requested: \$231,651. Total Project Cost: \$308,868. To improve WTIU-TV, channel 30 serving Bloomington, by replacing obsolete studio cameras.

File No. 89081 CTN Bloomington Cmty. Access TV, 303 East Kirkwood, Bloomington, IN 47408. Signed By: Mr. Michael White, Director. Funds Requested: \$3,069. Total Project Cost: \$6,137. To purchase a satellite downlink in order to receive educational programming for distribution to students and residents of Monroe county.

File No. 89148 CTB Michiana Public Brdcstg. Corp., 2300 Charger Blvd., Elkhart, IN 46514. Signed By: Mr. Don Checots, Executive Director. Funds Requested: \$355,272. Total Project Cost: \$710,544. To increase power and to replace the aging transmitter of WNIT-TV, channel 34, in South Bend/Elkhart. The power increase will increase ERP from 30 kw to 60 kw.

File No. 89197 CRB Metro. Indianapolis Pub. Brdcstg, 1401 North Meridian Street, Indianapolis, IN 46202-2389. Signed By: Mr. Frank Meek, President. Funds Requested: \$42,325. Total Project Cost: \$84,650. To improve WFYI-FM, 90.1, a recently purchased radio station serving Indianapolis by installing a variety of audio tape recorders, a console and remote equipment.

File No. 89198 CTB Metro. Indianapolis Pub. Brdcstg, 1401 North Meridian Street, Indianapolis, IN 46202-2389. Signed By: Mr. Frank Meek, President. Funds Requested: \$230,000. Total Project Cost: \$460,000. To replace worn-out obsolete production equipment of WFYI-TV, channel 20 serving Indianapolis. The request includes VTRs, routing and production switchers and cameras.

File No. 89225 CTB Fort Wayne Public Television, 3632 Butler Road, P.O. Box 39, Fort Wayne, IN 46801. Signed By: Mr. William Harris, President. Funds Requested: \$265,917. Total Project Cost: \$531,834. To upgrade WFWA-TV, channel 39, from a repeater station to a full service independent station by installing necessary production equipment.

KS (Kansas)

File No. 89083 CTB Kansas State University, 301 Umberger Hall, Manhattan, KS 66506. Signed By: Mr. George Miller, VP, Admin. & Finance. Funds Requested: \$599,000. Total Project Cost: \$828,000. To acquire origination equipment and satellite receive dishes for the Kansas Satellite Network. Satellite dishes will be placed at each of the KS Regents Institutions, 40 of the public school districts and KS public TV

stations. This project will further build on the "Star School" model that was directed mainly to public schools throughout the region.

File No. 89123 CTB Smoky Hills Public TV Corp., 6th & Elm Street, P.O. Box 9, Bunker Hill, KS 67626. Signed By: Mr. Nicholas Slechta, General Manager. Funds Requested: \$53,000. Total Project Cost: \$107,800. To improve the facilities of public station KOOD-TV, Channel 9, in Bunker Hill by replacing worn-out, obsolete equipment. KOOD-TV seeks to replace a portable camera, video tape editing recorder, video tape player, character generator and related items. Station serves approximately 342,000 residents of central and western Kansas.

File No. 89151 CTB Kansas Public Telecommunication, 320 West 21st St., P.O. Box 288, Wichita, KS 67201. Signed By: Mr. Zoel Parenteau, President & General Manager. Funds Requested: \$69,010. Total Project Cost: \$138,020. To improve public television station KPTS-TV, Channel 8, in Wichita by replacing equipment which has become difficult to maintain. KPTS-TV seeks to replace two field cameras, a routing switcher, an audio processor and a monitor scope. Station serves approximately 387,773 residents within its coverage area in addition to those receiving KPTS-TV via cable.

File No. 89164 CRB University of Kansas, 1120 West 11th Street, Lawrence, KS 66044. Signed By: Ms. Kim Moreland. Funds Requested: \$24,420. Total Project Cost: \$48,840. To acquire an additional 600 FM sub-carrier radio receivers with 300 being used in NE Kansas, 150 each used in NW and SW Kansas. The Audio-Reader Network is a state-wide radio reading service for the print-handicapped.

File No. 89205 CRB Kanza Society Incorporated, One Broadcast Plaza, Pierceville, KS 67868. Signed By: Mr. Dale Bolton, Executive Director. Funds Requested: \$86,387. Total Project Cost: \$172,774. To augment and replace some production and test equipment of public radio station KANZ-FM, 91.1 MHz, in Pierceville. KANZ proposes to relocate studio facilities to Garden City, KS and will need new satellite downlink and interconnection equipment. Station serves approximately 270,000 residents of western KS, the OK panhandle and southeast CO.

File No. 89264 CTB Washburn University of Topeka, 301 N. Wanamaker Road, Topeka, KS 66606. Signed By: Mr. Robert Burns, Interim President. Funds Requested: \$31,055. Total Project Cost: \$62,110. To improve the facilities of public television station, KTWU-TV, Channel 11, in Topeka.

Project would acquire a digital still-store to replace an antiquated 11-year-old RCA TK 28B film chain. KTWU-TV also proposes to acquire a backup aural exciter. The station serves approximately 449,560 residents with its broadcast signal, a translator and carriage on 138 CATV systems.

KY (Kentucky)

File No. 89156 CTB Fifteen Telecommunications Inc., 4309 Bishop Lane, Louisville, KY 40218. Signed By: Mr. John-Robert Curtin, General Manager. Funds Requested: \$124,482. Total Project Cost: \$248,965. To improve WKPC-TV, channel 15 in Louisville, by replacing obsolete and wornout origination equipment. Request includes production switcher, vtrs, test equipment and other production equipment.

File No. 89159 CRB Western Kentucky University, 153 Academic Complex, Bowling Green, KY 42101. Signed By: Mr. Harry Largen, Vice President for Business. Funds Requested: \$131,553. Total Project Cost: \$175,405. To build an FM repeater transmitter with an ERP of 7500 watts in the unserved community of Elizabethtown. It will repeat the signal of WKYU-FM in Bowling Green.

File No. 89169 CRB Eastern Kentucky University, Perkins 102, Richmond, KY 40475-3127. Signed By: Mr. Hanly Funderburk, President. Funds Requested: \$47,345. Total Project Cost: \$94,691. To improve WEKU-FM, 88.9 serving Richmond, by replacing their obsolete RCA transmitter and unreliable transmission line.

File No. 89202 CTB Kentucky Ed. Television (KET), 600 Cooper Drive, Lexington, KY 40502. Signed By: Ms. Sandra Welch, Deputy Executive Director. Funds Requested: \$542,373. Total Project Cost: \$723,165. To improve the KET television network of 15 transmitters and 11 translators by replacing wornout and obsolete production equipment. The request includes cameras, 1 inch and 1/2 inch vtrs, a digital effects unit, still store and other production equipment.

File No. 89237 CRB Central Kentucky Radio Eye, Inc., 1541 Beacon Hill, Lexington, KY 40504. Signed By: Mr. Alfred Crabb, President. Funds Requested: \$61,058. Total Project Cost: \$61,411. To activate a radio reading service for the blind and print handicapped that will use the subcarrier of WBCY-FM in Lexington. In addition to a subcarrier generator and production equipment, 400 receivers have been requested.

LA (Louisiana)

File No. 89145 CRB Louisiana State University, One University Place, Shreveport, LA 71115. Signed By: Mr. Wilfred Guerin, Chancellor, LSU. Funds Requested: \$260,520. Total Project Cost: \$347,360. This project will extend public radio service to the Lufkin-Nacogdoches area of East Texas, the first public radio service to this area. The facility will utilize programming and program staff of KDAQ-FM, Shreveport, and will include local programming origination capability. It will also utilize the separate-audio capability KDAQ uses with networked stations KSLA (Alexandria, LA) and El Dorado, AR, resulting in a service that realizes the economy of scale of a shared/satellite operation and the customized feel of a local operation.

File No. 89176 CTB Greater New Orleans Ed. TV Found, 916 Navarre Avenue, New Orleans, LA 70124. Signed By: Mr. Michael LaBonia, President. Funds Requested: \$55,000. Total Project Cost: \$110,000. To improve the services and production capabilities of public television station WYES-TV, channel 12, in New Orleans, by replacing obsolete film and slide projection chains with state-of-the-art electronic still-store equipment.

File No. 89209 PRB University of New Orleans, 2000 Lakeshore Drive, New Orleans, LA 70148. Signed By: Mr. Patrick Gibbs, Vice Chancellor/Bus. Affairs. Funds Requested: \$8,000. Total Project Cost: \$8,000. To plan for improved quality, range, and coverage of the signal of radio station WWNO, 89.9 FM, serving New Orleans, as well as parts of St. Tammany, Plaquemines, St. Charles, St. James, St. John the Baptist, Lafourche Parishes. Applicant will contract with an advanced antenna design and manufacturing firm to conduct an antenna pattern study and examine numerous alternative antenna mounting configurations.

File No. 89210 CRB University of New Orleans, 2000 Lakeshore Drive, New Orleans, LA 70148. Signed By: Mr. Patrick Gibbs, Vice Chancellor for Business. Funds Requested: \$27,975. Total Project Cost: \$41,341. To improve the production capabilities of public radio station WWNO-FM, broadcasting on 89.9 MHz, in New Orleans, by purchasing new and replacement equipment to enhance WWNO's ability to produce and broadcast programs from remote sites (concert halls, jazz clubs, churches), as well as taped or live programs from WWNO's studios.

MA (Massachusetts)

File No. 89011 CRB Talking Information Center, Inc., 130 Enterprise Drive, Box 519, Marshfield, MA 02050. Signed By: Mr. Ron Bersani, Executive Director. Funds Requested: \$91,973. Total Project Cost: \$122,630. This multifaceted project will, first, purchase an SCA generator that will allow the applicant to expand its radio reading service for the print-handicapped to all of Cape Cod, Martha's Vineyard and Nantucket, via the SCA signal of WFCC-FM, Chatham. Second, it will install MW links to interconnect the applicant's main studio and transmitter and to connect two of its affiliate stations. Third, it will construct production studios at two of its stations and improve its main studio. Finally, it will purchase 500 SCA receivers.

MD (Maryland)

File No. 89099 CTB Maryland Public Broadcasting, 11767 Bonita Avenue, Owings Mills, MD 21117. Signed By: Mr. Raymond K. K. Ho, President. Funds Requested: \$603,528. Total Project Cost: \$1,207,057. To assist public television station WFPT, Ch. 62, Frederick, to improve and relocate its facilities. The project will upgrade the station from a converted 1 KW translator to a 60 KW station. The project includes a new transmitter, antenna, 550 ft. guyed tower and related dissemination and test equipment.

ME (Maine)

File No. 89005 CTN Maine Dept. of Ed. & Cult. Serv., State House Station 64, Augusta, ME 04333. Signed By: Mr. J. Gary Nichols, State Librarian. Funds Requested: \$163,390. Total Project Cost: \$217,854. To activate a fiber optic cable and editing system that will connect the Maine State Department of Educational and Cultural Services to the University of Maine System interactive telecommunications network. The system will provide training and education to business, industry, schools, and professional groups statewide.

File No. 89042 CTB Colby-Bates-Bowdoin ETV Corp., 1450 Lisbon Street, Lewiston, ME 04240. Signed By: Mr. Robert Gardiner, President & General Manager. Funds Requested: \$328,643. Total Project Cost: \$657,287. To replace obsolete studio and field production equipment of public station WCBB-TV, ch. 10, Augusta, ME. The project will purchase three studio/field cameras, a production switcher, an audio console, a character generator, three 3/4" video tape recorders, an audio console, a video measurement set, and diverse smaller items. WCBB-TV provides

public television service to 746,000 residents of southern and central Maine.

File No. 89152 CTB University of Maine System, 65 Texas Avenue, Bangor, ME 04401. Signed By: Mr. William Sullivan, Treasurer. Funds Requested: \$457,331. Total Project Cost: \$653,330. To improve the facilities of WMED-TV, operating on Ch. 13 in Calais, by replacing 25-year-old transmission equipment. The project will purchase a new transmitter, antenna and tower to insure continued service to residents of northeastern Maine.

MI (Michigan)

File No. 89056 CRB Northern Michigan University, Elizabeth Harden Drive, Marquette, MI 49855. Signed By: Mr. Lyle Shaw, Vice President for Finance. Funds Requested: \$51,971. Total Project Cost: \$72,811. To replace the aging transmitter components of WNWU-FM in Marquette and to extend the signal via translators to four additional upper peninsula communities of Escanaba, Manistique, Newberry and Meeminee.

File No. 89059 CTN Sanilac Intermediate School Dist, 46 North Jackson, Sandusky, MI 44871. Signed By: Mr. Frederick Cady, Superintendent. Funds Requested: \$68,500. Total Project Cost: \$76,300. To establish a two-way interactive system which will be a cable/fiber optic hybrid network that will provide educational information to school students and residents of three intermediate school districts.

File No. 89091 PTN University of Michigan, 1321 E. Court St., Flint, MI 48503-2186. Signed By: Mr. Martin Tobin, Assistant Director. Funds Requested: \$37,875. Total Project Cost: \$50,500. To assess the need for an educational/instructional telecommunications system of delivery, inventory available resources, and to plan the system to be implemented, in the Flint region.

File No. 89143 CRB Central Michigan University, 3965 E. Broomfield Road, Mt. Pleasant, MI 48859. Signed By: Mr. Edward Jakubauskas, President. Funds Requested: \$190,866. Total Project Cost: \$254,489. To activate a new non-commercial radio station to serve Sault Ste Marie which will provide first service to 19,000 and second service to 14,000.

File No. 89150 CTN Saginaw Intermediate School Dist, 6235 Gratiot Road, Saginaw, MI 48603. Signed By: Mr. Larry Engle, Superintendent of Schools. Funds Requested: \$1,006,877. Total Project Cost: \$1,342,503. To extend and expand a county two-way interconnected and interactive tv, t/c system established for the purpose of

serving k-12 students, adult students and school personnel. Coaxial cable and fiber optic cable will be used.

File No. 89211 CTN Cheboygan-Otsego-Presque Isle, 6605 Learning Lane, Indian River, MI 49749. Signed By: Mr. Jack Keck, Director. Funds Requested: \$1,001,912. Total Project Cost: \$1,336,912. To Establish an eight channel interactive ITFS/cable access system to provide educational programming to 40,000 residents of five northern Michigan counties.

File No. 89238 CRB Blue Lake Fine Arts Camp, Route #2, Twin Lake, MI 49457. Signed By: Mr. William Stansell, President. Funds Requested: \$29,478. Total Project Cost: \$39,478. To improve the production and remote capability of WBLV-FM in Twin Lake. Digital audio tape recorders, a production console and remote pickup equipment have been requested.

File No. 89245 CRB Eastern Michigan University, 426 King Hall, Ypsilanti, MI 48197. Signed By: Mr. Roy Wilbanks, Executive Vice President. Funds Requested: \$74,910. Total Project Cost: \$149,821. To improve the signal of WEMU-FM located in Ypsilanti, by reducing blanketing and interference problems at current urban antenna site. Location of the antenna will be changed and height of antenna will be increased from 154 to 300 feet above average terrain. Request includes antenna, tower and STL.

MN (Minnesota)

File No. 89001 CTB Duluth Superior Educ. TV Corp., 1202 East University Circle, Duluth, MN 55811. Signed By: Mr. George Jauss, General Manager. Funds Requested: \$235,735. Total Project Cost: \$471,470. To improve the production capability of WSDE-TV, channel 8 in Duluth, by replacing obsolete and worn out studio cameras.

File No. 89034 CTN Karlstad Public School #353, Box 178, Pembina Street, Karlstad, MN 56732. Signed By: Mr. Lowell Schwalbe, Superintendent of Schools. Funds Requested: \$450,000. Total Project Cost: \$950,000. To construct a fiber optic system with production capacity that will interconnect businesses, governmental entities and educational units in the Karlstad area.

File No. 89102 CRB Minnesota Public Radio, 45 East 7th Street, St. Paul, MN 55101. Signed By: Mr. Thomas Kigin, Vice President. Funds Requested: \$257,280. Total Project Cost: \$343,046. To construct a 100 kW radio station on 91.5 that will provide first service to 100,000 people in and around Thief River.

File No. 89190 CRB University of Minnesota, 10 University Drive, Duluth,

MN 55812. Signed By: Ms. Mary Lou Weiss, Assistant Director. Funds Requested: \$36,498. Total project Cost: \$72,997. To improve KUMD-FM, 103.3 in Duluth, by replacing obsolete and worn out satellite and production equipment. Replacement is requested for a satellite receive dish, tape recorders and other production equipment.

File No. 89195 CRB University of Minnesota, 330 21st Avenue, South, Minneapolis, MN 55455. Signed By: Ms. Mary Lou Weiss, Assistant Director. Funds Requested: \$1,108,848. Total Project Cost: \$1,478,465. To expand the signal of KUOM-AM by increasing power of current daytime only station from 5 kW to 25 kW and by constructing a transmitting facility for night time broadcasting. Request includes tower, antenna, transmission equipment and STL's.

File No. 89261 CRB Minnesota Public Radio, 224 Holiday Center, Duluth, MN 55802. Signed By: Mr. Thomas Kigin, Vice President. Funds Requested: \$27,075. Total Project Cost: \$54,150. To improve the production capability of MPR, which is based at WSCD-FM in Duluth, and provides programming to WIRR-FM in St. Paul and WLKR-FM in Colquet. Request includes production equipment for two additional control rooms at WSCD. Consoles and tape recorders have been requested.

File No. 89265 CTB W. Central MN Educ. TV Co., 120 West Schlieman, Appleton, MN 56208. Signed By: Mr. James Hegland, First Vice President. Funds Requested: \$1,522,894. Total Project Cost: \$2,030,526. To activate a satellite repeater transmitter in Worthington which will operate on channel 20 and will provide first service to SW Minnesota. It will rebroadcast the signal of KWCM-TV in Appleton. Request includes transmission equipment, towers, microwave for interconnection and various pieces of production equipment.

MO (Missouri)

File No. 89098 CTB Ozark Public Telecommunications, 821 N. Washington, MPO Box 21, Springfield, MO 65802. Signed By: Mr. Arthur Luebke, General Manager. Funds Requested: \$97,895. Total Project Cost: \$195,790. To improve the operation of KOZK-TV, channel 21 in Springfield, by acquiring 1/2 inch beta broadcast video cassette recording equipment.

File No. 89127 CRB SE Missouri State University, Pacific & Normal #110, Girardeau, MO 63701-4799. Signed By: Mr. Robert Foster, Executive Vice President. Funds Requested: \$206,911. Total Project Cost: \$275,881. To increase

power and improve production capabilities of KRCU-FM, 90.0 in Cape Girardeau. The power increase will be from 100 to 5,000 watts and will provide first service to 34,000 people. Request includes transmitter, consoles, tape recorders and other production equipment.

MT (Montana)

File No. 89092 CRB Eastern Montana College, 1500 North 30th Street, Billings, MT 59101-0298. Signed By: Mr. Bruce Carpenter, President. Funds Requested: \$52,330. Total Project Cost: \$107,330. To improve the production facilities of KEMC-FM, broadcasting on 91.7 MHz in Billings, MT by replacing obsolete audio consoles and tape recorders, and constructing a second audio production studio. The project will also replace a ten year old remote control to ensure continued service to 375,000 people in eastern Montana and northern Wyoming.

File No. 89100 CTB Clark's Fork Valley TV Dist. 1, 107 South Main Street, Bridger, MT 59014. Signed By: Mr. J. Edward Mudd, Chairman. Funds Requested: \$90,837. Total Project Cost: \$121,117. To construct a Low Power television station operating on Ch. 63 to serve 3,000 people in the communities of Bridger, Belfry, Edgar and Fromberg in the Clark's Fork Valley. The project is affiliated with the Rural Television System, which provides public television services to rural areas.

File No. 89158 CTB Colstrip Public Schools, 216 Olive Drive, Colstrip, MT 59323. Signed By: Mr. Jim Anderson, Superintendent. Funds Requested: \$120,000. Total Project Cost: \$160,000. To establish a low power television station operating on Ch. 28 in Colstrip, MT to provide first public television service to 5,500 residents of Rosebud County. The project is affiliated with the Rural Television System, which provides public television services to rural areas.

File No. 89231 CTB Harlowton Public School District, 304 Division Street, Harlowton, MT 59036. Signed By: Mr. Gary Scott, Superintendent. Funds Requested: \$120,000. Total Project Cost: \$160,000. To construct a noncommercial low power television station on Ch. 28, Harlowton, MT to provide first public television service to 1,400 people. The project is affiliated with the Rural Television System, which provides public television services to rural areas.

File No. 89267 CTB Prairie Television District, 202 Laundre, Terry, MT 59349. Signed By: Mr. Dale Hubber, County Attorney. Funds Requested: \$75,423. Total Project Cost: \$100,565. To construct a low power television station operating on Ch. 7 to provide public

television service to 2,000 residents of Terry, MT. The project is affiliated with the Rural Television System, which provides public television services to rural areas.

File No. 89269 CTB East Butte TV Club, Inc., P.O. Box 649, Westland Building, Chester, MT 59522-0649. Signed By: Mr. Anton Jochim, Vice President. Funds Requested: \$15,125. Total Project Cost: \$21,500. To ensure continued public television service to 7,000 residents of Liberty, Hill, Toole and Glacier Counties, MT by replacing the thirty year old translator operating on Ch. 78 in Joplin.

NC (North Carolina)

File No. 89014 CRB University of North Carolina, One University Place, Charlotte, NC 28213. Signed By: Mr. Leo Ellis, Vice Chancellor for Business. Funds Requested: \$122,170. Total Project Cost: \$244,340. To improve the service of public radio station WFAE-FM, 90.7 MHz, in Charlotte, NC, by rebuilding the transmitting facility in order to correct radio frequency interference problems and to honor the eviction notice served on the station by the current owner. WFAE-FM is the principal public radio service to the Charlotte metropolitan area; rebuilding of the transmitter will correct serious RF and multipath problems and increase WFAE's city-grade contours.

ND (North Dakota)

File No. 89017 CTB Prairie Public Broadcasting, Inc., 207 N. 5th Street, P.O. Box 3240, Fargo, ND 58108-3240. Signed By: Mr. Dennis Falk, President. Funds Requested: \$30,367. Total Project Cost: \$60,735. To improve the local production facilities of the state public television network by acquiring its first character generator. The six station network provides the only public television service to North Dakota, northwest Minnesota and northeast Montana. The new character generator will replace digifont titling feature of a still store. The state public television network serves approximately 961,367 residents within its service areas.

NE (Nebraska)

File No. 89071 CTB University of Nebraska at Omaha, 60th & Dodge Streets, Omaha, NE 68182-0022. Signed By: Dr. Delbert Weber, Chancellor. Funds Requested: \$413,073. Total Project Cost: \$826,146. To improve the local production facilities of KYNE-TV, Channel 26, in Omaha. By formal agreement with the Nebraska ETV Network, the University provides local origination programming for KYNE-TV. Project would replace obsolete,

problem-plagued and worn out origination equipment. Items being replaced include: camera/recorders, edit controller, video switchers, routing switcher, character generator and related. KYNE-TV provides a program service for approximately 656,938 residents of its service area and surrounds.

File No. 89124 CRB Nebraska Educ. T/C Commission, 1800 N. 33rd St., P.O. Box 83111, Lincoln, NE 68501-3111. Signed By: Mr. Jack McBride, Secretary & General Manager. Funds Requested: \$660,738. Total Project Cost: \$880,984. To expand the Nebraska public radio network by constructing four new stations. Stations will be located at Alliance (91.1 MHz), Hastings (89.1 MHz), Lexington (88.7 MHz) and Norfolk (89.3 MHz). Network also seeks to improve the facilities at KUCV-FM, in Lincoln, by replacing an obsolete, worn-out audio production board. KUCV-FM serves as the flagship of the state radio network. This project will result in a first public radio service for approximately 472,142 people.

File No. 89141 CTB Nebraska Educ. T/C Commission, 1800 N. 33rd St., P.O. Box 83111, Lincoln, NE 68501-3111. Signed By: Mr. Jack McBride, General Manager. Funds Requested: \$98,801. Total Project Cost: \$197,602. To improve the production facilities of the Nebraska Educational TV Network by replacing worn-out, obsolete equipment. Equipment being requested consists of CCD Field Cameras, recorders, digital audio recorder and related equipment. Network supplies public television services for the entire state of Nebraska as well as portions of WY, CO, KS, SD and IA.

NH (New Hampshire)

File No. 89192 CTB University of New Hampshire, Mast Road, P.O. Box 1100, Durham, NH 03824. Signed By: Mr. James Morrison, Associate Vice President. Funds Requested: \$147,750. Total Project Cost: \$197,000. To improve the transmission facilities of WEKW-TV, Ch. 52, Keene, and WLEF-TV, Ch. 49, Littleton, by replacing obsolete antennas and transmission lines. This new equipment, coupled with new transmitters recently purchased by the applicant, will ensure continued public television service to 140,000 people.

NJ (New Jersey)

File No. 89069 CRB State of New Jersey, Dept. of Ed., 2300 Stuyvesant Avenue, Trenton, NJ 08618. Signed By: Ms. Donna Bensen, Director. Funds Requested: \$33,963. Total Project Cost: \$45,285. To acquire the dissemination

and interconnection equipment necessary to extend to northern New Jersey the radio reading service for the print handicapped operated by the New Jersey Library for the Blind and Handicapped, Trenton. The extended service will use the signals of public television stations WNJM, Ch. 50, Montclair, and WJNB, Ch. 58, New Brunswick; both stations are operated by the New Jersey Public Broadcasting Authority.

File No. 89137 CTB New Jersey Public Brdcstg. Auth., 1573 Parkside Ave., CN 777, Trenton, NJ 08625. Signed By: Mr. Robert Ottenhoff, Executive Director. Funds Requested: \$94,875. Total Project Cost: \$128,500. To extend the signal of WNJM-TV, Ch. 50, in Montclair, by constructing a translator on channel 36, Sussex. The new translator will provide service to areas which are not served by cable television and which are shielded from an over-the-air public television signal by high mountains.

File No. 89233 CRB Newark Public Radio, Inc., 54 Park Place, Newark, NJ 07102. Signed By: Ms. Anna Kosof, General Manager. Funds Requested: \$109,422. Total Project Cost: \$145,896. To upgrade the production facilities of public radio station WBGO-FM, 88.3 MHz, Newark. The project will acquire a new console, audio tape recorders, cartridge machines, test equipment and related production equipment.

File No. 89270 CTN New Jersey Institute of Techn., 99 Summit Street, Newark, NJ 07102. Signed By: Mr. Arnold Allentuch, Associate Vice President. Funds Requested: \$216,680. Total Project Cost: \$441,860. To extend the applicant's existing video delivery services by acquiring 20 Instructional Television Fixed Service receive antennas. Receivers will be placed in 20 libraries in the areas covered by the ITFS licenses of WNJM-TV, Montclair, and WJNB-TV, Warrenville. In addition, the project will acquire equipment to improve its video production facility.

NM (New Mexico)

File No. 89112 CTN San Juan Community College, 4601 College Blvd., Farmington, NM 87401. Signed By: Ms. Marjorie Black, Assistant to the President. Funds Requested: \$51,064. Total Project Cost: \$122,428. To activate an Instructional Television Fixed Service (ITFS) facility in Farmington. Project will be a part of the Instructional Network for New Mexico. Facility can potentially benefit approximately 88,000 people in the Farmington and San Juan County region of northwestern NM.

File No. 89172 CTN New Mexico Highlands University, Mortimer Hall, Las Vegas, NM 87701. Signed By: Mr.

Gilbert Rivera, Academic Vice President. Funds Requested: \$31,925. Total Project Cost: \$84,150. To activate an Instructional Television Fixed Service (ITFS) at Las Vegas to serve the residents of northeastern New Mexico. Project will consist of one transmit site and three receive sites and will be part of the Instructional Television Network for NM. Requested facilities will serve approximately 22,000 residents of Las Vegas and San Miguel County.

File No. 89174 CTB Mescalero Apache Tribe, Box 176, Community Center, Mescalero, NM 88340. Signed By: Mr. Wendell Chino, President. Funds Requested: \$8,325. Total Project Cost: \$11,100. To improve the facilities of the applicant's Rural Television System (RTS) mini-station by acquiring two videotape recorder/players. Project will allow the delay broadcasting of PBS and other educational programming and thus allow flexibility in scheduling. The station serves approximately 4,000 residents of Mescalero and the surrounding reservation.

File No. 89216 CRB COMUN, Inc., 1609 6th Street, NW., Albuquerque, NM 87102. Signed By: Mr. Vicente Silva, President. Funds Requested: \$309,306. Total Project Cost: \$412,408. To activate a new public radio station on 94.7 MHz in Santa Fe. New 40 kW Hispanic station would serve an estimated 162,538 residents of north-central New Mexico.

File No. 89260 CTN Luna Vocational Technical Ins., P.O. Drawer K, Hot Springs Blvd., Las Vegas, NM 87701. Signed By: Ms. Joann Alcon-Sanchez, Vice President. Funds Requested: \$31,925. Total Project Cost: \$84,150. To activate an Instructional Television Fixed Service (ITFS) in Las Vegas to serve the residents of northeastern New Mexico. Project will consist of one transmit site and three receive sites and will be part of the Instructional Television Network for NM. Requested facilities will serve approximately 22,751 residents of Las Vegas and San Miguel County.

File No. 89281 CTB Univ. of NM & Albuquerque Public School, 1130 University Blvd., NE., Albuquerque, NM 87102. Signed By: Ms. Ann Powell, Director. Funds Requested: \$76,780. Total Project Cost: \$120,310. To extend the coverage of public television station KNME-TV, Channel 5, in Albuquerque with 2 new and 3 replacement TV translators. The new translators will be located in Raton, NM (Ch. 60) and Farmington-Bloomfield Hwy/Huerfano-Bloomfield Hwy, NM (Ch. 60). KNME-TV seeks to replace three translators for which it has obtained a "Consent to Assignment" of license. The three

replacement translators serve: Shiprock, NM (K74DX); Chinle, AZ (K06HH) and Colfax, NM (K60AA).

File No. 89282 CTB Eastern New Mexico University, 15th and Avenue O, Portales, NM 88130. Signed By: Mr. Duane Ryan, Director of Broadcasting. Funds Requested: \$17,500. Total Project Cost: \$35,000. To improve the facilities of public television station KENW-TV, Channel 3, in Portales. Project would replace an obsolete audio production console (5 microphone/3 line level inputs) which limits local production efforts. KENW-TV serves approximately 315,000 people of eastern New Mexico and west Texas.

NV (Nevada)

File No. 89061 CTB Pershing County TV Board, Central & Western Ave., Box 299, Lovelock, NV 89419. Signed By: Ms. Marian McClellan, Chairman of Cty. Commissioners. Funds Requested: \$9,000. Total Project Cost: \$12,000. To improve the facilities of the low power television station operating on Channel 14 in Lovelock, NV, by purchasing a camera, videotape recorder and microphones for use in local production. The project serves 1,200 people in Pershing County, NV.

File No. 89180 CTB Rural Television System, Inc., 6205-A Franktown Road, Carson City, NV 89701. Signed By: Mr. Daniel Tone, RTS Planning/Administration. Funds Requested: \$152,852. Total Project Cost: \$203,803. To improve the production capabilities of the low power television stations affiliated with the Rural Television System. The project will fund the purchase of portable video production equipment which can be shipped to affiliated television stations throughout the western States for use in local programming.

File No. 89218 CTB Fallon Community TV, Inc., 1050 S. Maine Street, Fallon, NV 89406. Signed By: Mr. John Zielke, Chairman. Funds Requested: \$28,897. Total Project Cost: \$38,530. To provide television production equipment to K25AK, a low power television facility in Fallon, NV to provide local programming to 18,000 people in Churchill County.

File No. 89250 PTB Rural Television System, Inc., 6205-A Franktown Road, Carson City, NV 89701. Signed By: Mr. Daniel Tone, RTS Planning/Administration. Funds Requested: \$75,000. Total Project Cost: \$100,000. To plan for the establishment of low power television stations to provide first public television service to rural areas of the West.

File No. 89254 CTB Clark County School District, 4210 Channel 10 Drive, Las Vegas, NV 89119. Signed By: Mr. John Hill, Director of Television Service. Funds Requested: \$268,950. Total Project Cost: \$358,600. To improve the production facilities of KLVX-TV, operating on Ch. 10 in Las Vegas, NV by replacing obsolete 2" videotape recorders and purchasing the station's first 1" videotape machines. The project would also provide for the construction of a translator on Ch. 23 to provide first public television service to the 1,126 residents of Sandy Point and Jean, NV. KLVX serves 688,000 people in the area surrounding Las Vegas NV.

NY (New York)

File No. 89041 CTB Public Bdcstg. of Central NY, 506 Old Liverpool Road, Syracuse, NY 13220-2400. Signed By: Mr. Richard Russell. Funds Requested: \$252,505. Total Project Cost: \$505,010. To improve the production facilities of WCNY-TV, operating on Ch. 24 in Syracuse, by replacing obsolete studio cameras and related monitoring equipment. The station serves 1,775,000 residents of Syracuse.

File No. 89103 CRB Colleges of the Seneca, 51 St. Clair Street, Geneva, NY 14456. Signed By: Mr. Michael Black, General Manager. Funds Requested: \$28,743. Total Project Cost: \$45,242. To improve the facilities of noncommercial radio station WEOS-FM, operating on 89.7 MHz, Geneva by replacing obsolete recorders and adding a satellite receive terminal to provide National Public Radio service to the area. The station provides service to 35,000 residents of Ontario, Seneca and Yates Counties.

File No. 89130 CTB WMHT Educational T/C, 17 Fern Ave./P.O. Box 17, Schenectady, NY 12301. Signed By: Mr. William Haley, Jr., President & General Manager. Funds Requested: \$102,575. Total Project Cost: \$205,150. To purchase three 1" video tape recorders for public television station WMHT, which operates on ch.17 in Schenectady, NY. The new machines would replace worn-out and obsolete 2" VTRs.

File No. 89131 CRB WMHT Educational T/C, 17 Fern Ave./P.O. Box 17, Schenectady, NY 12301. Signed By: Mr. William Haley, Jr., President & General Manager. Funds Requested: \$58,450. Total Project Cost: \$83,500. To install an FM repeater station in Poughkeepsie, NY, that will rebroadcast the public radio service of WMHT-FM, the studios of which are in Schenectady. The new station will operate at 250 kw on 88.7 MHz and will bring a first public radio signal to nearly 150,000 residents of the mid-Hudson region of New York. The repeater will share time with a

noncommercial station to be operated by the State University of New York at New Paltz.

File No. 89157 CTB Educational Broadcasting Corp., 356 West 58th Street, New York, NY 10019. Signed By: Mr. George Miles, Jr., Executive Vice President. Funds Requested: \$128,850. Total Project Cost: \$257,700. To improve the electronic field production capabilities of WNET-TV, Ch. 13, New York City. The project will purchase four ENG/EFT cameras, dockable video tape recorders, a camera control unit and other associated items. WNET-TV's current field production equipment will be used to produce programming at its Newark studio. WNET serves 17 million residents of the greater New York metropolitan area.

File No. 89173 CRB Rochester Area Educ. TV Assoc., 280 State Street, Rochester, NY 14614. Signed By: Mr. William Pearce, President. Funds Requested: \$40,000. Total Project Cost: \$80,000. To improve the transmission facilities of WXXI-FM, operating on 91.5 MHz, Rochester, by replacing a 15-year-old transmitter. WXXI-FM serves 1,200,000 residents of ten counties in western New York.

File No. 89183 CTN New York Institute of Technology, Old Westbury, NY 11568. Signed By: Dr. Matthew Schure, President. Funds Requested: \$671,446. Total Project Cost: \$907,360. To establish a nonbroadcast telecommunications facility to provide video materials on health, jobs, training and education to residents of low-income housing projects in the New York City area. The project will serve an estimated 186,000 people.

File No. 89200 CRB St. Lawrence University, Park Street, Payson Hall, Canton, NY 13617. Signed By: Ms. Ellen Rocco, General Manager. Funds Requested: \$19,000. Total Project Cost: \$26,130. To extend the signal of WSLU-FM, operating at 89.5 MHz in Canton, NY, to an additional 12,510 residents of Essex and Clinton Counties through the installation of a 200-watt transmitter. This will bring the first public radio to residents of the Eastern Adirondacks.

File No. 89207 CTB NE NY Public T/c Council, Inc., One Sesame Street, P.O. Box 617, Plattsburgh, NY 12901. Signed By: Mr. Gerald Bates, President & General Manager. Funds Requested: \$62,623. Total Project Cost: \$83,498. To improve the production and transmission capabilities of television station WCFE-TV, broadcasting on channel 57 to 250,000 residents of northeastern New York and western Vermont, by replacing a slide chain with a still store system; two studio camera tripods with camera pedestals; and

essential test equipment, including a studio oscilloscope.

File No. 89273 CTB Long Island Educ. TV Council, 1425 Old Country Road, Plainview, NY 11803. Signed By: Ms. Lydia Coppola, Director of Finance. Funds Requested: \$71,332. Total Project Cost: \$142,664. To improve the production capabilities of television station WLIW-TV, broadcasting on channel 21 in Plainview, NY, and serving Nassau and Suffolk Counties, by replacing worn-out origination equipment, including a dual channel video still store and an audio production mixer with studio and production control room monitors.

OH (Ohio)

File No. 89037 CRB Xavier University, 3800 Victory Parkway, Cincinnati, OH 45207. Signed By: Dr. James King, Director of Radio. Funds Requested: \$81,518. Total Project Cost: \$108,690. To expand the signal of WVXU-FM, Cincinnati, to the unserved community of West Union by means of a 3.2 kw ERP repeater transmitter. The request includes tower, repeater and related test equipment.

File No. 89093 CTB Greater Cincinnati Television, 1223 Central Parkway, Cincinnati, OH 45214-2890. Signed By: Mr. Charles Vaughan, President & General Manager. Funds Requested: \$174,552. Total Project Cost: \$349,105. To improve the operational efficiency of WCET-TV, Channel 48 serving Cincinnati by expanding capacity of the routing switcher, modifying annular rings and replacing the heat exchanger.

File No. 89128 CTB Greater Dayton Public TV, Inc., 110 South Jefferson Street, Dayton, OH 45402. Signed By: Mr. Jerrold Wareham, President & General Manager. Funds Requested: \$160,769. Total Project Cost: \$321,538. To improve the operation of WPTD-TV, channel 16 Dayton, by installing a hot-standby STL and replacing obsolete and wornout master control equipment. The request includes 1 inch VTRs to replace quads, still store, distribution amplifiers, audio tape recorders and transmitter test equipment.

File No. 89140 CRB Kent State University, 1935 East Main Street, Kent, OH 44242. Signed By: Mr. Michael Schwartz, President. Funds Requested: \$225,023. Total Project Cost: \$367,550. To expand the signal of WKSU-FM, 89.7 in Kent by relocating the tower site and increasing the height of a new antenna and by replacing and upgrading obsolete production equipment. Request includes tower, antenna, audio consoles, tape recorders and other production equipment.

File No. 89155 CTB Public Broadcasting Foundation, 136 North Huron St., P.O. Box 30, Toledo, OH 43692. Signed By: Mr. Thomas Paine, Interim President. Funds Requested: \$70,200. Total Project Cost: \$140,400. To improve WGTE-TV, channel 30 in Toledo, by replacing obsolete production and microwave equipment. Request includes hot standby STL, master control switcher and a 1 inch VTR replacement of a quad VTR.

OK (Oklahoma)

File No. 89033 CTN Oklahoma Panhandle State Univ., P.O. Box 430, Goodwell, OK 73939. Signed By: Mr. W. L. Boyd, President. Funds Requested: \$563,147. Total Project Cost: \$1,126,295. To acquire a studio, a satellite receive station and the fiber-optics connection necessary to link with network being developed. Project will provide studio equipment and digital fiber-optics linkage to place applicant on-line as central program provider. Project will provide educational/instructional programming services to parts of Oklahoma, Kansas, Colorado, New Mexico and Texas.

OR (Oregon)

File No. 89021 CTN University of Oregon, 15th and Kincaid Streets, Eugene, OR 97403. Signed By: Mr. John Moseley, Vice President, Research. Funds Requested: \$42,258. Total Project Cost: \$84,517. To upgrade the production facilities of the University of Oregon Instructional Media Center, Eugene, Oregon and to connect that production facility with the state public broadcast network to provide enhanced educational programming for faculty and students.

File No. 89046 CRB Southern Oregon State College, 1250 Siskiyou Blvd., Ashland, OR 97520. Signed By: Ms. Wilma Foster, Secretary. Funds Requested: \$204,847. Total Project Cost: \$273,130. To extend the signal of public radio station KSOR-FM, operating on 90.1 MHz, Ashland, Oregon by constructing a microwave fed satellite station in Mt. Shasta City, California and translators in Yreka and Burney, California to provide a first public radio service to 102,868 residents of northern California.

File No. 89052 CRB KBOO Foundation, 20 SE. 8th Ave., Portland, OR 97214. Signed By: Mr. Craig McPherson, President. Funds Requested: \$92,588. Total Project Cost: \$123,450. To extend the signal of public radio station KBOO-FM, operating on 90.7 MHz, Portland, Oregon by moving the existing antenna unit to a new higher site, replacing the existing transmission line and related

electrical support equipment to better serve 1,300,000 residents of greater Portland.

File No. 89080 CTB Oregon Public Broadcasting, 7140 S. W. Macadam Avenue, Portland, OR 97219. Signed By: Mr. Maynard Orme, Executive Director. Funds Requested: \$112,750. Total Project Cost: \$225,500. To improve the transmission capability of public television station KOAC-TV, channel 7, Corvallis, Oregon by replacing a 23 year old transmitter and transmission line to better serve 464,000 residents of greater Corvallis.

File No. 89084 CRB Lane Community College, 4000 E. 30th Avenue, Eugene, OR 97405. Signed By: Mr. Jack Carter, Interim President. Funds Requested: \$118,757. Total Project Cost: \$158,343. To extend the signal of public radio station KLCC-FM, operating on 89.7 MHz, Eugene, Oregon by constructing a microwave fed satellite station in Otter Crest, Oregon to bring a first public radio service to 22,000 residents of Lincoln County.

File No. 89088 CTB Oregon Public Broadcasting, 7140 SW. Macadam Ave., Portland, OR 97219. Signed By: Mr. Maynard Orme, Executive Director. Funds Requested: \$100,910. Total Project Cost: \$201,820. To extend the signal of public television station KOAB-TV operating on channel 3, Bend, Oregon by replacing a 5 Kw transmitter and transmission line with a 15Kw system to better serve 95,000 residents of the greater Bend and to provide first public television service to 30,000 additional viewers.

File No. 89271 CRB Tillicum Foundation, 1445 Exchange, P.O. Box 269, Astoria, OR 97103. Signed By: Mr. Doug Sweet, Station Manager. Funds Requested: \$10,141. Total Project Cost: \$13,521. To extend the signal of KMUN-FM, 91.9 MHz Astoria, Oregon by constructing two translators to provide a first public radio service to 11,000 persons in the adjoining communities of South Astoria and Tillamook.

PA (Pennsylvania)

File No. 89010 CRB Greater Lehigh Valley Radio, 3835 Green Pond Road, Bethlehem, PA 18017. Signed By: Ms. Suzette Kopecek, President. Funds Requested: \$4,300. Total Project Cost: \$8,600. To provide 100 sub-carrier decoders for blind and print-handicapped individuals, along with those who, by virtue of a physical disability, are unable to hold printed materials.

File No. 89016 CRB Northeast Penn. ETV Association, Old Boston Road, Pittston, PA 18640. Signed By: Dr. John Walsh, President and General Manager.

Funds Requested: \$28,125. Total Project Cost: \$56,250. To improve the services of public radio station WVIA-FM, located in Scranton, PA, and serving northeastern and central Pennsylvania, by replacing an obsolete 15-year-old transmitter.

File No. 89113 CTB Metro. Pittsburgh Pub. Brctng, 4802 Fifth Avenue, Pittsburgh, PA 15213. Signed By: Mr. Lloyd Kaiser, President. Funds Requested: \$211,500. Total Project Cost: \$423,000. To improve the programming and transmission capability of public television station WQED-TV, Channel 13, Pittsburgh, Pennsylvania, by replacing three cameras and a master control switcher and by converting the transmitter to stereo audio output.

File No. 89217 CTB WITF, Inc., 1982 Locust Lane, Harrisburg, PA 17022. Signed By: Mr. John Blair, Senior Vice President. Funds Requested: \$174,975. Total Project Cost: \$349,950. To improve the production facilities of public television station WITF, Channel 33, Harrisburg, Pennsylvania, by replacing three 15-year-old camera units needed to produce programming for the residents of central Pennsylvania.

File No. 89223 CTB Pennsylvania State University, 202 Wagner Building, University Park, PA 16802. Signed By: Mr. Richard Grubb, Acting Vice President. Funds Requested: \$169,957. Total Project Cost: \$339,915. To improve the production facilities of public television station WPSX-TV, channel 3, University Park, Pennsylvania by replacing obsolete and worn studio production equipment needed to deliver programming to the residents of central Pennsylvania.

File No. 89252 CRB W Philadelphia Educ. Brdcast. Sta, 4601 Market Street, Suite G-29, Philadelphia, PA 19143. Signed By: Ms. Atikah Bey, President & General Manager. Funds Requested: \$101,253. Total Project Cost: \$207,353. To upgrade the programming and transmission capabilities of public radio station KPEB-FM, operating on 88.1 MHz, Philadelphia. The project will replace the transmitter, antenna and transmission remote control as well as numerous other transmission and studio production equipment items. The station provides community programming designed to meet the needs of 94,942 residents of Philadelphia's inner city.

File No. 89255 CTN Lehigh University, 111 Research Drive, Bethlehem, PA 18015. Signed By: Mr. J.I. Goldstein, Vice President. Funds Requested: \$444,000. Total Project Cost: \$592,000. To install a Ku-Band satellite uplink and video production studios at Lehigh University, Bethlehem, PA. The facility will allow

the University to produce and transmit a wide variety of instructional programming to schools, corporations and government agencies. It will also permit the applicant to participate more fully in the scientific and technological activities of the National Technological University.

PR (Puerto Rico)

File No. 89075 CTB Puerto Rico Pub. Brdcastg. Corp., Urb. Baldrich, Hato Rey, PR 00917. Signed By: Mrs. Carmen Junco, Interim Exec. Director. Funds Requested: \$447,500. Total Project Cost: \$895,000. To improve the signal of public television station WIPM operating on channel 3, Mayaguez by replacing an obsolete transmitter to continue public television service to Mayaguez.

SC (South Carolina)

File No. 89060 CTN SC Educational TV Commission, 2712 Millwood Ave., Columbia, SC 29205. Signed By: Mr. Robert Frierson, Senior Vice President. Funds Requested: \$216,000. Total Project Cost: \$396,050. To construct a four-channel ITFS system to serve all of the secondary public schools in Marlboro County, SC.

File No. 89187 CTN SC Educational TV Commission, 2712 Millwood Avenue, Columbia, SC 29205. Signed By: Mr. Robert Frierson, Senior Vice President. Funds Requested: \$230,000. Total Project Cost: \$424,370. To provide first service to the school system and general public of Oconee County, SC, by constructing an ITFS system. System will provide four full television channels, 7 hours per day, five days per week, with additional service to the general public after school hours. The system will include an origination center in Seneca, SC.

SD (South Dakota)

File No. 89160 CTB State Brd. of Dir. for Educ. TV, 414 East Clark Street, Vermillion, SD 57069. Signed By: Mr. Larry Miller, Deputy Executive Director. Funds Requested: \$93,750. Total Project Cost: \$125,000. To activate a new public television translator, K23BZ, operating on Channel 23, in Sioux Falls. Translator would increase signal strength to parts of the Sioux Falls metropolitan area.

File No. 89161 CRB State Brd. of Dir. for Educ. TV, 414 East Clark Street, Vermillion, SD 57069. Signed By: Mr. Larry Miller, Deputy Executive Director. Funds Requested: \$20,000. Total Project Cost: \$40,000. To acquire a new circularly polarized FM antenna for KUSD-FM, the flagship station of the SD Public Radio network. The replacement antenna is intended to improve the signal reception for the 147,000 residents with the station's coverage area.

File No. 89186 CTB Lone Man School Corporation, 200 Main Street, Oglala, SD 57764. Signed By: Ms. Delores Dreamer, Chairman. Funds Requested: \$120,000. Total Project Cost: \$160,000. To activate a new Low Power Television Station on Channel 29, Oglala on the Pine Ridge Indian Reservation in southwestern SD. Station is part of the Rural Television System (RTS) which allows small communities to receive a signal and some local origination. Station will provide public television service to 1,200 residents within the proposed service area.

File No. 89246 CTB State Brd. of Dir. for Educ. TV, 414 East Clark Street, Vermillion, SD 57069. Signed By: Mr. Larry Miller, Deputy Executive Director. Funds Requested: \$384,281. Total Project Cost: \$512,375. To acquire a transportable satellite uplink and associated equipment to support programming operations of SD Public Broadcasting.

File No. 89247 CTB State Brd. of Dir. for Educ. TV, 414 East Clark Street, Vermillion, SD 57069. Signed By: Mr. Larry Miller, Deputy Executive Director. Funds Requested: \$55,000. Total Project Cost: \$110,000. To improve the state public television network by replacing four microwave repeaters of the inter-city microwave system. Locations to be replaced are Beresford (KWU-35), Brookings (WGR-795), Philip (WLG-29) and Wall (WLG-30). The old, replaced units will be moved into secondary service as back-up units before they are finally retired. The state network serves approximately 850,000 people.

TN (Tennessee)

File No. 89035 CRB Memphis Community TV Fdn., 900 Getwell Street/PO Box 241880, Memphis, TN 38124-1880. Signed By: Mr. W. Wayne Godwin, President & Treasurer. Funds Requested: \$122,500. Total Project Cost: \$150,000. To establish a first-service public radio station serving an estimated 300,000 residents of Jackson, TN. Funding would be used to purchase a transmitter, remote unit, STL, antenna, and other associated equipment.

File No. 89043 CRB Memphis Cmty. TV Foundation, 900 Getwell St., Memphis, TN 38124-1880. Signed By: Mr. W. Wayne Godwin, President & Treasurer. Funds Requested: \$44,755. Total Project Cost: \$89,755. To improve and upgrade the service of public radio station WKNO-FM, broadcasting on 91.1 MHz, in Memphis, TN, by purchasing a 25 kW transmitter and combining this with related equipment to allow the station to increase its broadcast power from 40 kW to 100 kW, thereby providing first radio service to

an additional 40,000 persons in southwestern Tennessee, as well as northern Arkansas and Mississippi.

File No. 89062 PRB Lane College, 545 Lane Avenue, Jackson, TN 38301. Signed By: Dr. Alex Chambers, President. Funds Requested: \$25,510. Total Project Cost: \$28,510. To plan for the establishment of a public radio station to be located in Jackson, TN, providing first service to the counties of Madison, Gibson, and Crockett. The station will address the needs of all area residents, but will be particularly concerned with scheduling programs of interest to the predominantly Black population of Jackson and the surrounding area.

File No. 89066 CRB Memphis State University, 3745 Central Ave., Memphis, TN 38152. Signed By: Mr. E.P. Segner, Associate Vice President. Funds Requested: \$82,700. Total Project Cost: \$124,700. To improve the service of public radio station WSMS-FM, operating at 91.7 MHz, in Memphis, TN, by increasing the station's power from 250 to 25,000 watts. Project will move the present tower, located at 185 feet on the Rhodes College campus to a 420 foot tower owned by the county of Shelby, TN. This project is part of a cooperative endeavor with public radio station WKNO-FM, Memphis, TN.

File No. 89070 CTB Greater Chattanooga Pub. TV Corp, 4411 Amnicola Highway, Chattanooga, TN 37406. Signed By: Mr. Walter Alley, President & General Manager. Funds Requested: \$146,600. Total Project Cost: \$293,200. To improve the service of public television station WTCL-TV, operating on channel 45 in Chattanooga, TN, by replacing an obsolete 20-year-old antenna and transmission line and to begin planning for stereo transmission. WTCL-TV is the only public television service in the Chattanooga area, broadcasting to an estimated 350,000 persons.

File No. 89085 PTB Pellissippi St. Tech. Cmty. Coll, 10915 Hardin Valley Road, Knoxville, TN 37933-0990. Signed By: Mr. J.L. Goins, President. Funds Requested: \$13,500. Total Project Cost: \$15,000. To plan for an ITFS system that would serve Pellissippi State Technical Community College's off-campus locations, area high schools, local cable television systems, and industry. The comprehensive system would serve various receive sites in Knox, Blount, and Anderson Counties of East Tennessee.

TX (Texas)

File No. 89030 CRB Kilgore Junior College, 1100 Broadway, Kilgore, TX 75662. Signed By: Mr. Stewart McLaurin,

President. Funds Requested: \$293,526. Total Project Cost: \$391,369. To activate a new 30,000 watt public radio station, on 88.7 MHz, in Kilgore. Project includes a satellite receive dish. Proposed station will provide first public radio service to approximately 353,906 people in an eight county area of eastern Texas.

File No. 89050 CRB Austin Council of the Blind, 6901 N. Lamar Street, Austin, TX 78752. Signed By: Mr. Charles Raeke, Program Director. Funds Requested: \$74,085. Total Project Cost: \$98,780. To establish a new radio reading service for the print-handicapped using the subcarrier frequency of public station KUT-FM, Austin. In addition to acquiring origination equipment, the reading service seeks assistance in purchasing 500 SCA receivers. The reading service will also be carried on an FM frequency or Austin Cablevision's subscriber CATV.

File No. 89079 CTB Capital of TX Pub. T/C Council, 2504-B Whitist Street, Austin, TX 78705. Signed By: Mr. Bill Arhos, President. Funds Requested: \$181,767. Total Project Cost: \$363,535. To improve the facilities of public television station KLRU-TV, Channel 18, in Austin. KLRU-TV will acquire a transmitter efficiency enhancement kit, a klystron (transmitter, video & master control) test equipment. In addition, station will acquire a replacement master control intercom system. Transmitter efficiency enhancement kit will save the station approximately \$20,000 annually. Station serves an estimated 920,322 residents of Austin and the surrounding areas.

File No. 89133 CRB University of Houston, 3801 Calhoun Road, Houston, TX 77004. Signed By: Mr. John Proffitt, General Manager. Funds Requested: \$190,492. Total Project Cost: \$253,990. To improve the facilities of public radio station KUHF-FM, operating on 88.7 MHz, in Houston. KUHF-FM proposes to upgrade their transmitters to a combined operation and upgrade the antenna system. Project will allow redundancy to avoid loss of signal, higher quality coverage in service area and conservative use of transmitters. KUHF-TV serves approximately 3 million residents of the Houston-Galveston area.

File No. 89149 CTB North Texas Public Brdcstg., Inc., 3000 Harry Hines Blvd., Dallas, TX 75201. Signed By: Mr. Richard Meyer, President. Funds Requested: \$124,750. Total Project Cost: \$249,500. To improve the facilities of KERA-TV, Channel 13, in Dallas by upgrading the editing suites from 3/4" to 1/2" format. New equipment will allow KERA-TV to produce local and national programming that meets industry

standards. Station serves approximately 4.5 million residents.

File No. 89193 CTB Amarillo Junior College District, 2408 S. Jackson, P.O. Box 447, Amarillo, TX 79178. Signed By: Mr. W.L. Prather, Vice President. Funds Requested: \$124,733. Total Project Cost: \$207,886. To improve the facilities of public television station KACV-TV, Channel 2, in Amarillo. Project will acquire additional origination and test equipment. Station, activated in 1988, serves approximately 330,000 people.

File No. 89222 CTB Texas A&M University, Houston Street, College Station, TX 77843. Signed By: Dr. Donald McDonald, Vice President for Academics. Funds Requested: \$100,000. Total Project Cost: \$200,000. To improve and upgrade the facilities of KAMU-TV, Channel 15, in College Station by replacing and upgrading equipment. KAMU-TV would replace 16-year-old studio switcher and film chain (with still store), coaxial delay lines and a 15-year-old scope. Project would acquire a new computerized audio board and a character generator to upgrade present editing capabilities. Station serves approximately 216,745 residents of College Station and six surrounding counties.

File No. 89243 CRB Texas Tech University, 102 Mass Communications Bldg., Lubbock, TX 79409. Signed By: Mr. Robert Sweazy, Vice Provost for Research. Funds Requested: \$54,200. Total Project Cost: \$72,267. To improve the facilities of public radio station KOHM-FM, 89.1 MHz, in Lubbock. Project would acquire a satellite receive dish, basic production studio equipment, a new STL/TSL and engineering study assistance. Station seeks federal assistance to conduct an engineering study for possible increase in the power of the station. KOHM-FM, on the air since May 1988, utilizes basic equipment and this equipment will allow improved service to 260,000 people.

File No. 89249 CTB South Texas Pub. Brdcstg. System, 4455 S. Padre Island Drive, Corpus Christi, TX 78411. Signed By: Mr. Terrel Cass, President & General Manager. Funds Requested: \$222,075. Total Project Cost: \$296,100. To improve the facilities of public television station KEDT-TV, Channel 16, in Corpus Christi. KEDT-TV seeks to replace a studio-to-transmitter link (STL) that is over 20 years old. Project will also allow KEDT-TV to acquire a new film chain camera upgrade and still store to replace worn out, obsolete equipment. Station will also acquire a routing switcher for its control room since it can accommodate only 20 destinations at present. KEDT-TV presently serves

approximately 450,000 residents of Corpus Christi and Nueces County.

File No. 89263 CTB Alamo Public T/C Council, 801 S. Bowie, San Antonio, TX 78205. Signed By: Ms. Joanne Winik, President & General Manager. Funds Requested: \$56,912. Total Project Cost: \$113,825. To improve the facilities of public television station KLRN-TV, Channel 9, in San Antonio by replacing worn out, obsolete equipment. Equipment being replaced consists of a master control switcher, an edit controller and other related production equipment. Station provides the only public television signal for more than 1.5 million residents of the San Antonio area.

UT (Utah)

File No. 89232 CRB University of Utah, 104 Kingsbury Hall, Salt Lake City, UT 84112. Signed By: Mr. Ted Capener, Vice President. Funds Requested: \$24,375. Total Project Cost: \$32,500. To extend the service of KUER-FM, 90.1 MHz, Salt Lake City, by constructing six translators to provide first public radio service to the following communities: 107.1 MHz, Fillmore; 91.1 MHz, Heber; 88.3 MHz, Manti; 90.5 MHz, North Moab; 91.3 MHz, Salina; 90.1 MHz, Toquerville.

VA (Virginia)

File No. 89097 CTB Shenandoah Valley Educ. TV Corp., 298 Port Republic Road, Harrisonburg, VA 22801. Signed By: Mr. Authur Albrecht, President. Funds Requested: \$231,192. Total Project Cost: \$462,384. To improve the service of public television station WVPT-TV, channel 51, in Harrisonburg, VA, and also serving Warren, Page, and Madison Counties, by upgrading a translator that is operating on a channel reserved for noncommercial use to a satellite transmitter. The proposed transmitter would provide the first public television service to an additional 4,000 persons in the Shenandoah Valley.

File No. 89208 CTB Blue Ridge Public Television, 1215 McNeil Drive SW., Roanoke, VA 24015. Signed By: Mr. Larry Dyer, Executive Vice President. Funds Requested: \$284,000. Total Project Cost: \$568,000. To replace obsolete transmission equipment, including antenna, transmission line, and tower, for television station WBRA-TV, channel 15, serving Roanoke, VA, Norton, VA (WSBN-TV), and Marion, VA (WMSY-TV).

File No. 89236 CTB Greater WA Educ. T/C Association, 3620 South 27th Street, Arlington, VA 22206. Signed By: Mr. M. Lynwood Heiges, Jr., Vice President. Funds Requested: \$610,654. Total Project Cost: \$1,221,308. To improve the service

of public television station WETA-TV, broadcasting on channel 26 and serving the Washington, DC, metropolitan area, by replacing an aging and obsolete 110 kW transmitter and modifying an existing UHF television transmitting antenna to add a vertical component to the radiated signal.

VT (Vermont)

File No. 89025 CTB University of Vermont, 88 Ethan Allen Avenue, Winooski, VT 05404. Signed By: Ms. Patricia Armstrong, Director of Sponsored Programs. Funds Requested: \$225,000. Total Project Cost: \$300,000. To improve the production facilities of Vermont ETV by acquiring three new studio cameras, lens, control units and viewfinders. The new equipment will replace obsolete and worn out units that provide the sole means of producing local programming.

File No. 89047 CTB University of Vermont, 88 Ethan Allen Avenue, Winooski, VT 05404. Signed By: Ms. Patricia Armstrong, Director of Sponsored Programs. Funds Requested: \$369,513. Total Project Cost: \$492,685. To improve public television station WVTB-TV, Ch. 20, in St. Johnsbury by replacing a 21-year-old transmitter and antenna. The failing and obsolete transmission items serve approximately 67,000 residents of the most rural, mountainous area of Vermont. The 2 kW transmitter will be replaced with a 25 kW unit which will increase the signal level yet reduce overall power consumption.

WA (Washington)

File No. 89008 CRB KBCS-FM, 3000 Landerholm Circle SE., Bellevue, WA 98007. Signed By: Mr. Richard White, President. Funds Requested: \$25,128. Total Project Cost: \$33,504. To improve the programming capabilities of public radio station KBCS-FM, operating on 91.3 MHz, Bellevue, Washington by installing a satellite receiving dish to receive national programming.

File No. 89054 CTB Central Washington Assoc., 1105 S. 15th Avenue, Yakima, WA 98902-5399. Signed By: Mr. Don Heinen, General Manager. Funds Requested: \$155,190. Total Project Cost: \$221,700. To improve the production and transmission capability of public television station KYVE-TV operating on channel 47 in Yakima, Washington by replacing worn and obsolete production and master control equipment and installing a backup STL needed to provide programming to the residents of central Washington.

File No. 89105 CTB KCTS Association, 401 Mercer Street, Seattle, WA 98109.

Signed By: Mr. Burnill Clark, President. Funds Requested: \$400,371. Total Project Cost: \$800,743. To improve the programming capability of public television station KCTS-TV 9 Seattle, Washington, by replacing 7, thirteen year old cameras with state of the art units.

File No. 89272 CRB KPBX—Spokane Public Radio, N. 2319 Monroe Street, Spokane, WA 99205. Signed By: Mr. Richard Kunkel, General Manager. Funds Requested: \$15,856. Total Project Cost: \$21,142. To extend the signal of public radio station KPBX-FM, operating on 91.1 MHz, Spokane, Washington with translators in Bridgeport, Oroville and Twisp to provide first public radio service to 6,500 residents of northeastern Washington.

WI (Wisconsin)

File No. 89040 CRB White Pine Cmty. Brdcstg., Inc., 303 W. Prospect Street, Rhinelander, WI 54501. Signed By: Ms. Jennifer Roth, President. Funds Requested: \$40,940. Total Project Cost: \$59,200. To improve WXPR-FM, 91.7 in Rhinelander, by replacing obsolete and malfunctioning production equipment and by acquiring a microwave STL interconnect to replace phone lines.

File No. 89065 CTB State of Wisconsin, 3319 West Beltline Highway, Madison, WI 53713. Signed By: Mr. Paul Norton, Executive Director. Funds Requested: \$505,547. Total Project Cost: \$1,011,095. To improve the operating efficiency and reliability of the Wisconsin Public Television Network by replacing antennas and transmission lines at WHRM-TV in Wausau and WPNE-TV in Green Bay and transmission lines only at WHLA-TV in LaCrosse and WLEF-TV in Parks Falls.

File No. 89068 CRB State of Wisconsin, 3319 West Beltline Highway, Madison, WI 53713. Signed By: Mr. Paul Norton, Executive Director. Funds Requested: \$143,154. Total Project Cost: \$286,309. To improve and expand public radio in Wisconsin by: increasing power and replacing the transmitter of WHWC-FM in Menominee; replacing the antenna of WHAD-FM in Delafield; replacing the transmission line of WHLA-FM in La Crosse.

File No. 89078 CRB University of Wisconsin, 1725 State Street, La Crosse, WI 54601. Signed By: Mr. David Witmer, Assistant Chancellor. Funds Requested: \$29,053. Total Project Cost: \$58,106. To replace the obsolete worn-out transmission system for WLSU-FM, 88.9, serving LaCrosse. The request includes a new transmitter, antenna system and related test equipment.

File No. 89139 CTN WSNC Television, Grant Street, Depere, WI 54115. Signed

By: Mr. Thomas Manion, President. Funds Requested: \$1,283,180. Total Project Cost: \$2,566,360. To build an international video production center that will produce foreign language programming which will be distributed by tape to public television stations and local cable access centers.

File No. 89221 PTN Cooperative Educational Service, 301 13th Ave., East, Ashland, WI 54548. Signed By: Mr. Ernest Korpela, CESA #12 Administrator. Funds Requested: \$40,248. Total Project Cost: \$49,283. To plan a distance learning network that will connect 12 school districts and will enable distribution of educational programming.

File No. 89242 CTB University of Wisconsin, 821 University Avenue, Madison, WI 53706. Signed By: Mr. Gerald Praedel, Administrative Officer. Funds Requested: \$325,000. Total Project Cost: \$650,000. To improve WHA-TV, channel 21 in Madison, by replacing four obsolete studio cameras.

WV (West Virginia)

File No. 89073 CTB WV Educ. Brdcstg. Authority, Third Avenue, Huntington, WV 25701. Signed By: Mr. Kenneth Jarvis, Executive Director. Funds Requested: \$461,910. Total Project Cost: \$923,820. To improve the production capabilities of public television station WPBY-TV, channel 33, in Huntington, WV, by replacing worn-out and obsolete studio cameras, monitoring equipment, and mounting equipment.

File No. 89119 CTB WV Educ. Brdcstg. Authority, P.O. Box AH, Airport Road, Beckley, WV 25802-2831. Signed By: Mr. Kenneth Jarvis, Executive Director. Funds Requested: \$268,218. Total Project Cost: \$536,436. To improve the facilities and services of public television station WSWP-TV, channel 9, in Beckley, WV, by replacing three outmoded color studio cameras, a field camera, and three 19-year-old synch generators.

WY (Wyoming)

File No. 89076 CTB Central Wyoming College, 2660 Peck Avenue, Riverton, WY 82501. Signed By: Mr. Edward Donovan, President. Funds Requested: \$293,560. Total Project Cost: \$391,414. To extend the signal of Public Television station KCWC-TV channel 4, Riverton, Wyoming by constructing a series of microwave fed translators which will provide a first public television service to residents of Teton and western Park Counties.

File No. 89115 CRB University of Wyoming, 15th & Lewis, P.O. Box 3884, Laramie, WY 82071. Signed By: Mr. Daniel Baccari, Vice President of

Finance. Funds Requested: \$29,666. Total Project Cost: \$39,555. To extend the signal of public radio station KCWR-FM operating on 91.9 Mhz. Laramie Wyoming by installing three satellite fed translators to provide enhanced service to Sheridan and Cody and a first public radio service to 21,000 residents of Jackson, Wyoming.

File No. 89120 CRB University of Wyoming, 15th & Lewis, P.O. Box 3984, Laramie, WY 82071. Signed By: Mr. Daniel Baccari, Vice President of Finance. Funds Requested: \$19,740. Total Project Cost: \$26,320. To extend the signal of public radio station KCWR-FM operating on 91.9 Mhz Laramie, Wyoming by installing two satellite fed translators to provide a first public radio service to 51,521 residents of Gillette and Rock Springs, Wyoming.

File No. 89135 CRB University of Wyoming, 15th & Lewis, P.O. Box 3984, Laramie, WY 82071. Signed By: Mr. Daniel Baccari, Vice President of Finance. Funds Requested: \$19,740. Total Project Cost: \$26,320. To extend the signal of public radio station KCWR-FM operating on 91.9 Mhz Laramie, Wyoming by installing two translators to provide a first public radio service to 10,000 residents of Lander and Evanston, Wyoming.

AK (Alaska)

File No. 89146 CRB, Old File No. 8069, Kachemak Bay Broadcasting, Inc., Homer, AK.

AL (Alabama)

File No. 89279 CRB, Old File Nos. 8303, 7002, 6013, Sable Cmty. Brdcastg. Corp., Hobson City, AL.

AZ (Arizona)

File No. 89181 CRB, Old File No. 8045, Maricopa County Commun. College, Mesa, AZ.

File No. 89203 CRB, Old File No. 8147, Tuba City High School Board, Inc., Tuba City, AZ.

CA (California)

File No. 89038 CRB, Old File No. 8010, 7038, KXOL Inc., Chico, CA.

File No. 89094 CRB, Old File No. 8226, California Lutheran University, Thousand Oaks, CA.

File No. 89154 CTB, Old File No. 8124, 7297, 6135, Minority Television Project, Inc., San Francisco, CA.

File No. 89166 PRB, Old File No. 8109, 7190, Watts Communication Network, Los Angeles, CA.

CO (Colorado)

File No. 89012 CTB, Old File No. 8033, 7145, Kit Carson County, Burlington, CO.

DC (District of Columbia)

File No. 89268 CRB, Old File No. 8080, The American University, Washington, DC.

FL (Florida)

File No. 89006 CRB, Old File No. 8016, 7135, University of Central Florida, Orlando, FL.

File No. 89013 CTB, Old File No. 8223, University of South Florida, Tampa, FL.

File No. 89019 CTB, Old File No. 8003, School Board of Pinellas County, Clearwater, FL.

File No. 89026 CTB, Old File No. 8088, 7026, 6321, School Board of Dade County, FL, Miami, FL.

File No. 89051 CRB, Old File No. 8164, Florida State University, Tallahassee, FL.

File No. 89077 CTB, Old File No. 8044, Coastal Educational Broadcasters, Daytona Beach, FL.

File No. 89163 CRB, Old File No. 8114, 7024, 6266, School Bd. of Dade County, FL, Miami, FL.

File No. 89178 CTB, Old File No. 8046, Pensacola Junior College, Pensacola, FL.

File No. 89248 CTB, Old File No. 8205, FL West Coast Pub. Brdcastg. Inc., Tampa, FL.

GA (Georgia)

File No. 89122 CRB, Old File No. 8220, 7062, Atlanta Board of Education, Atlanta, GA.

IA (Iowa)

File No. 89125 CTN, Old File No. 8253, Hawkeye Institute of Technology, Waterloo, IA.

File No. 89185 CTN, Old File No. 8049, 7174, 6162, 5090, Eastern Iowa Cmty. College Dist., Davenport, IA.

ID (Idaho)

File No. 89003 CRB, Old File No. 8171, Boise State University, Boise, ID.

IL (Illinois)

File No. 89022 CTB, Old File Nos. 8235, West Central IL Ed. T/C Corp., Springfield, IL.

File No. 89108 CRB, Old File Nos. 8090, Northern Illinois University, DeKalb, IL.

File No. 89132 CRB, Old File Nos. 8077, Open Media Corporation, Chicago, IL.

IN (Indiana)

File No. 89020 CTB, Old File Nos. 8161, S.W. Indiana Public Brdcastg. Inc., Evansville, IN.

KS (Kansas)

File No. 89138 CTB, Old File Nos. 8297, Smoky Hills Public TV, Corp., Bunker Hill, KS.

KY (Kentucky)

File No. 89179 CRB, Old File Nos. 8030, Louisville Free Public Library, Louisville, KY.

File No. 89226 CRB, Old File Nos. 8265, Appalshop, Inc., Whitesburg, KY.

LA (Louisiana)

File No. 89239 CTB, Old File Nos. 8219, Louisiana Educational Television, Baton Rouge, LA.

File No. 89253 CRB, Old File Nos. 8096, Northeast Louisiana University, Monroe, LA.

MI (Michigan)

File No. 89129 CTN, Old File Nos. 8250, Lake Superior State University, Sault St. Marie, MI.

File No. 89240 CRN, Old File Nos. 8222, Newspapers for the Blind, Inc., Flint, MI.

MN (Minnesota)

File No. 89027 CRB, Old File Nos. 8203, St. Olaf College, Northfield, MN.

MT (Montana)

File No. 89055 CTB, Old File Nos. 8236, Educ. Op. for Central Montana, Lewistown, MT.

File No. 89086 CTB, Old File Nos. 8063, Meagher County Public TV, Inc., White Sulphur Springs, MT.

File No. 89089 CTB, Old File Nos. 8237, 7131, Bitterroot Valley Public TV, Hamilton, MT.

File No. 89096 CTB, Old File Nos. 8062, Boulder TV Translator Assoc., Boulder, MT.

File No. 89153 CTB, Old File Nos. 8064, Fort Benton Community, Fort Benton, MT.

File No. 89219 CTB, Old File Nos. 8279, 7074, Thompson Falls TV District, Thompson Falls, MT.

File No. 89241 CTB, Old File Nos. 8089, 7102, Choteau School District #1, Choteau, MT.

NC (North Carolina)

File No. 89024 CRB, Old File Nos. 8122, S.E. NC Radio Reading Service, Fayetteville, NC.

NV (Nevada)

File No. 89023 CTB, Old File Nos. 8195, 7051, Channel 5 Public Brdcastg., Inc., Reno, NV.

File No. 89204 CRB, Old File No. 8129, Northern Nevada Cmty. College, Elko, NV.

NY (New York)

File No. 89175 CRB, Old File No. 8285, 7290, NE NY Public T/c Council, Inc., Plattsburgh, NY.

File No. 89206 CTB, Old File No. 8273,
Western NY Public Brdcstg. Assn.,
Buffalo, NY.

File No. 89230 CRB, Old File No. 8142,
7240, Radio Catskill, Jeffersonville, NY.

OH (Ohio)

File No. 89126 CTB, Old File No. 8296,
Greater Dayton Public TV, Inc., Dayton,
OH.

PA (Pennsylvania)

File No. 89015 CTB, Old File No. 8001,
7028, Northeast Penn. ETV Association,
Pittston, PA.

File No. 89107 CTB, Old File No. 8242,
Independence Public Media,
Philadelphia, PA.

File No. 89111 CRB, Old File No. 8137,
Metro. Pittsburgh Pub. Brdcstng.,
Pittsburgh, PA.

File No. 89194 CRB, Old File No. 8067,
University of Pennsylvania,
Philadelphia, PA.

File No. 89214 CRB, Old File No. 8098,
Bux-Mont Educ. Radio Assoc.,
Warminster, PA.

File No. 89220 CRB, Old File No. 8238,
7285, Pennsylvania State University,
University Park, PA.

TN (Tennessee)

File No. 89031 CTB, Old File No. 8183,
Memphis Community TV Foundation,
Memphis, TN.

File No. 89087 CTB, Old File No. 8198,
WCTE-TV, Cookeville, TN.

File No. 89090 CTB, Old File No. 8169,
East Tennessee Pub. Comm. Corp.,
Knoxville, TN.

File No. 89266 CRB, Old File No. 8301,
University of Tennessee, Chattanooga,
TN.

TX (Texas)

File No. 89136 CTB, Old File No. 8284,
7311, El Paso Public TV Found., Inc., El
Paso, TX.

File No. 89275 CRB, Old File No. 8263,
RGV Educational Broadcasting,
Harlingen, TX.

UT (Utah)

File No. 89104 CTB, Old File No. 8181,
University of Utah, Salt Lake City, UT.

VA (Virginia)

File No. 89053 CTB, Old File No. 8078,

Shenandoah Valley ETV Corp.,
Harrisonburg, VA.

WA (Washington)

File No. 89251 CTN, Old File No. 8163,
Educational Service District 112,
Vancouver, WA.

WI (Wisconsin)

File No. 89212 CRB, Old File No. 8130,
7142, Gateway Technical College,
Kenosha, WI.

File No. 89213 CTN, Old File No. 8132,
Gateway Technical College, Kenosha,
WI.

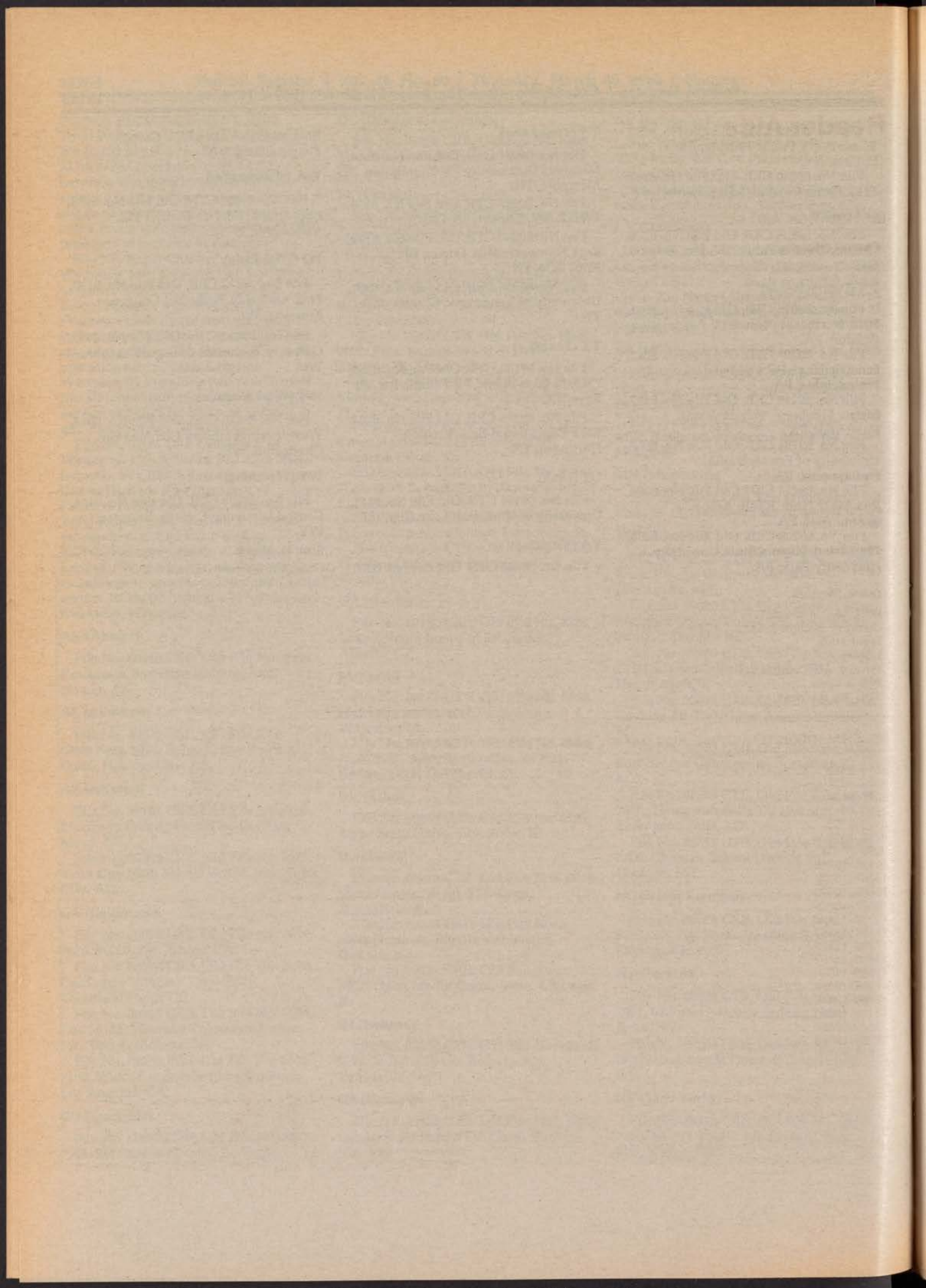
WV (West Virginia)

File No. 89118 CRB, Old File No. 8012,
West Virginia Library Commission,
Charleston, WV.

WY (Wyoming)

File No. 89283 CTB, Old File No. 8104,
Central Wyoming College, Riverton,
WY.

Scott M. Mason,
Chief, Management Branch.



Reader Aids

Federal Register

Vol. 54, No. 60

Thursday, March 30, 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
11157-11362	17
11363-11482	20
11483-11692	21
11693-11934	22
11935-12168	23
12169-12418	24
12419-12570	27
12571-12868	28
12869-13042	29
13043-13156	30

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

Proposed Rules:

305	12921
-----	-------

3 CFR

Proclamations:

5938	8723
5939	9193
5940	9195
5941	10261
5942	11483
5943	11485
5944	12165
5945	12573
5946	12869
5947	13043

Executive Orders:

11795 (Amended by EO 12673)	12571
11830 (Amended by EO 12672)	12167
12148 (Amended by EO 12673)	12571
12171 (Amended by EO 12671)	11157
12670	10267
12671	11157
12672	12167
12673	12571

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
180	11487
210	12575
220	13045
226	13048
272	12169
273	12169
276	12169
278	12169
300	12871
301	11489, 12175, 12310
319	12872
401	9766, 10621, 11935
405	11935
760	11693
800	9197
907	9025, 10136, 10535, 10971, 11159, 11936
910	9026, 10137, 11160, 12183
916	12419
917	12423, 12427
927	12583
948	11490
955	10972
959	8519
980	8521
985	9766, 11491
989	9415
1106	12584
1250	11492, 12310
1421	11493
1427	11493
1434	11493
1754	12184
1809	8521
1910	11363
1922	8521
1930	9197
1941	11363
1944	8521
1945	8521
1951	10269
1965	8521
1980	12873

Proposed Rules:

1	11204
15b	9966
29	10012
51	9824, 10014
52	10333
55	11541
56	11541
58	9452
70	11541
301	10992
318	9453, 11607
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
810	11543
906	9455
917	9457
925	11004
927	8544
928	10155
933	10341
946	10156
982	11544
984	12923
989	10158, 12205
1005	11206
1040	10214, 11545
1065	11546
1106	9458, 11735
1137	10159
1807	12211
1890t	12211
1901	10342
1927	12211
1951	9217
1955	10342
1980	10342

8 CFR

204	11160
214	10978
Proposed Rules:	
204	9459
210a	9054

9 CFR

92	9768, 12897, 13049
94	12531, 13052
313	9198
327	10621
381	10621

Proposed Rules:

1	10822
2	10835
3	10897, 11478
91	9459
92	9836, 10356, 12639
145	9842
147	9842
203	10018
317	9370
381	9370, 12219

10 CFR

9	10138
50	11161
430	11320
1039	8912
Proposed Rules:	
4	9966, 11224
31	10550
50	9229
600	10670
1040	9966

11 CFR

114	10622
-----	-------

12 CFR

201	10270
202	9416
205	9416
208	10482, 12531
225	12531
226	9417
265	10139
325	11500
575a	12414
Proposed Rules:	
563c	11736, 12454
571	11736, 12454
701	12221

13 CFR

108	11936
124	10271
142	11937
Proposed Rules:	
113	9966
120	9233, 9424
124	12054
129	9424

14 CFR

13	11914
39	8527, 9026, 10139, 10276, 10622, 10624, 10625, 11163, 11177, 11366-11368, 11693, 11695, 11937, 11939, 11940, 11941, 12532, 12585-12590, 12698
61	13028
71	8528, 8726, 8727, 9028, 9009, 9406, 10140, 11178, 11179, 12532, 13053
75	11942, 11943
91	11926
95	10278
97	9030, 10284, 12592
129	11116
135	11926
241	9590
1208	8912
1215	10627
1260	9426

Proposed Rules:

Ch. I	12642
1	9276
21	9738, 10160, 10163
23	9276, 9338, 10160
25	10160
36	9738
39	8544-8550, 8758, 8759, 10165, 11224-11228, 11381, 11739, 11740, 11959, 12642, 12644, 13070
43	9738
71	8551-8556, 8760, 8761, 9061, 9063, 10166, 10167, 11005, 11230-11232, 11382, 11741, 11960, 12051, 12645, 12646, 13071
73	10167
75	9063-9065, 12647, 13072
91	9338, 9738
121	10484, 12553
125	12553
135	9338, 10484, 12553
141	9738
147	9738
1251	9966
1259	10357

15 CFR

Ch. VII	13054
---------	-------

11	8912
778	12594
799	9770, 11517

Proposed Rules:

787	9233
943	12924
1150	10550

16 CFR

13	9198, 9199, 9428, 12594
456	10285
Proposed Rules:	
13	11383, 12648, 13073
460	11385

17 CFR

30	11179
200	11369, 13057
210	10306
229	9770
230	11369
239	11369
240	10306
249	9770, 10306
270	10306
274	10306

Proposed Rules:

33	11233
34	9460
200	11961
201	11961
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
381	12900
385	8728
388	8728
410	9199
1306	8912

Proposed Rules:

270	8557
271	8557

19 CFR

Ch. I	9429
10	10322
18	11944
24	10322, 11374, 11944
113	10536
123	11944
148	10322
353	12742

Proposed Rules:

24	10019, 12051
101	11742
132	10019, 10214, 12051
141	10019, 12051
142	10019, 12051
143	10019, 12051
177	11547

20 CFR

225	12901
226	12901
227	12901

232	12901
-----	-------

Proposed Rules:

416	12649
603	12925

21 CFR

1	9033, 11607
2	9033, 11607
5	9033, 11607, 11696, 11866
7	9033, 11518, 11607
10	9033, 11607
12	9033, 11607
13	9033, 11607
14	9033, 11607, 11698
16	9033, 11607
20	9033, 11607
21	9033, 11607
25	9033, 11607
50	9033, 11607
56	9033, 11607
58	9033, 11607
74	9200
176	10627
177	10630
178	9774, 12432
184	10482
291	8954, 12531
341	11866
510	8880, 9979
520	8880, 12188
522	9590
546	11698, 12989
556	12595
558	9429, 10979, 11182, 11519, 12188, 12189, 12596
1308	10632, 11520

Proposed Rules:

145	12237
201	12454
211	12454
291	8973, 8976
514	12454
559	12454
801	11743
1306	11006
1308	11387

22 CFR

51	8531
192	12596

Proposed Rules:

142	9966
217	9966

23 CFR

646	9039
-----	------

24 CFR

42	8912
201	10536
219	9708
576	13060
840	8880, 12433
841	12433
888	12442
968	8880, 9039
990	10657
4100	13061

26 CFR

1	8728, 10537, 10616, 10660, 10980, 11523, 11866, 00000
7	9200
301	11699
601	10660
602	10537, 11523

Proposed Rules:

1.....	9236, 9460, 11007, 11236, 12238, 12532, 12925
7.....	9236
31.....	11236, 12532
35a.....	11236, 12532
301.....	11744
602.....	12925

27 CFR

9.....	12603
19.....	11702, 12607
20.....	12607
22.....	12607
194.....	11866, 12443, 12607
231.....	12607
240.....	12607
275.....	12189
Proposed Rules:	
5.....	11745
19.....	11745

28 CFR

0.....	11523
2.....	11686, 11687, 11689
11.....	9979
60.....	9430
64.....	9043
511.....	11322
541.....	11322
Proposed Rules:	
513.....	11326
544.....	11331
545.....	11332

29 CFR

12.....	8912
1910.....	9294, 12792
1952.....	9044
2520.....	8624
2610.....	10660
2619.....	10661
2676.....	10662
Proposed Rules:	
530.....	11008
1626.....	10025

30 CFR

75.....	12406
202.....	12611
203.....	12611
206.....	12611
210.....	12611
212.....	12611
701.....	9724
773.....	8982
778.....	8982
785.....	9724
843.....	8982
925.....	10663
931.....	9980, 11183
934.....	10141

Proposed Rules:

56.....	10256
57.....	10256
202.....	9066
206.....	9066
210.....	9066
212.....	9066
250.....	11965
761.....	9847, 12051
931.....	10562
935.....	8561, 8562, 11388, 11746
946.....	11748

31 CFR

203.....	8532
214.....	8532
500.....	11185
515.....	9431
Proposed Rules:	
103.....	12238
235.....	10366
240.....	10366
245.....	10366
248.....	10366

32 CFR

45.....	9983
67.....	11945
199.....	8733, 9202
242b.....	11946
259.....	8912
358.....	9989
362.....	11524
383.....	8534
518.....	9990, 10541
706.....	12443
Proposed Rules:	
199.....	11966
284.....	11237

33 CFR

72.....	12612
100.....	12190, 13062, 13063
117.....	10541, 10665, 13064
165.....	9775, 9776, 9778, 11185, 12613

Proposed Rules:

100.....	10373-10375, 13079
117.....	10377, 10562, 13080
164.....	12241
401.....	9504

34 CFR

15.....	8912
212.....	12138
237.....	10966
373.....	12398
380.....	12398
607.....	11481

Proposed Rules:

76.....	8708
77.....	8708
104.....	9966
222.....	12104
250.....	10500
298.....	8708
300.....	10500
315.....	10500
324.....	10500
332.....	10500
366.....	10500
369.....	10500
385.....	10500
396.....	10500
400.....	10500
600.....	11354
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
668.....	11354
692.....	10500
745.....	10500
755.....	10500
773.....	10500

36 CFR

904.....	8912
Proposed Rules:	
228.....	11969
290.....	9066

37 CFR

1.....	9431
301.....	12614
302.....	12614
305.....	12614
308.....	12614

Proposed Rules:

1.....	9507, 11009, 11334
2.....	9514, 11009
10.....	11334

38 CFR

Ch. I.....	11375
4.....	10482
19.....	11375
21.....	13064
25.....	8912

Proposed Rules:

3.....	13081
6.....	11390
8.....	11390
18.....	9966
21.....	9237, 10377, 10378

39 CFR

111.....	9210, 12191
777.....	10666
3001.....	11524

Proposed Rules:

111.....	10563, 11970
3001.....	9848, 11394

40 CFR

4.....	8912
22.....	12326
51.....	12620
52.....	8537, 8538, 9212, 9432-9434, 9780, 9781, 9783, 9796, 9992, 9993, 10145, 10147, 10214, 10322, 10323, 10982, 10983, 11186, 11524, 12193, 12195, 12620
60.....	12621, 12627, 12910
61.....	10985, 12627, 12910
62.....	9045
80.....	11868
81.....	11526
124.....	9596
147.....	8734, 10616
152.....	11922
180.....	8540, 9799, 10542, 10962, 11704, 11705, 11948
185.....	12444
186.....	12444
228.....	11189
259.....	12326
261.....	11706

270.....	9596
271.....	10986
300.....	10512, 10520, 11203, 11949
370.....	10325
372.....	10668, 12912
471.....	11346
712.....	11478
716.....	11478
721.....	12445

Proposed Rules:

7.....	9966
52.....	8762, 8764, 10380, 10381, 10565, 11016, 11108, 11413, 11750, 12652, 12654, 12656, 12659, 12926, 12927, 12929
60.....	8564, 8570
61.....	9612
228.....	10386
260.....	10388
261.....	10388
262.....	10388
264.....	10388
265.....	10388
268.....	10388
270.....	10388
272.....	12931
300.....	12247, 12659
350.....	12992
355.....	12992
370.....	12992
372.....	12992

41 CFR

101-5.....	12197
101-6.....	9213
101-7.....	10543, 12448
101-19.....	12627
101-47.....	12198
105-51.....	8912
114-50.....	8912
128-18.....	8912

Proposed Rules:

105-8.....	11750
------------	-------

42 CFR

5.....	8735
405.....	8994
433.....	8738
435.....	8738
1001.....	9995

Proposed Rules:

110.....	9180, 11547
----------	-------------

43 CFR**Public Land Orders:**

6710.....	9213
6711.....	10988
6712.....	12450
6713.....	12450

Proposed Rules:

4.....	9852, 10784
8380.....	9066

44 CFR

5.....	11713
25.....	8912
64.....	11527, 13065
65.....	8540, 12450
67.....	12451
72.....	11949
206.....	11610
207.....	11610
221.....	11950
352.....	10616

Proposed Rules:

59.....	9523
60.....	9523
65.....	9523
67.....	10682, 12458, 12462

45 CFR

15.....	8912
233.....	10544
306.....	10148

Proposed Rules:

84.....	9966
605.....	9966
1151.....	9966
1170.....	9966
1232.....	9966
1340.....	11246
1632.....	10569

46 CFR

30.....	12628
98.....	12628
151.....	12628
153.....	12628
550.....	11716
585.....	11529
586.....	12629
587.....	11529
588.....	11529

Proposed Rules:

Ch. I.....	8765
31.....	12241
32.....	12241
71.....	12241
72.....	12241
91.....	12241
92.....	12241
107.....	12241
108.....	12241
189.....	12241
190.....	12241
221.....	10168
401.....	11930
403.....	11930
404.....	11930
550.....	11249
580.....	11249
581.....	11249
588.....	12661

47 CFR

0.....	12453
1.....	10326, 12453
2.....	9996
15.....	9996
21.....	10326, 11952
22.....	10326, 11535
64.....	12199
65.....	9047
69.....	11536, 11717
73.....	8742-8744, 9214, 9437, 9800, 9804, 9997-9999, 12203, 11537, 11538, 11953, 12199, 12913, 13067
74.....	10326
76.....	9999, 12913, 13067
80.....	8541, 8745, 10007
87.....	11719
94.....	10326

Proposed Rules:

15.....	11415, 11548
68.....	9067
73.....	8765-8767, 10026, 10170-10172, 11250, 11251, 11416, 11549, 11972, 12248, 12249, 12250, 13082

74.....	11549
76.....	10026, 13082

48 CFR

6.....	13022
14.....	13022
19.....	13022
31.....	13022
37.....	13022
52.....	13022
202.....	11722
204.....	9807, 11722
207.....	11722
215.....	11722
219.....	9807
220.....	11722
225.....	11722
234.....	11722
235.....	11722
252.....	9807, 11722
271.....	11722
Ch 2, App I.....	11722
501.....	9049
505.....	10149
512.....	11954
514.....	9049
532.....	9049
542.....	11954
546.....	11954
552.....	9049, 11954
553.....	10149
932.....	9807
952.....	9807
1428.....	10988
1452.....	10988
1532.....	9215
1552.....	9215
1801.....	10796
1804.....	10796
1805.....	10796
1807.....	10796
1815.....	10796
1816.....	10796
1822.....	10796
1823.....	10796
1832.....	10796
1834.....	10796
1835.....	10796
1836.....	10796
1837.....	10796
1842.....	10796
1843.....	10796
1845.....	10796
1846.....	10796
1847.....	10796
1848.....	10796
1852.....	10796
1853.....	10796

Proposed Rules:

1.....	12556
3.....	12556
4.....	12556
5.....	9720
9.....	12556
15.....	10133, 12556
17.....	9720
32.....	12126
35.....	9720
37.....	12556
42.....	10133
45.....	12128
48.....	12122
52.....	10133, 12122, 12126, 12556
203.....	12566
208.....	12566

227.....	11764
252.....	11764
415.....	11550
509.....	12462
525.....	9067
546.....	9067
552.....	9067, 12251

49 CFR

1.....	8746, 10009
7.....	10009
24.....	8912
173.....	10010
390.....	12200
391.....	12200
393.....	12200
541.....	13067
580.....	8747-8750, 9809, 9816, 11729, 11730, 11731, 11732, 11733
800.....	10331
805.....	10331
821.....	12203
826.....	10332
1105.....	9822
1135.....	8720, 12920
1152.....	9822
1312.....	10533
1314.....	9052, 10533

Proposed Rules:

396.....	11020
571.....	9855, 11251, 11765, 13082
580.....	9858
1003.....	12252
1011.....	12252
1016.....	9071
1182.....	12252
1183.....	12252
1186.....	12252
1187.....	12252
1188.....	12252
1312.....	9863
1314.....	9863

50 CFR

17.....	10150
23.....	11539
33.....	10544
216.....	9438
260.....	10547
301.....	8542
371.....	10989
611.....	11376, 12989
651.....	10010
652.....	8751
655.....	10549
672.....	12204, 12638
675.....	9216, 11376, 12989

Proposed Rules:

14.....	11975
17.....	8574, 9529, 12663
20.....	8980, 12534
23.....	11551
642.....	11252
661.....	11976
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 March 29, 1989